

# HOUSE BILL REPORT

## HB 2379

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### As Reported by House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to leaving a child with a sex offender.

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

**Sponsors:** Representatives Dickerson, O'Brien, Tokuda, Veloria, Darneille, Chase, Kirby and Lovick.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 1/30/02, 2/6/02 [DPS].

#### Brief Summary of Substitute Bill

- Prohibits a person responsible for the care of a child from leaving the child with certain registered sex offenders.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

**Staff:** Jim Morishima (786-7191).

### 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.

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**Summary of Substitute Bill:**

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 criminal mistreatment in the fourth degree 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. Criminal mistreatment in the fourth degree is a misdemeanor.

It is an affirmative defense to criminal mistreatment in the fourth degree 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.

**Substitute Bill Compared to Original Bill:**

The substitute clarifies that the person must knowingly leave the child in the "care or custody of" a sex offender, instead of "with" a sex offender. It is an affirmative defense that the offender is allowed by court order to have unsupervised contact with children or to have unsupervised contact with the child in question pursuant to a family reunification plan.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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

**Testimony For Original Bill:** Far too many parents leave their children with sex offenders. Adequate supervision is an important factor in good parenting and parents whose lives are chaotic sometimes make bad choices. This bill will save many children who have been knowingly left with sex offenders.

(Concerns) This legislation may apply to children in Department of Social and Health Services group homes. Some sex offenders are allowed to have contact with children through court orders or family reunification plans.

**Testimony Against:** None.

**Testified:** (In support) Representative Dickerson, prime sponsor; and Paul Barry, Children's Alliance.

(Concerns) Victoria Roberts, Department of Corrections; and Cheryl Stephani, Juvenile Rehab Administration and Department of Social and Health Services.