

SENATE BILL REPORT

SHB 2379

As Reported By Senate Committee On:
Judiciary, February 28, 2002

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

Brief History:

Committee Activity: Judiciary: 2/21/02, 2/28/02 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: There are currently three degrees of criminal mistreatment. 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 ranked at level V on the sentencing grid (six to 12 months for a first offense).

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 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 ranked at level III on the sentencing grid (one to three months for a first offense).

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 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 (up to one year confinement).

Summary of Amended 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 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 degree is a misdemeanor (up to 90 days confinement).

It is an affirmative defense 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.

Amended Bill Compared to Substitute Bill: The amendment renames the crime as "leaving a child in the care of a sex offender."

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Victims of sex crimes become the future victimizers. The criminal mistreatment laws are too narrowly tailored to provide punishment under these circumstances.

Testimony Against: The bill should be more narrowly targeted on level III sex offenders. Poor, single women with few choices will be punished under this law. The burden is rightfully placed now upon the sex offenders who must comply with their sentencing requirements.

Testified: PRO: Representative Dickerson; Susan Sill, King County S.O.; Paul Barry, Children's Alliance; CON: Sherry Appleton, WDA/WACDL.