

CERTIFICATION OF ENROLLMENT

SENATE BILL 5039

54th Legislature
1995 Regular Session

Passed by the Senate April 17, 1995
YEAS 41 NAYS 0

President of the Senate

Passed by the House April 4, 1995
YEAS 96 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5039** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5039

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senator Fairley

Read first time 01/09/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to luring; and amending RCW 9A.40.090.

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

3 **Sec. 1.** RCW 9A.40.090 and 1993 c 509 s 1 are each amended to read
4 as follows:

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

6 (1)(a) Orders, lures, or attempts to lure a minor or
7 ~~((developmentally disabled person))~~ a person with a developmental
8 disability into ((a)) any area or structure that is obscured from or
9 inaccessible to the public or into a motor vehicle;

10 (b) Does not have the consent of the minor's parent or guardian or
11 the ~~((the developmentally disabled person's guardian))~~ of the guardian
12 of the person with a developmental disability; and

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

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

1 (3) For purposes of this section:

2 (a) "Minor" means a person under the age of sixteen;

3 (b) "~~((Developmentally—disabled—person))~~ Person with a
4 developmental disability" means a person with a developmental
5 disability as defined in RCW 71A.10.020.

6 (4) Luring is a class C felony.

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