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**SUBSTITUTE SENATE BILL 6258**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Judiciary (originally sponsored by Senators Stevens, Carrell, Kohl-Welles, Fraser, Delvin, Regala, and Roach)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to unaccompanied persons; amending RCW 9A.40.090;  
2 and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.40.090 and 1995 c 156 s 1 are each amended to read  
5 as follows:

6 A person commits the crime of luring if the person:

7 (1)(a) Orders, lures, or attempts to lure a minor or a person with  
8 a developmental disability into any area or structure that is obscured  
9 from or inaccessible to the public, or away from any area or structure  
10 constituting a bus terminal, airport terminal, or other transportation  
11 terminal, or into a motor vehicle;

12 (b) Does not have the consent of the minor's parent or guardian or  
13 of the guardian of the person with a developmental disability; and

14 (c) Is unknown to the child or developmentally disabled person.

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

- 1 (3) For purposes of this section:  
2 (a) "Minor" means a person under the age of sixteen;  
3 (b) "Person with a developmental disability" means a person with a  
4 developmental disability as defined in RCW 71A.10.020.  
5 (4) Luring is a class C felony.

6 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2013.

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