

**SENATE BILL REPORT**

**SB 6104**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, JANUARY 29, 1992**

**Brief Description:** Creating the crime of assault against a child.

**SPONSORS:** Senators Nelson, Rasmussen, Thorsness, Hayner, Sellar, A. Smith and Erwin

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 6104 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, M. Kreidler, Rasmussen, and A. Smith.

**Staff:** Jon Carlson (786-7459)

**Hearing Dates:** January 28, 1992; January 29, 1992

**BACKGROUND:**

Under current sentencing guidelines provisions, a person convicted of second degree assault is subject to a jail sentence of three to nine months (assuming that the person does not have any prior convictions). Although present law draws distinctions between children and adults with respect to the crimes of rape and homicide, the statutes do not differentiate between assault of an adult and assault of a child. Given the particular vulnerability of young victims, it has been suggested that a child assault statute be created which enhances penalties and addresses concerns arising from a perpetrator's ongoing abuse of a child.

**SUMMARY:**

A new crime of assault of a child is created. This crime applies to assaults when the victim is under 13 years of age and the perpetrator is 18 years of age or older.

A person is guilty of assault of a child in the first degree if he or she intentionally assaults the child and either: 1) recklessly inflicts great bodily harm; or 2) causes substantial bodily harm after previously engaging in a pattern or practice of assaulting the child or previously causing the child pain or agony that is equivalent to torture. A violation of this provision is a class A felony.

A person is guilty of assault of a child in the second degree if he or she intentionally assaults a child causing bodily harm that is greater than transient pain or minor temporary marks, after previously engaging in the pattern or practice of assaulting the child or previously causing the child pain or

agony that is equivalent to torture. A violation of this provision is a class B felony.

A person is guilty of assault of a child in the third degree if he or she 1) with criminal negligence, causes bodily harm that is greater than transient pain or minor temporary marks; or 2) intentionally assaults the child and causes bodily harm that is greater than transient pain or minor temporary marks. A violation of this provision is a class C felony.

The Sentencing Grid is amended to reflect the seriousness levels for the crime of assault of a child. Assault of a child in the first degree is a level XII, assault of a child in the second degree is level IX, and assault of a child in the third degree is level IV.

The crime of assault of a child also allows the prosecutor the discretion to charge for child assault under the existing assault statutes.

Other criminal statutes are amended to include assault of a child where appropriate.

**EFFECT OF PROPOSED SUBSTITUTE:**

Clarifying language is added to the bill.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

The imposition of stiff sentences for assault of a child is needed given the particular vulnerability of young victims.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Seth Dawson, Snohomish County Prosecuting Attorney (pro); Terri Amrhein, Tennis Shoe Brigade (pro); Stephanie Carter, Washington Association of Prosecuting Attorneys (pro)