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HOUSE BILL 2473

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State of Washington                      64th Legislature                      2016 Regular Session

By Representatives Goodman, Holy, and Klippert

Read first time 01/13/16. Referred to Committee on Public Safety.

1            AN ACT Relating to the definitions of culpability in the criminal  
2 code; and amending RCW 9A.08.010.

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

4            **Sec. 1.** RCW 9A.08.010 and 2009 c 549 s 1002 are each amended to  
5 read as follows:

6            (1) Kinds of Culpability Defined.

7            (a) INTENT. A person acts with intent or intentionally when he or  
8 she acts with the objective or purpose to accomplish a result which  
9 constitutes an element of a crime.

10           (b) KNOWLEDGE. A person knows or acts knowingly or with knowledge  
11 when:

12           (i) he or she is aware of a fact, facts, or circumstances or  
13 result described by a statute defining an offense; or

14           (ii) he or she has information which would lead a reasonable  
15 person in the same situation to believe that facts exist which facts  
16 are described by a statute defining an offense.

17           (c) RECKLESSNESS. A person is reckless or acts recklessly when he  
18 or she knows of and disregards a substantial risk that a wrongful act  
19 may occur and his or her disregard of such substantial risk is a  
20 gross deviation from conduct that a reasonable person would exercise  
21 in the same situation.

1 (d) CRIMINAL NEGLIGENCE. A person is criminally negligent or acts  
2 with criminal negligence when he or she fails to be aware of a  
3 substantial risk that a wrongful act may occur and his or her failure  
4 to be aware of such substantial risk constitutes a gross deviation  
5 from the standard of care that a reasonable person would exercise in  
6 the same situation.

7 (2) Substitutes for Criminal Negligence, Recklessness, and  
8 Knowledge. When a statute provides that criminal negligence suffices  
9 to establish an element of an offense, such element also is  
10 established if a person acts intentionally, knowingly, or recklessly.  
11 When recklessness suffices to establish an element, such element also  
12 is established if a person acts intentionally or knowingly. When  
13 acting knowingly suffices to establish an element, such element also  
14 is established if a person acts intentionally.

15 (3) Culpability as Determinant of Grade of Offense. When the  
16 grade or degree of an offense depends on whether the offense is  
17 committed intentionally, knowingly, recklessly, or with criminal  
18 negligence, its grade or degree shall be the lowest for which the  
19 determinative kind of culpability is established with respect to any  
20 material element of the offense.

21 (4) Requirement of (~~Willfulness~~) Willfulness Satisfied by Acting  
22 Knowingly. A requirement that an offense be committed (~~wilfully~~)  
23 willfully is satisfied if a person acts knowingly with respect to the  
24 material elements of the offense, unless a purpose to impose further  
25 requirements plainly appears.

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