

# FINAL BILL REPORT

## SHB 1236

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Synopsis as Enacted

**Brief Description:** Changing duties for aiding injured persons.

**Sponsors:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Morrell, Miloscia, Lovick, Darneille and Lantz).

**House Committee on Criminal Justice & Corrections**  
**Senate Committee on Judiciary**

### **Background:**

Under common law, a person generally has no duty to rescue another person in distress. An exception to this rule is when a special relationship exists between the parties and that relationship creates a duty to assist.

Some statutes in Washington have departed from common law in limited ways and have established an affirmative duty to assist another. One example is the duty to report suspected child abuse or neglect. Another is the duty to report child pornography film that is presented for developing. A third is to summon aid for a peace officer when requested. A violation of any of these statutes carries criminal penalties.

Since 1968, four states have enacted duty-to-rescue statutes: Vermont, Minnesota, Rhode Island, and Massachusetts. The penalties are generally either a fine, a limited possible term of confinement (up to one year), or both. Duty to rescue statutes also exist in 13 European countries.

A state statute, often called the Good Samaritan law, protects a person from civil liability for damages resulting in acts or omissions while rendering aid to an injured person in an emergency provided the person is doing so without compensation and acts without gross negligence or wanton misconduct.

The punishment for a misdemeanor offense is a maximum of 90 days in jail, a fine of \$1,000, or both.

### **Summary:**

A new crime of "failing to summon assistance" is created.

It is a misdemeanor offense to fail to summon assistance. A person commits failure to summon assistance when:

- the person is present when the crime is committed against a victim;
- the person knows that the victim has suffered substantial bodily harm as a result of the crime committed and is in need of assistance;

- the person could reasonably summon assistance for the victim in need without danger to himself or herself and without interference with an important duty owed to a third party;
- the person fails to summon assistance for the victim in need; and
- another person is not summoning or has not summoned assistance for the person in need of such assistance.

**Votes on Final Passage:**

House	97	0	
Senate	42	7	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 24, 2005