
HOUSE BILL 2610

State of Washington

57th Legislature

2002 Regular Session

By Representatives Darneille, Morell, Tokuda, O'Brien, Upthegrove, Kirby and Campbell

Read first time 01/22/2002. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to endangerment of children and dependent persons
2 with a controlled substance; amending RCW 9A.42.010, 13.34.132, and
3 43.43.830; reenacting and amending RCW 9.94A.515; adding new sections
4 to chapter 9A.42 RCW; prescribing penalties; and declaring an
5 emergency.

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

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

9 A person is guilty of the crime of endangerment with a controlled
10 substance in the first degree if the person knowingly or intentionally
11 permits a child or dependent adult to be exposed to, ingest, inhale, or
12 have contact with a controlled substance, chemical substance, or drug
13 paraphernalia and thereby causes bodily injury, substantial bodily
14 harm, or great bodily harm. Endangerment with a controlled substance
15 in the first degree is a class B felony.

16 It is an affirmative defense that the person acted pursuant to a
17 lawful prescription and in the manner prescribed.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.42 RCW
2 to read as follows:

3 A person is guilty of the crime of endangerment with a controlled
4 substance in the second degree if the person knowingly or intentionally
5 causes or permits a child or dependent adult to be exposed to, ingest,
6 inhale, or have contact with a controlled substance, chemical
7 substance, or drug paraphernalia. Endangerment with a controlled
8 substance in the second degree is a class C felony.

9 It is an affirmative defense that the person acted pursuant to a
10 lawful prescription and in the manner prescribed.

11 **Sec. 3.** RCW 9A.42.010 and 1997 c 392 s 508 are each amended to
12 read as follows:

13 As used in this chapter:

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

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

20 (b) "Substantial bodily harm" means bodily injury which involves a
21 temporary but substantial disfigurement, or which causes a temporary
22 but substantial loss or impairment of the function of any bodily part
23 or organ, or which causes a fracture of any bodily part;

24 (c) "Great bodily harm" means bodily injury which creates a high
25 probability of death, or which causes serious permanent disfigurement,
26 or which causes a permanent or protracted loss or impairment of the
27 function of any bodily part or organ.

28 (3) "Chemical substance" means a substance used as a precursor in
29 the manufacture of a controlled substance or any other chemical which
30 was intended to be used in the manufacture of a controlled substance.

31 (4) "Child" means a person under eighteen years of age.

32 (~~(4)~~) (5) "Controlled substance" means a controlled substance as
33 defined in RCW 69.50.101.

34 (6) "Dependent person" means a person who, because of physical or
35 mental disability, or because of extreme advanced age, is dependent
36 upon another person to provide the basic necessities of life. A
37 resident of a nursing home, as defined in RCW 18.51.010, a resident of
38 an adult family home, as defined in RCW 70.128.010, and a frail elder

1 or vulnerable adult, as defined in RCW 74.34.020(~~(+8)~~) (13), is
2 presumed to be a dependent person for purposes of this chapter.

3 ~~((+5))~~ (7) "Drug paraphernalia" means drug paraphernalia as
4 defined in RCW 69.50.102.

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

11 ~~((+6))~~ (9) "Parent" has its ordinary meaning and also includes a
12 guardian and the authorized agent of a parent or guardian.

13 ~~((+7))~~ (10) "Abandons" means leaving a child or other dependent
14 person without the means or ability to obtain one or more of the basic
15 necessities of life.

16 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
17 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
18 read as follows:

19 TABLE 2

20 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

21	XVI	Aggravated Murder 1 (RCW 10.95.020)
22	XV	Homicide by abuse (RCW 9A.32.055)
23		Malicious explosion 1 (RCW 70.74.280(1))
24		Murder 1 (RCW 9A.32.030)
25	XIV	Murder 2 (RCW 9A.32.050)
26	XIII	Malicious explosion 2 (RCW 70.74.280(2))
27		Malicious placement of an explosive 1 (RCW
28		70.74.270(1))
29	XII	Assault 1 (RCW 9A.36.011)
30		Assault of a Child 1 (RCW 9A.36.120)
31		Malicious placement of an imitation device
32		1 (RCW 70.74.272(1)(a))
33		Rape 1 (RCW 9A.44.040)
34		Rape of a Child 1 (RCW 9A.44.073)

1 XI Manslaughter 1 (RCW 9A.32.060)
2 Rape 2 (RCW 9A.44.050)
3 Rape of a Child 2 (RCW 9A.44.076)
4 X Child Molestation 1 (RCW 9A.44.083)
5 Indecent Liberties (with forcible
6 compulsion) (RCW 9A.44.100(1)(a))
7 Kidnapping 1 (RCW 9A.40.020)
8 Leading Organized Crime (RCW
9 9A.82.060(1)(a))
10 Malicious explosion 3 (RCW 70.74.280(3))
11 Manufacture of methamphetamine (RCW
12 69.50.401(a)(1)(ii))
13 Over 18 and deliver heroin,
14 methamphetamine, a narcotic from
15 Schedule I or II, or flunitrazepam
16 from Schedule IV to someone under 18
17 (RCW 69.50.406)
18 Sexually Violent Predator Escape (RCW
19 9A.76.115)
20 IX Assault of a Child 2 (RCW 9A.36.130)
21 Controlled Substance Homicide (RCW
22 69.50.415)
23 Explosive devices prohibited (RCW
24 70.74.180)
25 Hit and Run--Death (RCW 46.52.020(4)(a))
26 Homicide by Watercraft, by being under the
27 influence of intoxicating liquor or
28 any drug (RCW 79A.60.050)
29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))
31 Malicious placement of an explosive 2 (RCW
32 70.74.270(2))
33 Over 18 and deliver narcotic from Schedule
34 III, IV, or V or a nonnarcotic, except
35 flunitrazepam or methamphetamine, from
36 Schedule I-V to someone under 18 and 3
37 years junior (RCW 69.50.406)
38 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)
2 Vehicular Homicide, by being under the
3 influence of intoxicating liquor or
4 any drug (RCW 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)
6 Deliver or possess with intent to deliver
7 methamphetamine (RCW
8 69.50.401(a)(1)(ii))
9 Homicide by Watercraft, by the operation of
10 any vessel in a reckless manner (RCW
11 79A.60.050)
12 Manslaughter 2 (RCW 9A.32.070)
13 Manufacture, deliver, or possess with
14 intent to deliver amphetamine (RCW
15 69.50.401(a)(1)(ii))
16 Manufacture, deliver, or possess with
17 intent to deliver heroin or cocaine
18 (RCW 69.50.401(a)(1)(i))
19 Possession of Ephedrine, Pseudoephedrine,
20 or Anhydrous Ammonia with intent to
21 manufacture methamphetamine (RCW
22 69.50.440)
23 Promoting Prostitution 1 (RCW 9A.88.070)
24 Selling for profit (controlled or
25 counterfeit) any controlled substance
26 (RCW 69.50.410)
27 Theft of Anhydrous Ammonia (RCW 69.55.010)
28 Vehicular Homicide, by the operation of any
29 vehicle in a reckless manner (RCW
30 46.61.520)

31 VII Burglary 1 (RCW 9A.52.020)
32 Child Molestation 2 (RCW 9A.44.086)
33 Dealing in depictions of minor engaged in
34 sexually explicit conduct (RCW
35 9.68A.050)
36 Drive-by Shooting (RCW 9A.36.045)
37 Homicide by Watercraft, by disregard for
38 the safety of others (RCW 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1) (b) and
3 (c))
4 Introducing Contraband 1 (RCW 9A.76.140)
5 Involving a minor in drug dealing (RCW
6 69.50.401(f))
7 Malicious placement of an explosive 3 (RCW
8 70.74.270(3))
9 Sending, bringing into state depictions of
10 minor engaged in sexually explicit
11 conduct (RCW 9.68A.060)
12 Unlawful Possession of a Firearm in the
13 first degree (RCW 9.41.040(1)(a))
14 Use of a Machine Gun in Commission of a
15 Felony (RCW 9.41.225)
16 Vehicular Homicide, by disregard for the
17 safety of others (RCW 46.61.520)

18 VI Bail Jumping with Murder 1 (RCW
19 9A.76.170(3)(a))
20 Bribery (RCW 9A.68.010)
21 Incest 1 (RCW 9A.64.020(1))
22 Intimidating a Judge (RCW 9A.72.160)
23 Intimidating a Juror/Witness (RCW
24 9A.72.110, 9A.72.130)
25 Malicious placement of an imitation device
26 2 (RCW 70.74.272(1)(b))
27 Manufacture, deliver, or possess with
28 intent to deliver narcotics from
29 Schedule I or II (except heroin or
30 cocaine) or flunitrazepam from
31 Schedule IV (RCW 69.50.401(a)(1)(i))
32 Rape of a Child 3 (RCW 9A.44.079)
33 Theft of a Firearm (RCW 9A.56.300)
34 Unlawful Storage of Anhydrous Ammonia (RCW
35 69.55.020)

36 V Abandonment of dependent person 1 (RCW
37 9A.42.060)

1 Advancing money or property for
2 extortionate extension of credit (RCW
3 9A.82.030)
4 Bail Jumping with class A Felony (RCW
5 9A.76.170(3)(b))
6 Child Molestation 3 (RCW 9A.44.089)
7 Criminal Mistreatment 1 (RCW 9A.42.020)
8 Custodial Sexual Misconduct 1 (RCW
9 9A.44.160)
10 Delivery of imitation controlled substance
11 by person eighteen or over to person
12 under eighteen (RCW 69.52.030(2))
13 Domestic Violence Court Order Violation
14 (RCW 10.99.040, 10.99.050, 26.09.300,
15 26.10.220, 26.26.138, 26.50.110,
16 26.52.070, or 74.34.145)
17 Endangerment with a Controlled Substance 1
18 (section 1 of this act)
19 Extortion 1 (RCW 9A.56.120)
20 Extortionate Extension of Credit (RCW
21 9A.82.020)
22 Extortionate Means to Collect Extensions of
23 Credit (RCW 9A.82.040)
24 Incest 2 (RCW 9A.64.020(2))
25 Kidnapping 2 (RCW 9A.40.030)
26 Perjury 1 (RCW 9A.72.020)
27 Persistent prison misbehavior (RCW
28 9.94.070)
29 Possession of a Stolen Firearm (RCW
30 9A.56.310)
31 Rape 3 (RCW 9A.44.060)
32 Rendering Criminal Assistance 1 (RCW
33 9A.76.070)
34 Sexual Misconduct with a Minor 1 (RCW
35 9A.44.093)
36 Sexually Violating Human Remains (RCW
37 9A.44.105)
38 Stalking (RCW 9A.46.110)
39 IV Arson 2 (RCW 9A.48.030)

1 Assault 2 (RCW 9A.36.021)
2 Assault by Watercraft (RCW 79A.60.060)
3 Bribing a Witness/Bribe Received by Witness
4 (RCW 9A.72.090, 9A.72.100)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Escape 1 (RCW 9A.76.110)
8 Hit and Run--Injury (RCW 46.52.020(4)(b))
9 Hit and Run with Vessel--Injury Accident
10 (RCW 79A.60.200(3))
11 Identity Theft 1 (RCW 9.35.020(2)(a))
12 Indecent Exposure to Person Under Age
13 Fourteen (subsequent sex offense) (RCW
14 9A.88.010)
15 Influencing Outcome of Sporting Event (RCW
16 9A.82.070)
17 Knowingly Trafficking in Stolen Property
18 (RCW 9A.82.050(2))
19 Malicious Harassment (RCW 9A.36.080)
20 Manufacture, deliver, or possess with
21 intent to deliver narcotics from
22 Schedule III, IV, or V or nonnarcotics
23 from Schedule I-V (except marijuana,
24 amphetamine, methamphetamines, or
25 flunitrazepam) (RCW 69.50.401(a)(1)
26 (iii) through (v))
27 Residential Burglary (RCW 9A.52.025)
28 Robbery 2 (RCW 9A.56.210)
29 Theft of Livestock 1 (RCW 9A.56.080)
30 Threats to Bomb (RCW 9.61.160)
31 Use of Proceeds of Criminal Profiteering
32 (RCW 9A.82.080 (1) and (2))
33 Vehicular Assault, by being under the
34 influence of intoxicating liquor or
35 any drug, or by the operation or
36 driving of a vehicle in a reckless
37 manner (RCW 46.61.522)
38 Willful Failure to Return from Furlough
39 (RCW 72.66.060)

1 III Abandonment of dependent person 2 (RCW
2 9A.42.070)
3 Assault 3 (RCW 9A.36.031)
4 Assault of a Child 3 (RCW 9A.36.140)
5 Bail Jumping with class B or C Felony (RCW
6 9A.76.170(3)(c))
7 Burglary 2 (RCW 9A.52.030)
8 Communication with a Minor for Immoral
9 Purposes (RCW 9.68A.090)
10 Criminal Gang Intimidation (RCW 9A.46.120)
11 Criminal Mistreatment 2 (RCW 9A.42.030)
12 Custodial Assault (RCW 9A.36.100)
13 Delivery of a material in lieu of a
14 controlled substance (RCW
15 69.50.401(c))
16 Endangerment with a Controlled Substance 2
17 (section 2 of this act)
18 Escape 2 (RCW 9A.76.120)
19 Extortion 2 (RCW 9A.56.130)
20 Harassment (RCW 9A.46.020)
21 Intimidating a Public Servant (RCW
22 9A.76.180)
23 Introducing Contraband 2 (RCW 9A.76.150)
24 Maintaining a Dwelling or Place for
25 Controlled Substances (RCW
26 69.50.402(a)(6))
27 Malicious Injury to Railroad Property (RCW
28 81.60.070)
29 Manufacture, deliver, or possess with
30 intent to deliver marijuana (RCW
31 69.50.401(a)(1)(iii))
32 Manufacture, distribute, or possess with
33 intent to distribute an imitation
34 controlled substance (RCW
35 69.52.030(1))
36 Patronizing a Juvenile Prostitute (RCW
37 9.68A.100)
38 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-Barreled
4 Shotgun or Rifle (RCW 9.41.190)
5 Promoting Prostitution 2 (RCW 9A.88.080)
6 Recklessly Trafficking in Stolen Property
7 (RCW 9A.82.050(1))
8 Securities Act violation (RCW 21.20.400)
9 Tampering with a Witness (RCW 9A.72.120)
10 Telephone Harassment (subsequent conviction
11 or threat of death) (RCW 9.61.230)
12 Theft of Livestock 2 (RCW 9A.56.080)
13 Unlawful Imprisonment (RCW 9A.40.040)
14 Unlawful possession of firearm in the
15 second degree (RCW 9.41.040(1)(b))
16 Unlawful Use of Building for Drug Purposes
17 (RCW 69.53.010)
18 Vehicular Assault, by the operation or
19 driving of a vehicle with disregard
20 for the safety of others (RCW
21 46.61.522)
22 Willful Failure to Return from Work Release
23 (RCW 72.65.070)
24 II Computer Trespass 1 (RCW 9A.52.110)
25 Counterfeiting (RCW 9.16.035(3))
26 Create, deliver, or possess a counterfeit
27 controlled substance (RCW
28 69.50.401(b))
29 Escape from Community Custody (RCW
30 72.09.310)
31 Health Care False Claims (RCW 48.80.030)
32 Identity Theft 2 (RCW 9.35.020(2)(b))
33 Improperly Obtaining Financial Information
34 (RCW 9.35.010)
35 Malicious Mischief 1 (RCW 9A.48.070)
36 Possession of controlled substance that is
37 either heroin or narcotics from
38 Schedule I or II or flunitrazepam from
39 Schedule IV (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW
2 69.50.401(d))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Theft 1 (RCW 9A.56.030)
6 Theft of Rental, Leased, or Lease-purchased
7 Property (valued at one thousand five
8 hundred dollars or more) (RCW
9 9A.56.096(4))
10 Trafficking in Insurance Claims (RCW
11 48.30A.015)
12 Unlawful Practice of Law (RCW 2.48.180)
13 Unlicensed Practice of a Profession or
14 Business (RCW 18.130.190(7))
15 I Attempting to Elude a Pursuing Police
16 Vehicle (RCW 46.61.024)
17 False Verification for Welfare (RCW
18 74.08.055)
19 Forged Prescription (RCW 69.41.020)
20 Forged Prescription for a Controlled
21 Substance (RCW 69.50.403)
22 Forgery (RCW 9A.60.020)
23 Malicious Mischief 2 (RCW 9A.48.080)
24 Possess Controlled Substance that is a
25 Narcotic from Schedule III, IV, or V
26 or Non-narcotic from Schedule I-V
27 (except phencyclidine or
28 flunitrazepam) (RCW 69.50.401(d))
29 Possession of Stolen Property 2 (RCW
30 9A.56.160)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Taking Motor Vehicle Without Permission
33 (RCW 9A.56.070)
34 Theft 2 (RCW 9A.56.040)
35 Theft of Rental, Leased, or Lease-purchased
36 Property (valued at two hundred fifty
37 dollars or more but less than one
38 thousand five hundred dollars) (RCW
39 9A.56.096(4))

1 Unlawful Issuance of Checks or Drafts (RCW
2 9A.56.060)
3 Unlawful Use of Food Stamps (RCW 9.91.140
4 (2) and (3))
5 Vehicle Prowl 1 (RCW 9A.52.095)

6 **Sec. 5.** RCW 13.34.132 and 2000 c 122 s 16 are each amended to read
7 as follows:

8 A court may order that a petition seeking termination of the parent
9 and child relationship be filed if the following requirements are met:

10 (1) The court has removed the child from his or her home pursuant
11 to RCW 13.34.130;

12 (2) Termination is recommended by the supervising agency;

13 (3) Termination is in the best interests of the child; and

14 (4) Because of the existence of aggravated circumstances,
15 reasonable efforts to unify the family are not required.
16 Notwithstanding the existence of aggravated circumstances, reasonable
17 efforts may be required if the court or department determines it is in
18 the best interests of the child. In determining whether aggravated
19 circumstances exist by clear, cogent, and convincing evidence, the
20 court shall consider one or more of the following:

21 (a) Conviction of the parent of rape of the child in the first,
22 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
23 9A.44.079;

24 (b) Conviction of the parent of criminal mistreatment of the child
25 in the first or second degree as defined in RCW 9A.42.020 and
26 9A.42.030;

27 (c) Conviction of the parent of endangerment with a controlled
28 substance in the first or second degree as defined in sections 1 and 2
29 of this act, when the child is the victim;

30 (d) Conviction of the parent of one of the following assault
31 crimes, when the child is the victim: Assault in the first or second
32 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
33 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

34 (~~(d)~~) (e) Conviction of the parent of murder, manslaughter, or
35 homicide by abuse of the child's other parent, sibling, or another
36 child;

1 (~~(e)~~) (f) Conviction of the parent of attempting, soliciting, or
2 conspiring to commit a crime listed in (a), (b), (c), (~~(d)~~), or
3 (e) of this subsection;

4 (~~(f)~~) (g) A finding by a court that a parent is a sexually
5 violent predator as defined in RCW 71.09.020;

6 (~~(g)~~) (h) Failure of the parent to complete available treatment
7 ordered under this chapter or the equivalent laws of another state,
8 where such failure has resulted in a prior termination of parental
9 rights to another child and the parent has failed to effect significant
10 change in the interim. In the case of a parent of an Indian child, as
11 defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec.
12 1903), the court shall also consider tribal efforts to assist the
13 parent in completing treatment and make it possible for the child to
14 return home;

15 (~~(h)~~) (i) An infant under three years of age has been abandoned;

16 (~~(i)~~) (j) Conviction of the parent, when a child has been born of
17 the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B)
18 incest under RCW 9A.64.020.

19 **Sec. 6.** RCW 43.43.830 and 1999 c 45 s 5 are each amended to read
20 as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout RCW 43.43.830 through 43.43.840.

23 (1) "Applicant" means:

24 (a) Any prospective employee who will or may have unsupervised
25 access to children under sixteen years of age or developmentally
26 disabled persons or vulnerable adults during the course of his or her
27 employment or involvement with the business or organization;

28 (b) Any prospective volunteer who will have regularly scheduled
29 unsupervised access to children under sixteen years of age,
30 developmentally disabled persons, or vulnerable adults during the
31 course of his or her employment or involvement with the business or
32 organization under circumstances where such access will or may involve
33 groups of (i) five or fewer children under twelve years of age, (ii)
34 three or fewer children between twelve and sixteen years of age, (iii)
35 developmentally disabled persons, or (iv) vulnerable adults; or

36 (c) Any prospective adoptive parent, as defined in RCW 26.33.020.

37 (2) "Business or organization" means a business or organization
38 licensed in this state, any agency of the state, or other governmental

1 entity, that educates, trains, treats, supervises, houses, or provides
2 recreation to developmentally disabled persons, vulnerable adults, or
3 children under sixteen years of age, including but not limited to
4 public housing authorities, school districts, and educational service
5 districts.

6 (3) "Civil adjudication" means a specific court finding of sexual
7 abuse or exploitation or physical abuse in a dependency action under
8 RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In
9 the case of vulnerable adults, civil adjudication means a specific
10 court finding of abuse or financial exploitation in a protection
11 proceeding under chapter 74.34 RCW. It does not include administrative
12 proceedings. The term "civil adjudication" is further limited to court
13 findings that identify as the perpetrator of the abuse a named
14 individual, over the age of eighteen years, who was a party to the
15 dependency or dissolution proceeding or was a respondent in a
16 protection proceeding in which the finding was made and who contested
17 the allegation of abuse or exploitation.

18 (4) "Conviction record" means "conviction record" information as
19 defined in RCW 10.97.030(3) relating to a crime against children or
20 other persons committed by either an adult or a juvenile. It does not
21 include a conviction for an offense that has been the subject of an
22 expungement, pardon, annulment, certificate of rehabilitation, or other
23 equivalent procedure based on a finding of the rehabilitation of the
24 person convicted, or a conviction that has been the subject of a
25 pardon, annulment, or other equivalent procedure based on a finding of
26 innocence. It does include convictions for offenses for which the
27 defendant received a deferred or suspended sentence, unless the record
28 has been expunged according to law.

29 (5) "Crime against children or other persons" means a conviction of
30 any of the following offenses: Aggravated murder; first or second
31 degree murder; first or second degree kidnaping; first, second, or
32 third degree assault; first, second, or third degree assault of a
33 child; first, second, or third degree rape; first, second, or third
34 degree rape of a child; first or second degree robbery; first degree
35 arson; first degree burglary; first or second degree manslaughter;
36 first or second degree extortion; indecent liberties; incest; vehicular
37 homicide; first degree promoting prostitution; communication with a
38 minor; unlawful imprisonment; simple assault; sexual exploitation of
39 minors; first or second degree criminal mistreatment; first or second

1 degree endangerment with a controlled substance; child abuse or neglect
2 as defined in RCW 26.44.020; first or second degree custodial
3 interference; first or second degree custodial sexual misconduct;
4 malicious harassment; first, second, or third degree child molestation;
5 first or second degree sexual misconduct with a minor; patronizing a
6 juvenile prostitute; child abandonment; promoting pornography; selling
7 or distributing erotic material to a minor; custodial assault;
8 violation of child abuse restraining order; child buying or selling;
9 prostitution; felony indecent exposure; criminal abandonment; or any of
10 these crimes as they may be renamed in the future.

11 (6) "Crimes relating to drugs" means a conviction of a crime to
12 manufacture, delivery, or possession with intent to manufacture or
13 deliver a controlled substance.

14 (7) "Crimes relating to financial exploitation" means a conviction
15 for first, second, or third degree extortion; first, second, or third
16 degree theft; first or second degree robbery; forgery; or any of these
17 crimes as they may be renamed in the future.

18 (8) "Disciplinary board final decision" means any final decision
19 issued by a disciplining authority under chapter 18.130 RCW or the
20 secretary of the department of health for the following businesses or
21 professions:

- 22 (a) Chiropractic;
- 23 (b) Dentistry;
- 24 (c) Dental hygiene;
- 25 (d) Massage;
- 26 (e) Midwifery;
- 27 (f) Naturopathy;
- 28 (g) Osteopathic medicine and surgery;
- 29 (h) Physical therapy;
- 30 (i) Physicians;
- 31 (j) Practical nursing;
- 32 (k) Registered nursing; and
- 33 (l) Psychology.

34 "Disciplinary board final decision," for real estate brokers and
35 salespersons, means any final decision issued by the director of the
36 department of licensing for real estate brokers and salespersons.

37 (9) "Unsupervised" means not in the presence of:

- 38 (a) Another employee or volunteer from the same business or
39 organization as the applicant; or

1 (b) Any relative or guardian of any of the children or
2 developmentally disabled persons or vulnerable adults to which the
3 applicant has access during the course of his or her employment or
4 involvement with the business or organization.

5 (10) "Vulnerable adult" means "vulnerable adult" as defined in
6 chapter 74.34 RCW, except that for the purposes of requesting and
7 receiving background checks pursuant to RCW 43.43.832, it shall also
8 include adults of any age who lack the functional, mental, or physical
9 ability to care for themselves.

10 (11) "Financial exploitation" means the illegal or improper use of
11 a vulnerable adult or that adult's resources for another person's
12 profit or advantage.

13 (12) "Agency" means any person, firm, partnership, association,
14 corporation, or facility which receives, provides services to, houses
15 or otherwise cares for vulnerable adults.

16 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

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