Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Criminal Justice & Corrections Committee

HB 1760

Brief Description: Ensuring discovery of sex offenses against children.

Sponsors: Representatives Boldt, Anderson, Mielke and McMahan.

Brief Summary of Bill

· Includes rendering assistance to a person who has committed any felony sex offense against a person under 18 in the crime of rendering criminal assistance in the first degree.

· Expands corporate liability to include situations in which the conduct constituting the offense is concealed, disguised, or covered up by the corporation.

Hearing Date: 2/19/03

Staff: Jim Morishima (786-7191).

Background:

I. Rendering Criminal Assistance

A person is guilty of rendering criminal assistance if, with the intent to prevent, hinder, or delay the apprehension or prosecution of another person (knowing that the other person has committed a crime, is being sought by law enforcement for committing a crime, or has escaped from a detention facility), he or she:
· Harbors or conceals the person;
· Warns the person of impending discovery or apprehension;
· Provides the person with money, transportation, disguise, or other means of avoiding discovery or apprehension;
· Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of the person;
· Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of the person; or
· Provides the person with a weapon.

A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who committed any class A felony. Some sex offenses, as defined in the Sentencing Reform Act (SRA), are class A felonies; e.g., rape in the first degree, child molestation in the first degree, incest in the first degree. Rendering criminal assistance in the first degree is a gross misdemeanor if the actor was a relative or a class C felony (seriousness level V) if the actor was not a relative.

A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who committed any class B or C felony. Some sex offenses, as defined in the SRA, are class B or C felonies; e.g., child molestation in the second degree, incest in the first degree, sexual exploitation of a minor. Rendering criminal assistance in the second degree is a misdemeanor if the actor was a relative or a gross misdemeanor if the actor was not a relative.

A person is guilty of rendering criminal assistance in the third degree if he or she renders criminal assistance to a person who committed any misdemeanor or gross misdemeanor. Rendering criminal assistance in the third degree is a misdemeanor.

II. Corporate Liability

A corporation can be held criminally liable under a variety of circumstances. For example, a corporation can be held to be guilty of an offense if the conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or tolerated by the board of directors or by a high managerial agent acting within the scope of his or her employment and on behalf of the corporation.

Summary of Bill:

I. Rendering Criminal Assistance

A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who has committed any felony "sex offense" against any person under the age of eighteen.

II. Corporate Liability

The situations in which a corporation can be held to be guilty of an offense are expanded. A corporation can be held to be guilty of an offense if the conduct constituting the offense is concealed, disguised, or covered up by the board of directors or by a high managerial agent acting within the scope of his or her employment and on behalf of the corporation.

Appropriation: None.

Fiscal Note: Requested on February 12, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.