

SENATE BILL REPORT

SB 6463

As Reported by Senate Committee On:
Law & Justice, February 1, 2016

Title: An act relating to luring.

Brief Description: Modifying the crime of luring.

Sponsors: Senators Pearson, Darneille, O'Ban, Padden and Dammeier.

Brief History:

Committee Activity: Law & Justice: 1/26/16, 2/01/16 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6463 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Aldo Melchiori (786-7439)

Background: A person commits the crime of luring if the person: (a) 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; (b) does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; and (c) is unknown to the child or developmentally disabled person. Luring is an unranked class C felony.

It is an affirmative 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 the defendant did not have any intent to harm the health, safety, or welfare of the minor or the person with the developmental disability.

Summary of Bill (Recommended Substitute): To be convicted of luring, the prosecution must prove that the defendant had the intent to harm the health, safety, or welfare of the minor or person with a developmental disability or with the intent to facilitate the commission of any crime.

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.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): The unneeded affirmative defense provision of the statute is removed. The prosecution bears the burden of proving intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This will cure the over-breadth issue identified by the court. It clarifies that the state bears the burden of proving intent. This will eliminate the trap for unwary prosecutors and judges.

Persons Testifying: PRO: Senator Pearsen, prime sponsor; Tom McBride, WAPA.

Persons Signed In To Testify But Not Testifying: No one.