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HOUSE BILL 1966

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Pennington, Hatfield, Mielke and Doumit

Read first time 02/09/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to protecting children and dependent persons;  
2 amending RCW 9A.42.010; adding a new section to chapter 9A.42 RCW; and  
3 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.42 RCW  
6 to read as follows:

7 (1) A parent, stepparent, foster parent, guardian, or other  
8 individual who has been entrusted with the physical custody of a child  
9 under eighteen years of age or with the physical custody of a dependent  
10 person has a duty to aid such child or dependent person who is being  
11 physically assaulted or who is being subjected to abuse or neglect, as  
12 defined in RCW 26.44.020, by another. The scope of the duty is  
13 determined by the circumstances known at the time to the parent,  
14 stepparent, foster parent, guardian, or other individual who has been  
15 entrusted with the physical custody of a child under eighteen years of  
16 age or with the physical custody of a dependent person.

17 (2) The failure to make a reasonable effort to aid is a class C  
18 felony. A reasonable effort does not require a parent, stepparent,  
19 foster parent, guardian, or other individual who has been entrusted

1 with the physical custody of a child under eighteen years of age or  
2 with the physical custody of a dependent person to perform any action  
3 that a reasonable person would believe would place that person or  
4 another person in danger of immediate substantial bodily harm.

5 **Sec. 2.** RCW 9A.42.010 and 1997 c 392 s 508 are each amended to  
6 read as follows:

7 As used in this chapter:

8 (1) "Basic necessities of life" means food, water, shelter,  
9 clothing, and medically necessary health care, including but not  
10 limited to health-related treatment or activities, hygiene, oxygen, and  
11 medication.

12 (2)(a) "Bodily injury" means physical pain or injury, illness, or  
13 an impairment of physical condition;

14 (b) "Substantial bodily harm" means bodily injury which involves a  
15 temporary but substantial disfigurement, or which causes a temporary  
16 but substantial loss or impairment of the function of any bodily part  
17 or organ, or which causes a fracture of any bodily part;

18 (c) "Great bodily harm" means bodily injury which creates a high  
19 probability of death, or which causes serious permanent disfigurement,  
20 or which causes a permanent or protracted loss or impairment of the  
21 function of any bodily part or organ.

22 (3) "Child" means a person under eighteen years of age.

23 (4) "Dependent person" means a person who, because of physical or  
24 mental disability, or because of extreme advanced age, is dependent  
25 upon another person to provide the basic necessities of life. A  
26 resident of a nursing home, as defined in RCW 18.51.010, a resident of  
27 an adult family home, as defined in RCW 70.128.010, and a frail elder  
28 or vulnerable adult, as defined in RCW 74.34.020(~~(+8)~~) (13), is  
29 presumed to be a dependent person for purposes of this chapter.

30 (5) "Employed" means hired by a dependent person, another person  
31 acting on behalf of a dependent person, or by an organization or  
32 governmental entity, to provide to a dependent person any of the basic  
33 necessities of life. A person may be "employed" regardless of whether  
34 the person is paid for the services or, if paid, regardless of who pays  
35 for the person's services.

36 (6) "Parent" has its ordinary meaning and also includes a guardian  
37 and the authorized agent of a parent or guardian.

1 (7) "Abandons" means leaving a child or other dependent person  
2 without the means or ability to obtain one or more of the basic  
3 necessities of life.

4 (8) "Aid" means to give help or relief, or to assist. "Aid"  
5 includes, but is not limited to, contacting police, law enforcement, or  
6 other public officials, preventing abuse and neglect as defined in RCW  
7 26.44.020, preventing physical assault, or procuring medical  
8 assistance.

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