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**SUBSTITUTE HOUSE BILL 2379**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

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

Read first time 02/06/2002. Referred to Committee on .

1 AN ACT Relating to leaving a child with a sex offender; adding a  
2 new section to chapter 9A.42 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.42 RCW  
5 to read as follows:

6 (1) A person is guilty of the crime of criminal mistreatment in the  
7 fourth degree if the person is (a) the parent of a child; (b) entrusted  
8 with the physical custody of a child; or (c) employed to provide to the  
9 child the basic necessities of life, and leaves the child in the care  
10 or custody of another person who is not a parent, guardian, or lawful  
11 custodian of the child, knowing that the person is registered or  
12 required to register as a sex offender under the laws of this state, or  
13 a law or ordinance in another jurisdiction with similar requirements,  
14 because of a sex offense against a child.

15 (2) It is an affirmative defense to the charge of criminal  
16 mistreatment in the fourth degree under this section, that the  
17 defendant must prove by a preponderance of the evidence, that a court  
18 has entered an order allowing the offender to have unsupervised contact  
19 with children, or that the offender is allowed to have unsupervised

1 contact with the child in question under a family reunification plan,  
2 which has been approved by a court, the department of corrections, or  
3 the department of social and health services in accordance with  
4 department policies.

5 (3) Criminal mistreatment in the fourth degree is a misdemeanor.

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