
Judiciary Committee

SB 5570

Title: An act relating to communication with a minor for immoral purposes.

Brief Description: Expanding the crime of communicating with a minor for immoral purposes.

Sponsors: Senators Brown, Brandland, Kohl-Welles and Rasmussen; by request of Attorney General.

Brief Summary of Bill

- Amends the crime of communicating with a minor for immoral purposes to include communicating with someone the person believes to be a minor.

Hearing Date: 3/20/03

Staff: Trudes Tango Hutcheson (786-7384).

Background:

A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor. It becomes a class C felony if the person has been convicted of the offense before or has other felony sex offense convictions. Under case law, "immoral purposes" refers to promoting a child's exposure to and involvement in sexual misconduct.

Law enforcement and prosecution agencies are prohibited from employing minors to aid in their investigations of communicating with a minor for immoral purposes.

A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, the person does any act which is a substantial step toward the commission of the crime. It is not a defense to a prosecution of attempt that the crime would have been factually impossible to complete. For example, in a recent case, the court upheld a conviction for attempted rape of a child of a defendant who made arrangements to have sexual intercourse with a person the defendant believed to be a young girl. The court rejected the defendant's argument that he could never take a substantial step toward completing the crime because the "victim" was really an undercover detective and not a child. The attempt statute focuses on the actor's criminal intent, rather than the impossibility of convicting the defendant of the completed

crime. *State v. Townsend*, 147 Wn.2d 666 (2002).

An attempt to commit a crime is a gross misdemeanor when the underlying crime attempted is a class C felony. Attempt to commit a crime is a misdemeanor when the underlying crime attempted is a gross misdemeanor.

Summary of Bill:

The crime of communicating with a minor for immoral purposes can be committed by communicating with someone the person believes to be a minor.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.