

# SENATE BILL REPORT

## SB 6258

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As Reported by Senate Committee On:  
Judiciary, February 2, 2012

**Title:** An act relating to unaccompanied persons.

**Brief Description:** Concerning unaccompanied persons.

**Sponsors:** Senators Stevens, Carrell, Kohl-Welles, Fraser, Delvin, Regala and Roach.

**Brief History:**

**Committee Activity:** Judiciary: 1/27/12, 2/01/12, 2/02/12 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6258 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Carrell, Hargrove, Kohl-Welles, Padden and Regala.

**Staff:** Katherine Taylor (786-7434)

**Background:** Negligent treatment or maltreatment means an act or a failure to act or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety. When considering whether a clear and present danger exists, great weight will be given to evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself. Child or children means any person under the age of eighteen years of age.

A person commits the crime of luring if the person orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public or into a motor vehicle; does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; or is unknown to the child or developmentally disabled person.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

It is a defense to luring, which the defendant must prove by a preponderance of the evidence, that the defendant's actions were reasonable under the circumstances and that the defendant did not have any intent to harm the health, safety, or welfare of the minor or the person with the developmental disability.

Luring is a class C felony, punishable by up to one year of confinement and/or a fine of up to \$10,000.

**Summary of Bill (Recommended Substitute):** A person commits the crime of luring if the person orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public, or away from any area or structure constituting a bus terminal, airport terminal, or other transportation terminal, or into a motor vehicle; does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; or is unknown to the child or developmentally disabled person.

**EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute):** Removes all language and changes pertaining to the definition of negligent treatment or maltreatment.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on January 1, 2013.

**Staff Summary of Public Testimony on Original Bill:** None.

**Persons Testifying:** No one.