
HOUSE BILL 2585

State of Washington

55th Legislature

1998 Regular Session

By Representatives Boldt, Mulliken, Carrell, Sump, Clements and Thompson

Read first time 01/15/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to mistreatment of unborn children; amending RCW
2 9A.42.010, 9A.42.020, and 9A.42.030; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.42.010 and 1997 c 392 s 508 are each amended to
5 read as follows:

6 As used in this chapter:

7 (1) "Basic necessities of life" means food, water, shelter,
8 clothing, and medically necessary health care, including but not
9 limited to health-related treatment or activities, hygiene, oxygen, and
10 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. A
8 resident of a nursing home, as defined in RCW 18.51.010, a resident of
9 an adult family home, as defined in RCW 70.128.010, and a frail elder
10 or vulnerable adult, as defined in RCW 74.34.020(8), is presumed to be
11 a dependent person for purposes of this chapter.

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

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

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

23 **Sec. 2.** RCW 9A.42.020 and 1997 c 392 s 510 are each amended to
24 read as follows:

25 (1) A parent of a child, the person entrusted with the physical
26 custody of a child or dependent person, or a person employed to provide
27 to the child or dependent person the basic necessities of life is
28 guilty of criminal mistreatment in the first degree if he or she
29 recklessly, as defined in RCW 9A.08.010, causes great bodily harm to a
30 child or dependent person by withholding any of the basic necessities
31 of life, or if a mother recklessly causes great bodily harm to her
32 unborn quick child by the use of any drug or alcohol.

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

34 **Sec. 3.** RCW 9A.42.030 and 1997 c 392 s 511 are each amended to
35 read as follows:

36 (1) A parent of a child, the person entrusted with the physical
37 custody of a child or dependent person, or a person employed to provide

1 to the child or dependent person the basic necessities of life is
2 guilty of criminal mistreatment in the second degree if he or she
3 recklessly, as defined in RCW 9A.08.010(~~(either)~~):

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

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

8 (c) If a mother recklessly causes substantial bodily harm to her
9 unborn quick child by the use of any drug or alcohol.

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

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