

# SENATE BILL REPORT

## SB 5039

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As Passed Senate, March 3, 1995

**Title:** An act relating to luring.

**Brief Description:** Clarifying the elements of the crime of luring.

**Sponsors:** Senator Fairley.

**Brief History:**

**Committee Activity:** Law & Justice: 1/19/95, 2/1/95 [DP].  
Passed Senate, 3/3/95, 48-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

**Staff:** Susan Carlson (786-7418)

**Background:** The crime of luring is committed if a stranger orders or lures a minor or developmentally disabled person into a structure or a motor vehicle without the consent of the parent or guardian. Since enactment of this statute, incidents have occurred which involved luring a victim into an area obscured from public view but that would not constitute a structure. It has been suggested that the statute should be amended to cover these situations.

**Summary of Bill:** The crime of luring is redefined to include luring a minor or developmentally disabled person into any area that is obscured from or inaccessible to the public.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The crime of luring should include luring a minor into bushes, behind abandoned buildings or into other areas obscured from public view.

**Testimony Against:** The crime of luring includes a rebuttable presumption that the defendant intended to harm the victim. It is unfair to require the defendant to prove that he or she had good intentions.

**Testified:** PRO: Senator Fairly, prime sponsor (pro); Detective Tim Wear, Seattle Police Dept. (pro); Detective Craig Sayer, King County Sheriff's Office (pro); Mike Patrick, Washington Council of Police Officers (pro); Jerry Sheehan, ACLU (pro w/concerns).

**House Amendment(s):** The phrase "developmentally disabled person" is changed to "person with a developmental disability."