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**Criminal Justice & Corrections  
Committee**

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**HB 2382**

**Brief Description:** Revising provisions relating to criminal mistreatment.

**Sponsors:** Representatives Dickerson, O'Brien, Kagi, Darneille and Chase.

**Brief Summary of Bill**

- Expands the criminal mistreatment in the third degree to include harm that results in a mental disorder.
- Creates the new crime of criminal mistreatment in the fourth degree.

**Hearing Date:** 1/30/02

**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.

For purposes of the criminal mistreatment laws, "basic necessities of life" means food, water, shelter, clothing, and medically necessary health care. "Bodily injury" means physical pain or injury, illness, or an impairment of physical condition.

**Summary of Bill:**

Criminal mistreatment in the third degree is expanded to include 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, who with criminal negligence, causes harm that results in a mental disorder to a child or dependent person by withholding the basic necessities of life. "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

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 fourth degree if he or she, with criminal negligence:

Creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding the basic necessities of life; or Causes bodily injury or extreme mental distress to a child or dependent person by withholding any of the basic necessities of life.

It is an affirmative defense to criminal mistreatment in the fourth degree that the basic necessities of life were withheld:

As part of a religious observance when no permanent injury or illness resulted; or As a disciplinary measure for a reasonable period of time and no permanent injury or illness resulted.

There is no penalty specified for criminal mistreatment in the fourth degree.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2002.

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