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HOUSE BILL 1238

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Miloscia, Mitchell, Keiser and O'Brien

Read first time 01/22/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to criminal law; amending RCW 9A.76.050, 9A.76.070,  
2 and 9A.76.080; adding a new section to chapter 9A.36 RCW; creating a  
3 new section; repealing RCW 9A.76.060; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.36 RCW  
6 to read as follows:

7 (1) A person is guilty of the crime of failing to summon assistance  
8 if:

9 (a) He or she knows that another person has suffered substantial  
10 bodily harm and is in need of assistance;

11 (b) He or she could reasonably summon assistance for the person in  
12 need without danger to himself or herself and without interference with  
13 an important duty owed to a third party;

14 (c) He or she fails to summon assistance for the person in need;  
15 and

16 (d) Another person is not summoning assistance for the person in  
17 need.

1 (2) The duty to summon assistance is satisfied by making reasonable  
2 efforts to summon emergency police, fire, or medical assistance that  
3 identifies the location of the victim.

4 (3) Except as provided in RCW 9A.76.050, failing to summon  
5 assistance is a misdemeanor.

6 **Sec. 2.** RCW 9A.76.050 and 1982 1st ex.s. c 47 s 20 are each  
7 amended to read as follows:

8 As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person  
9 "renders criminal assistance" if, with intent to prevent, hinder, or  
10 delay the apprehension or prosecution of another person who he or she  
11 knows has committed a crime or juvenile offense or is being sought by  
12 law enforcement officials for the commission of a crime or juvenile  
13 offense or has escaped from a detention facility, he or she:

14 (1) Harbors or conceals such person; or

15 (2) Warns such person of impending discovery or apprehension; or

16 (3) Provides such person with money, transportation, disguise, or  
17 other means of avoiding discovery or apprehension; or

18 (4) Prevents or obstructs, by use of force, deception, or threat,  
19 anyone from performing an act that might aid in the discovery or  
20 apprehension of such person; or

21 (5) Conceals, alters, or destroys any physical evidence that might  
22 aid in the discovery or apprehension of such person; or

23 (6) Provides such person with a weapon; or

24 (7) Violates section 1 of this act by failing to summon assistance  
25 for a victim of such person's crime or juvenile offense.

26 **Sec. 3.** RCW 9A.76.070 and 1982 1st ex.s. c 47 s 21 are each  
27 amended to read as follows:

28 (1) A person is guilty of rendering criminal assistance in the  
29 first degree if he or she renders criminal assistance to a person who  
30 has committed or is being sought for murder in the first degree or any  
31 class A felony or equivalent juvenile offense.

32 (2) Rendering criminal assistance in the first degree is((+)

33 ~~(a) A gross misdemeanor if it is established by a preponderance of~~  
34 ~~the evidence that the actor is a relative as defined in RCW 9A.76.060;~~

35 ~~(b))) a class C felony ((in all other cases)).~~

1       **Sec. 4.** RCW 9A.76.080 and 1982 1st ex.s. c 47 s 22 are each  
2 amended to read as follows:

3       (1) A person is guilty of rendering criminal assistance in the  
4 second degree if he or she renders criminal assistance to a person who  
5 has committed or is being sought for a class B or class C felony or an  
6 equivalent juvenile offense or to someone being sought for violation of  
7 parole, probation, or community supervision.

8       (2) Rendering criminal assistance in the second degree is((+)

9       ~~(a) A misdemeanor if it is established by a preponderance of the~~  
10 ~~evidence that the actor is a relative as defined in RCW 9A.76.060;~~

11       ~~(b)) a gross misdemeanor ((in all other cases)).~~

12       NEW SECTION. **Sec. 5.** RCW 9A.76.060 (Relative defined) and 1975  
13 1st ex.s. c 260 s 9A.76.060 are each repealed.

14       NEW SECTION. **Sec. 6.** This act may be known and cited as the Joey  
15 Levick Act.

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