
HOUSE BILL 2093

State of Washington

59th Legislature

2005 Regular Session

By Representatives Roach, Ahern, Kristiansen, Clements, Serben and McCune

Read first time 02/17/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to protecting an unborn quick child from harm by
2 the use of alcohol or any illicit drug; amending RCW 9A.42.010,
3 9A.42.020, and 9A.42.030; adding a new section to chapter 9A.42 RCW;
4 prescribing penalties; and declaring 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:

31 (a) If he or she recklessly, as defined in RCW 9A.08.010, causes
32 great bodily harm to a child or dependent person by withholding any of
33 the basic necessities of life; or

34 (b) If a mother recklessly, as defined in RCW 9A.08.010, causes
35 great bodily harm to her unborn quick child by the use of alcohol or
36 any illicit drug including, but not limited to, cocaine, heroin, opium,

1 amphetamine, methamphetamine, lysergic acid diethylamide, mescaline,
2 peyote, psilocybin, and methadone.

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

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

6 (1) A parent of a child, the person entrusted with the physical
7 custody of a child or dependent person, or a person employed to provide
8 to the child or dependent person the basic necessities of life is
9 guilty of criminal mistreatment in the second degree:

10 (a) If he or she recklessly, as defined in RCW 9A.08.010, either
11 ((+a)) (i) creates an imminent and substantial risk of death or great
12 bodily harm, or ((+b)) (ii) causes substantial bodily harm by
13 withholding any of the basic necessities of life; or

14 (b) If a mother recklessly, as defined in RCW 9A.08.010, causes
15 substantial bodily harm to her unborn quick child by the use of alcohol
16 or any illicit drug including, but not limited to, cocaine, heroin,
17 opium, amphetamine, methamphetamine, lysergic acid diethylamide,
18 mescaline, peyote, psilocybin, and methadone.

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

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

22 (1) A mother is guilty of criminal mistreatment in the third degree
23 if she causes her unborn quick child to be born addicted to any illicit
24 drug including, but not limited to, cocaine, heroin, opium,
25 amphetamine, methamphetamine, lysergic acid diethylamide, mescaline,
26 peyote, psilocybin, and methadone.

27 (2) The first conviction for criminal mistreatment in the third
28 degree is a misdemeanor. The second conviction for criminal
29 mistreatment in the third degree is a gross misdemeanor. The third and
30 subsequent convictions for criminal mistreatment in the third degree is
31 a class C felony. "Conviction" has the meaning as defined in RCW
32 9.94A.030(11).

33 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, morals or support

1 of the state government and its existing public institutions, and takes
2 effect immediately.

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