

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6382

Chapter 76, Laws of 2000

56th Legislature
2000 Regular Session

CRIMINAL MISTREATMENT--DEPENDENT PERSONS

EFFECTIVE DATE: 6/8/00

Passed by the Senate February 14, 2000

YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 1, 2000

YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

FRANK CHOPP

**Speaker of the
House of Representatives**

Approved March 22, 2000

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6382** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

FILED

March 22, 2000 - 4:23 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6382

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, McCaslin, Long, Costa, Winsley, Rasmussen, Kohl-Welles and McAuliffe; by request of Attorney General)

Read first time 02/04/00.

1 AN ACT Relating to dependent persons; amending RCW 9A.42.040 and
2 9A.42.045; adding a new section to chapter 9A.42 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.42 RCW
6 to read as follows:

7 (1) A person is guilty of the crime of criminal mistreatment in the
8 third degree if the person is the parent of a child, is a person
9 entrusted with the physical custody of a child or other dependent
10 person, or is a person employed to provide to the child or dependent
11 person the basic necessities of life, and either:

12 (a) With criminal negligence, creates an imminent and substantial
13 risk of substantial bodily harm to a child or dependent person by
14 withholding any of the basic necessities of life; or

15 (b) With criminal negligence, causes substantial bodily harm to a
16 child or dependent person by withholding any of the basic necessities
17 of life.

18 (2) Criminal mistreatment in the third degree is a gross
19 misdemeanor.

1 **Sec. 2.** RCW 9A.42.040 and 1986 c 250 s 4 are each amended to read
2 as follows:

3 RCW 9A.42.020 ~~((and))~~, 9A.42.030, and section 1 of this act do not
4 apply to ~~((a))~~ decisions to withdraw life support systems made in
5 accordance with ~~((law by a health care professional and family members~~
6 ~~or others with a legal duty to care for the patient))~~ chapter 7.70 or
7 70.122 RCW by the dependent person, his or her legal surrogate, or
8 others with a legal duty to care for the dependent person.

9 **Sec. 3.** RCW 9A.42.045 and 1997 c 392 s 512 are each amended to
10 read as follows:

11 RCW 9A.42.020 ~~((and))~~, 9A.42.030, and section 1 of this act do not
12 apply when a terminally ill or permanently unconscious person or his or
13 her ~~((designee))~~ legal surrogate, as set forth in chapter 7.70 RCW,
14 requests ~~((palliative care))~~, and the person receives, palliative care
15 from a licensed home health agency, hospice agency, nursing home, or
16 hospital ~~((who is))~~ providing care under the medical direction of a
17 physician. As used in this section, the terms "terminally ill" and
18 "permanently unconscious" have the same meaning as "terminal condition"
19 and "permanent unconscious condition" in chapter 70.122 RCW.

Passed the Senate February 14, 2000.

Passed the House March 1, 2000.

Approved by the Governor March 22, 2000.

Filed in Office of Secretary of State March 22, 2000.