
Criminal Justice & Corrections Committee

HB 2324

Brief Description: Making it a crime to fail to protect children and dependent persons.

Sponsors: Representatives Hatfield, Doumit, Kessler, Kirby, Edwards and Orcutt.

Brief Summary of Bill

- Imposes a duty upon a parent, stepparent, foster parent, guardian, or other custodian to aid a child or dependent person who is being abused, neglected, or assaulted.
- Imposes criminal sanctions upon a person who fails to make a reasonable effort to meet this duty.

Hearing Date: 1/25/02

Staff: Jim Morishima (786-7191).

Background:

Several crimes exist regarding failing to render aid to another person. For example, a person who witnesses a violent offense, a sexual offense, or an assault of a child and fails to notify the prosecuting attorney, law enforcement, medical assistance, or other public officials is guilty of a gross misdemeanor. Furthermore, certain professionals and adults living with children must report occurrences of child abuse. Failure to report such abuse is a gross misdemeanor.

There are also several crimes that exist regarding the mistreatment of children and dependent adults. For example, a person who recklessly causes great bodily harm to a child or dependent person under his or her care by withholding the basic necessities of life is guilty of a class A felony (seriousness level V). Furthermore, a person who creates an imminent and substantial risk of death or great bodily harm, or causes substantial bodily harm by withholding the basic necessities of life, to a child or dependent person under his or her care is guilty of a class C felony (seriousness level III).

Summary of Bill:

A parent, stepparent, foster parent, guardian, or other individual entrusted with the physical custody of a child or dependent person has a duty to aid a child or dependent person who is being physically assaulted, abused, or neglected by another. The scope of the duty is determined by the circumstances known by the person at the time.

A parent, stepparent, foster parent, guardian, or other individual entrusted with the physical custody of a child or dependent person who does not make a reasonable effort to render such aid is guilty of an unranked class C felony. This does not obligate the parent, stepparent, foster parent, etc. to place themselves in a situation that a reasonable person would believe would produce a danger of immediate substantial bodily harm.

"Aid" is defined as to assist or to give help or relief. The term includes, but is not limited to, contacting police, law enforcement, or other public officials, preventing abuse and neglect, preventing physical assault, or procuring medical assistance.

Appropriation: None.

Fiscal Note: Requested on January 17, 2002.

Effective Date: Ninety days after adjournment of session in which bill is passed.