

2 **2SSB 5417** - H COMM AMD **ADOPTED 2-27-96**

3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9A.42.010 and 1986 c 250 s 1 are each amended to read  
8 as follows:

9 As used in this chapter:

10 (1) "Basic necessities of life" means food, water, shelter,  
11 clothing, and health care, including but not limited to health-related  
12 treatment or activities, hygiene, oxygen, and medication.

13 (2)(a) "Bodily injury" means physical pain or injury, illness, or  
14 an impairment of physical condition;

15 (b) "Substantial bodily harm" means bodily injury which involves a  
16 temporary but substantial disfigurement, or which causes a temporary  
17 but substantial loss or impairment of the function of any bodily part  
18 or organ, or which causes a fracture of any bodily part;

19 (c) "Great bodily harm" means bodily injury which creates a high  
20 probability of death, or which causes serious permanent disfigurement,  
21 or which causes a permanent or protracted loss or impairment of the  
22 function of any bodily part or organ.

23 (3) "Child" means a person under eighteen years of age.

24 (4) "Dependent person" means a person who, because of physical or  
25 mental disability, or because of extreme advanced age, is dependent  
26 upon another person to provide the basic necessities of life.

27 (5) "Employed" means hired by a dependent person, another person  
28 acting on behalf of a dependent person, or by an organization or  
29 governmental entity, to provide to a dependent person any of the basic  
30 necessities of life. A person may be "employed" regardless of whether  
31 the person is paid for the services or, if paid, regardless of who pays  
32 for the person's services.

33 (6) "Parent" has its ordinary meaning and also includes a guardian  
34 and the authorized agent of a parent or guardian.

1       (7) "Abandons" means leaving a child or other dependent person  
2 without the means or ability to obtain one or more of the basic  
3 necessities of life.

4       NEW SECTION. Sec. 2. A new section is added to chapter 9A.42 RCW  
5 to read as follows:

6       (1) A person is guilty of the crime of abandonment of a dependent  
7 person in the first degree if:

8       (a) The person is the parent of a child, a person entrusted with  
9 the physical custody of a child or other dependent person, or a person  
10 employed to provide to the child or other dependent person any of the  
11 basic necessities of life;

12       (b) The person recklessly abandons the child or other dependent  
13 person; and

14       (c) As a result of being abandoned, the child or other dependent  
15 person suffers great bodily harm.

16       (2) Abandonment of a dependent person in the first degree is a  
17 class B felony.

18       NEW SECTION. Sec. 3. A new section is added to chapter 9A.42 RCW  
19 to read as follows:

20       (1) A person is guilty of the crime of abandonment of a dependent  
21 person in the second degree if:

22       (a) The person is the parent of a child, a person entrusted with  
23 the physical custody of a child or other dependent person, or a person  
24 employed to provide to the child or other dependent person any of the  
25 basic necessities of life; and

26       (b) The person recklessly abandons the child or other dependent  
27 person; and:

28       (i) As a result of being abandoned, the child or other dependent  
29 person suffers substantial bodily harm; or

30       (ii) Abandoning the child or other dependent person creates an  
31 imminent and substantial risk that the child or other dependent person  
32 will die or suffer great bodily harm.

33       (2) Abandonment of a dependent person in the second degree is a  
34 class C felony.

35       NEW SECTION. Sec. 4. A new section is added to chapter 9A.42 RCW  
36 to read as follows:

1 (1) A person is guilty of the crime of abandonment of a dependent  
2 person in the third degree if:

3 (a) The person is the parent of a child, a person entrusted with  
4 the physical custody of a child or other dependent person, or a person  
5 employed to provide to the child or dependent person any of the basic  
6 necessities of life; and

7 (b) The person recklessly abandons the child or other dependent  
8 person; and:

9 (i) As a result of being abandoned, the child or other dependent  
10 person suffers bodily harm; or

11 (ii) Abandoning the child or other dependent person creates an  
12 imminent and substantial risk that the child or other person will  
13 suffer substantial bodily harm.

14 (2) Abandonment of a dependent person in the third degree is a  
15 gross misdemeanor.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.42 RCW  
17 to read as follows:

18 It is an affirmative defense to the charge of abandonment of a  
19 dependent person, that the person employed to provide any of the basic  
20 necessities of life to the child or other dependent person, gave  
21 reasonable notice of termination of services and the services were not  
22 terminated until after the termination date specified in the notice.  
23 The notice must be given to the child or dependent person, and to other  
24 persons or organizations that have requested notice of termination of  
25 services furnished to the child or other dependent person.

26 The department of social and health services and the department of  
27 health shall adopt rules establishing procedures for termination of  
28 services to children and other dependent persons.

29 **Sec. 6.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and  
30 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and  
31 amended to read as follows:

32 TABLE 2

33 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

34 XV Aggravated Murder 1 (RCW 10.95.020)

1 XIV Murder 1 (RCW 9A.32.030)  
2 Homicide by abuse (RCW 9A.32.055)  
3 XIII Murder 2 (RCW 9A.32.050)  
4 XII Assault 1 (RCW 9A.36.011)  
5 Assault of a Child 1 (RCW 9A.36.120)  
6 XI Rape 1 (RCW 9A.44.040)  
7 Rape of a Child 1 (RCW 9A.44.073)  
8 X Kidnapping 1 (RCW 9A.40.020)  
9 Rape 2 (RCW 9A.44.050)  
10 Rape of a Child 2 (RCW 9A.44.076)  
11 Child Molestation 1 (RCW 9A.44.083)  
12 Damaging building, etc., by explosion with  
13 threat to human being (RCW  
14 70.74.280(1))  
15 Over 18 and deliver heroin or narcotic  
16 from Schedule I or II to someone  
17 under 18 (RCW 69.50.406)  
18 Leading Organized Crime (RCW  
19 9A.82.060(1)(a))  
20 IX Assault of a Child 2 (RCW 9A.36.130)  
21 Robbery 1 (RCW 9A.56.200)  
22 Manslaughter 1 (RCW 9A.32.060)  
23 Explosive devices prohibited (RCW  
24 70.74.180)  
25 Indecent Liberties (with forcible  
26 compulsion) (RCW 9A.44.100(1)(a))  
27 Endangering life and property by  
28 explosives with threat to human being  
29 (RCW 70.74.270)  
30 Over 18 and deliver narcotic from Schedule  
31 III, IV, or V or a nonnarcotic from  
32 Schedule I-V to someone under 18 and  
33 3 years junior (RCW 69.50.406)  
34 Controlled Substance Homicide (RCW  
35 69.50.415)

1 Sexual Exploitation (RCW 9.68A.040)  
2 Inciting Criminal Profiteering (RCW  
3 9A.82.060(1)(b))  
4 Vehicular Homicide, by being under the  
5 influence of intoxicating liquor or  
6 any drug (RCW 46.61.520)

7 VIII Arson 1 (RCW 9A.48.020)  
8 Promoting Prostitution 1 (RCW 9A.88.070)  
9 Selling for profit (controlled or  
10 counterfeit) any controlled substance  
11 (RCW 69.50.410)  
12 Manufacture, deliver, or possess with  
13 intent to deliver heroin or cocaine  
14 (RCW 69.50.401(a)(1)(i))  
15 Manufacture, deliver, or possess with  
16 intent to deliver methamphetamine  
17 (RCW 69.50.401(a)(1)(ii))  
18 Vehicular Homicide, by the operation of  
19 any vehicle in a reckless manner (RCW  
20 46.61.520)

21 VII Burglary 1 (RCW 9A.52.020)  
22 Vehicular Homicide, by disregard for the  
23 safety of others (RCW 46.61.520)  
24 Introducing Contraband 1 (RCW 9A.76.140)  
25 Indecent Liberties (without forcible  
26 compulsion) (RCW 9A.44.100(1) (b) and  
27 (c))  
28 Child Molestation 2 (RCW 9A.44.086)  
29 Dealing in depictions of minor engaged in  
30 sexually explicit conduct (RCW  
31 9.68A.050)  
32 Sending, bringing into state depictions of  
33 minor engaged in sexually explicit  
34 conduct (RCW 9.68A.060)  
35 Involving a minor in drug dealing (RCW  
36 69.50.401(f))  
37 Reckless Endangerment 1 (RCW 9A.36.045)

1 Unlawful Possession of a Firearm in the  
2 first degree (RCW 9.41.040(1)(a))

3 VI Bribery (RCW 9A.68.010)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Rape of a Child 3 (RCW 9A.44.079)  
6 Intimidating a Juror/Witness (RCW  
7 9A.72.110, 9A.72.130)  
8 Damaging building, etc., by explosion with  
9 no threat to human being (RCW  
10 70.74.280(2))  
11 Endangering life and property by  
12 explosives with no threat to human  
13 being (RCW 70.74.270)  
14 Incest 1 (RCW 9A.64.020(1))  
15 Manufacture, deliver, or possess with  
16 intent to deliver narcotics from  
17 Schedule I or II (except heroin or  
18 cocaine) (RCW 69.50.401(a)(1)(i))  
19 Intimidating a Judge (RCW 9A.72.160)  
20 Bail Jumping with Murder 1 (RCW  
21 9A.76.170(2)(a))  
22 Theft of a Firearm (RCW 9A.56.300)

23 V Persistent prison misbehavior (RCW  
24 9.94.070)  
25 Criminal Mistreatment 1 (RCW 9A.42.020)  
26 Abandonment of dependent person 1 (section  
27 2 of this act)  
28 Rape 3 (RCW 9A.44.060)  
29 Sexual Misconduct with a Minor 1 (RCW  
30 9A.44.093)  
31 Child Molestation 3 (RCW 9A.44.089)  
32 Kidnapping 2 (RCW 9A.40.030)  
33 Extortion 1 (RCW 9A.56.120)  
34 Incest 2 (RCW 9A.64.020(2))  
35 Perjury 1 (RCW 9A.72.020)  
36 Extortionate Extension of Credit (RCW  
37 9A.82.020)

1 Advancing money or property for  
2 extortionate extension of credit (RCW  
3 9A.82.030)  
4 Extortionate Means to Collect Extensions  
5 of Credit (RCW 9A.82.040)  
6 Rendering Criminal Assistance 1 (RCW  
7 9A.76.070)  
8 Bail Jumping with class A Felony (RCW  
9 9A.76.170(2)(b))  
10 Sexually Violating Human Remains (RCW  
11 9A.44.105)  
12 Delivery of imitation controlled substance  
13 by person eighteen or over to person  
14 under eighteen (RCW 69.52.030(2))  
15 Possession of a Stolen Firearm (RCW  
16 9A.56.310)

17 IV Residential Burglary (RCW 9A.52.025)  
18 Theft of Livestock 1 (RCW 9A.56.080)  
19 Robbery 2 (RCW 9A.56.210)  
20 Assault 2 (RCW 9A.36.021)  
21 Escape 1 (RCW 9A.76.110)  
22 Arson 2 (RCW 9A.48.030)  
23 Commercial Bribery (RCW 9A.68.060)  
24 Bribing a Witness/Bribe Received by  
25 Witness (RCW 9A.72.090, 9A.72.100)  
26 Malicious Harassment (RCW 9A.36.080)  
27 Threats to Bomb (RCW 9.61.160)  
28 Willful Failure to Return from Furlough  
29 (RCW 72.66.060)  
30 Hit and Run « Injury Accident (RCW  
31 46.52.020(4))  
32 Vehicular Assault (RCW 46.61.522)  
33 Manufacture, deliver, or possess with  
34 intent to deliver narcotics from  
35 Schedule III, IV, or V or  
36 nonnarcotics from Schedule I-V  
37 (except marijuana or  
38 methamphetamines) (RCW  
39 69.50.401(a)(1)(ii) through (iv))

1 Influencing Outcome of Sporting Event (RCW  
2 9A.82.070)  
3 Use of Proceeds of Criminal Profiteering  
4 (RCW 9A.82.080 (1) and (2))  
5 Knowingly Trafficking in Stolen Property  
6 (RCW 9A.82.050(2))  
7 III Criminal Mistreatment 2 (RCW 9A.42.030)  
8 Abandonment of dependent person 2 (section  
9 3 of this act)  
10 Extortion 2 (RCW 9A.56.130)  
11 Unlawful Imprisonment (RCW 9A.40.040)  
12 Assault 3 (RCW 9A.36.031)  
13 Assault of a Child 3 (RCW 9A.36.140)  
14 Custodial Assault (RCW 9A.36.100)  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(1)(b))  
17 Harassment (RCW 9A.46.020)  
18 Promoting Prostitution 2 (RCW 9A.88.080)  
19 Willful Failure to Return from Work  
20 Release (RCW 72.65.070)  
21 Burglary 2 (RCW 9A.52.030)  
22 Introducing Contraband 2 (RCW 9A.76.150)  
23 Communication with a Minor for Immoral  
24 Purposes (RCW 9.68A.090)  
25 Patronizing a Juvenile Prostitute (RCW  
26 9.68A.100)  
27 Escape 2 (RCW 9A.76.120)  
28 Perjury 2 (RCW 9A.72.030)  
29 Bail Jumping with class B or C Felony (RCW  
30 9A.76.170(2)(c))  
31 Intimidating a Public Servant (RCW  
32 9A.76.180)  
33 Tampering with a Witness (RCW 9A.72.120)  
34 Manufacture, deliver, or possess with  
35 intent to deliver marijuana (RCW  
36 69.50.401(a)(1)(ii))  
37 Delivery of a material in lieu of a  
38 controlled substance (RCW  
39 69.50.401(c))



1 Manufacture, distribute, or possess with  
2 intent to distribute an imitation  
3 controlled substance (RCW  
4 69.52.030(1))  
5 Recklessly Trafficking in Stolen Property  
6 (RCW 9A.82.050(1))  
7 Theft of livestock 2 (RCW 9A.56.080)  
8 Securities Act violation (RCW 21.20.400)

9 II Unlawful Practice of Law (RCW 2.48.180)  
10 Malicious Mischief 1 (RCW 9A.48.070)  
11 Possession of Stolen Property 1 (RCW  
12 9A.56.150)  
13 Theft 1 (RCW 9A.56.030)  
14 Trafficking in Insurance Claims (RCW  
15 48.30A.015)  
16 Unlicensed Practice of a Profession or  
17 Business (RCW 18.130.190(7))  
18 Health Care False Claims (RCW 48.80.030)  
19 Possession of controlled substance that is  
20 either heroin or narcotics from  
21 Schedule I or II (RCW 69.50.401(d))  
22 Possession of phencyclidine (PCP) (RCW  
23 69.50.401(d))  
24 Create, deliver, or possess a counterfeit  
25 controlled substance (RCW  
26 69.50.401(b))  
27 Computer Trespass 1 (RCW 9A.52.110)  
28 Escape from Community Custody (RCW  
29 72.09.310)

30 I Theft 2 (RCW 9A.56.040)  
31 Possession of Stolen Property 2 (RCW  
32 9A.56.160)  
33 Forgery (RCW 9A.60.020)  
34 Taking Motor Vehicle Without Permission  
35 (RCW 9A.56.070)  
36 Vehicle Prowl 1 (RCW 9A.52.095)  
37 Attempting to Elude a Pursuing Police  
38 Vehicle (RCW 46.61.024)

1 Malicious Mischief 2 (RCW 9A.48.080)  
2 Reckless Burning 1 (RCW 9A.48.040)  
3 Unlawful Issuance of Checks or Drafts (RCW  
4 9A.56.060)  
5 Unlawful Use of Food Stamps (RCW 9.91.140  
6 (2) and (3))  
7 False Verification for Welfare (RCW  
8 74.08.055)  
9 Forged Prescription (RCW 69.41.020)  
10 Forged Prescription for a Controlled  
11 Substance (RCW 69.50.403)  
12 Possess Controlled Substance that is a  
13 Narcotic from Schedule III, IV, or V  
14 or Non-narcotic from Schedule I-V  
15 (except phencyclidine) (RCW  
16 69.50.401(d))

17 NEW SECTION. **Sec. 7.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected."

21 Correct the title accordingly.

22 EFFECT: New crimes of abandonment of dependent persons are  
23 separated from existing crimes of criminal mistreatment to conform to  
24 the title and to try to avoid some unintended consequences that the  
25 underlying bill may have created. The seriousness level of the new  
26 crimes are ranked at the same seriousness level as the comparable  
27 crimes of criminal mistreatment.

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