
HOUSE BILL 2008

State of Washington

58th Legislature

2003 Regular Session

By Representatives Boldt, Schindler and McMahan

Read first time 02/19/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to protecting an unborn quick child from harm by
2 the use of any illicit drugs such as cocaine, methamphetamines, and
3 heroin; amending RCW 9A.42.010, 9A.42.020, and 9A.42.030; and declaring
4 an emergency.

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

6 **Sec. 1.** RCW 9A.42.010 and 1997 c 392 s 508 are each amended to
7 read as follows:

8 As used in this chapter:

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

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

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

1 (c) "Great bodily harm" means bodily injury which creates a high
2 probability of death, or which causes serious permanent disfigurement,
3 or which causes a permanent or protracted loss or impairment of the
4 function of any bodily part or organ.

5 (3) "Child" means a person under eighteen years of age and includes
6 an unborn quick child.

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

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

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

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

25 **Sec. 2.** RCW 9A.42.020 and 1997 c 392 s 510 are each amended to
26 read as follows:

27 (1) A parent of a child, the person entrusted with the physical
28 custody of a child or dependent person, or a person employed to provide
29 to the child or dependent person the basic necessities of life is
30 guilty of criminal mistreatment in the first degree if he or she
31 recklessly, as defined in RCW 9A.08.010, causes great bodily harm to a
32 child or dependent person by withholding any of the basic necessities
33 of life, or if a mother recklessly causes great bodily harm to her
34 unborn quick child by the use of any illicit drug including, but not
35 limited to, cocaine, heroin, opium, amphetamine, methamphetamine,
36 lysergic acid diethylamide, mescaline, peyote, psilocybin, and
37 methadone.

1 (2) Criminal mistreatment in the first degree is a class B felony.

2 **Sec. 3.** RCW 9A.42.030 and 1997 c 392 s 511 are each amended to
3 read as follows:

4 (1) A parent of a child, the person entrusted with the physical
5 custody of a child or dependent person, or a person employed to provide
6 to the child or dependent person the basic necessities of life is
7 guilty of criminal mistreatment in the second degree if he or she
8 recklessly, as defined in RCW 9A.08.010(~~(, either)~~):

9 (a) Creates an imminent and substantial risk of death or great
10 bodily harm(~~(, or)~~);

11 (b) Causes substantial bodily harm by withholding any of the basic
12 necessities of life; or

13 (c) Recklessly causes substantial bodily harm to her unborn quick
14 child by the use of any illicit drug including, but not limited to,
15 cocaine, heroin, opium, amphetamine, methamphetamine, lysergic acid
16 diethylamide, mescaline, peyote, psilocybin, and methadone.

17 (2) Criminal mistreatment in the second degree is a class C felony.

18 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, and morals or
20 support of the state government and its existing public institutions,
21 and takes effect immediately.

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