

FINAL BILL REPORT

SHB 2379

C 170 L 02

Synopsis as Enacted

Brief Description: Making it a crime to leave a child with a sex offender.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Dickerson, O'Brien, Tokuda, Veloria, Darneille, Chase, Kirby and Lovick).

House Committee on Criminal Justice & Corrections
Senate Committee on Judiciary

Background:

A parent of a child, a person entrusted with the physical custody of a child or dependent person, or a person employed to provide a child or dependent person the basic necessities of life, is guilty of criminal mistreatment in the first degree if he or she recklessly causes great bodily harm to a child by withholding the basic necessities of life. Criminal mistreatment in the first degree is a class B felony with a seriousness level of V.

Such a person is guilty of criminal mistreatment in the second degree if he or she recklessly creates an imminent and substantial risk of death or great bodily harm or causes substantial bodily harm by withholding the basic necessities of life. Criminal mistreatment in the second degree is a class C felony with a seriousness level of III.

Such a person is guilty of criminal mistreatment in the third degree if he or she, with criminal negligence, creates an imminent and substantial risk of substantial bodily harm by withholding the basic necessities of life or causes substantial bodily harm to a child or dependent person by withholding the basic necessities of life. Criminal mistreatment in the third degree is a gross misdemeanor.

Summary:

A parent of a child, a person entrusted with the physical custody of a child, or a person employed to provide the child the basic necessities of life is guilty of leaving a child in the care of a sex offender if he or she leaves a child in the care or custody of another person who is not a parent, guardian, or lawful custodian of the child knowing that the person is a registered sex offender because of a sex offense against a child. Leaving a child in the care of a sex offender is a misdemeanor.

It is an affirmative defense to leaving a child in the care of a sex offender that the

offender is allowed by court order to have unsupervised contact with children or is allowed to have unsupervised contact with the child in question pursuant to a family reunification plan.

Votes on Final Passage:

House 97 0

Senate 46 0 (Senate amended)

House 94 0 (House concurred)

Effective: June 13, 2002