
HOUSE BILL 1666

State of Washington

55th Legislature

1997 Regular Session

By Representatives Mulliken, Sheahan, Mielke, Sherstad, Koster, Boldt, Sterk, Thompson and Bush

Read first time 02/04/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to protecting unborn children from abuse; amending
2 RCW 9A.42.010, 9A.42.020, and 9A.42.030; prescribing penalties; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 9A.42.010 and 1996 c 302 s 1 are each amended to read
6 as follows:

7 As used in this chapter:

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

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

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

17 (c) "Great bodily harm" means bodily injury which creates a high
18 probability of death, or which causes serious permanent disfigurement,

1 or which causes a permanent or protracted loss or impairment of the
2 function of any bodily part or organ.

3 (3) "Child" means a person under eighteen years of age and includes
4 an unborn quick child.

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

8 (5) "Employed" means hired by a dependent person, another person
9 acting on behalf of a dependent person, or by an organization or
10 governmental entity, to provide to a dependent person any of the basic
11 necessities of life. A person may be "employed" regardless of whether
12 the person is paid for the services or, if paid, regardless of who pays
13 for the person's services.

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

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

19 **Sec. 2.** RCW 9A.42.020 and 1986 c 250 s 2 are each amended to read
20 as follows:

21 (1) A parent of a child or the person entrusted with the physical
22 custody of a child or dependent person is guilty of criminal
23 mistreatment in the first degree if he or she recklessly causes great
24 bodily harm to a child or dependent person by withholding any of the
25 basic necessities of life, or if a mother recklessly causes great
26 bodily harm to her unborn quick child by the use of any drug, including
27 alcohol, or the acquisition of any sexually transmitted disease
28 including acquired immunodeficiency syndrome (AIDS) and human
29 immunodeficiency virus (HIV).

30 (2) Criminal mistreatment in the first degree is a class B felony.

31 **Sec. 3.** RCW 9A.42.030 and 1986 c 250 s 3 are each amended to read
32 as follows:

33 (1) A parent of a child or the person entrusted with the physical
34 custody of a child or dependent person is guilty of criminal
35 mistreatment in the second degree if he or she recklessly ~~((either))~~:

36 (a) Creates an imminent and substantial risk of death or great
37 bodily harm~~((~~or~~))~~;

1 (b) Causes substantial bodily harm by withholding any of the basic
2 necessities of life; or

3 (c) If a mother recklessly causes substantial bodily harm to her
4 unborn quick child by the use of any drug, including alcohol, or the
5 acquisition of any sexually transmitted disease including acquired
6 immunodeficiency syndrome (AIDS) and human immunodeficiency virus
7 (HIV).

8 (2) Criminal mistreatment in the second degree is a class C felony.

9 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
10 preservation of the public peace, health, morals, or safety, or support
11 of the state government and its existing public institutions, and takes
12 effect immediately.

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