

2 EHB 1186 - S COMM AMD

3 By Committee on Law & Justice

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.36 RCW
8 to read as follows:

9 (1) A person is guilty of the crime of failing to summon assistance
10 if:

11 (a) He or she knows that another person has suffered substantial
12 bodily harm and is in need of assistance;

13 (b) He or she could reasonably summon assistance for the person in
14 need without incurring a risk of danger to himself or herself; and

15 (c) He or she fails to summon assistance for the person in need,
16 thereby causing the person in need further suffering, injury, or death.

17 (2) The duty to summon assistance is satisfied by making reasonable
18 efforts to summon emergency police, fire, or medical assistance that
19 identifies the location of the victim.

20 (3) Except as provided in RCW 9A.76.050, 9A.76.070, and 9A.76.080,
21 a violation of subsection (1) of this section is a misdemeanor.

22 (4) It is an affirmative defense to a prosecution for a violation
23 of this section that the defendant reasonably believed that another
24 person was summoning assistance for the person in need. The
25 affirmative defense established in this section shall be proved by the
26 defendant by a preponderance of the evidence.

27 **Sec. 2.** RCW 9A.76.070 and 1982 1st ex.s. c 47 s 21 are each
28 amended to read as follows:

29 (1) A person is guilty of rendering criminal assistance in the
30 first degree if he or she renders criminal assistance to a person who
31 has committed or is being sought for murder in the first degree or any
32 class A felony or equivalent juvenile offense.

33 (2) Rendering criminal assistance in the first degree is((+)

34 ~~(a) A gross misdemeanor if it is established by a preponderance of~~
35 ~~the evidence that the actor is a relative as defined in RCW 9A.76.060;~~

1 ~~(b))~~ a class C felony (~~(in all other cases)~~).

2 **Sec. 3.** RCW 9A.76.080 and 1982 1st ex.s. c 47 s 22 are each
3 amended to read as follows:

4 (1) A person is guilty of rendering criminal assistance in the
5 second degree if he or she renders criminal assistance to a person who
6 has committed or is being sought for a class B or class C felony or an
7 equivalent juvenile offense or to someone being sought for violation of
8 parole, probation, or community supervision.

9 (2) Rendering criminal assistance in the second degree is(~~(:~~

10 ~~(a) A misdemeanor if it is established by a preponderance of the~~
11 ~~evidence that the actor is a relative as defined in RCW 9A.76.060;~~

12 ~~(b))~~ a gross misdemeanor (~~(in all other cases)~~)."

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16 On page 1, line 1 of the title, after "law;" strike the remainder
17 of the title and insert "amending RCW 9A.76.070 and 9A.76.080; adding
18 a new section to chapter 9A.36 RCW; and prescribing penalties."

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