

HOUSE BILL REPORT

SB 5749

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

Brief Description: Concerning faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

Sponsors: Senators Mullet, Van De Wege and Kuderer.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/21/20, 2/28/20 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Adds an intent section.
- Removes references to Christian Science practitioners from the criminal mistreatment and child abuse statutes.
- Modifies the definition of "negligent treatment or maltreatment" to exclude health care decisions made in reliance on faith-based practices unless the decision poses a clear and present danger to the health, welfare, or safety of a child.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman, Hansen, Kirby, Orwall, Peterson, Rude, Valdez, Walen and Ybarra.

Minority Report: Without recommendation. Signed by 2 members: Representatives Dufault, Assistant Ranking Minority Member; Graham.

Minority Report: Do not pass. Signed by 1 member: Representative Klippert.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Ingrid Lewis (786-7289).

Background:

Criminal Mistreatment and Abandonment of a Dependent Person.

In general, a parent or person entrusted with the physical custody of a child or other dependent person is guilty of criminal mistreatment if he or she creates a certain degree of risk of death or bodily harm to the child or dependent person, or causes injury or harm to the child or dependent person by withholding any of the basic necessities of life. "Basic necessities of life" is defined as food, water, shelter, clothing, and medically necessary health care, including, but not limited to, health-related treatment or activities, hygiene, oxygen, and medication. Criminal mistreatment penalties range from a first degree offense, which is a class B felony, to a fourth degree offense, which is a misdemeanor.

In general, a person is guilty of abandonment of a dependent person if the person leaves a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life. As with criminal mistreatment, the penalty for abandonment ranges from a first degree offense, which is a class B felony, to a third degree offense, which is a gross misdemeanor.

Legislative intent incorporated into the criminal mistreatment statutes state that a person who receives Christian Science treatment by a duly accredited Christian Science practitioner is not considered deprived of medically necessary health care or abandoned.

Abuse of Children.

The laws regarding abuse of children require certain persons, including practitioners, law enforcement officers, school personnel, and others, to report to law enforcement or the Department of Social and Health Services when they have reasonable cause to believe a child has suffered abuse or neglect.

Abuse or neglect includes the negligent treatment or maltreatment of a child. "Negligent treatment or maltreatment" is defined as the failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety. A person who is furnished Christian Science treatment by a duly accredited Christian Science practitioner is not considered, for that reason alone, a neglected person.

Christian Science Practitioner.

Christian Science practitioners engage in spiritual healing. A Christian Science practitioner is accredited by the church after an application process and class instruction.

Summary of Amended Bill:

An intent section is added stating that removing reference to a specific religion is not intended to pass judgment on a particular religious practice.

The references to Christian Science practitioners are removed from the criminal mistreatment and child abuse statutes.

The definition of "negligent treatment or maltreatment" is modified to exclude health care decisions made in reliance on faith-based practices, unless the decision poses a clear and present danger to the health, welfare, or safety of a child.

Amended Bill Compared to Original Bill:

The striking amendment adds an intent section and makes a technical correction to reflect changes made to a statute as a result of 2019 legislation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The changes in the bill are not intended to approve or disapprove of any religion or express a bias against the practice of religious or spiritual healing. The bill simply removes a statutory reference that singles out a particular religious practice and clarifies that parents and guardians are allowed to rely exclusively on religious healing unless such a decision poses a clear and present danger to a child.

The Christian Science community has collaborated on the language and is supportive of removing specific references in the statute.

(Opposed) None.

Persons Testifying: Senator Mullet, prime sponsor; and Bob Cooper, Washington Chapter of National Association of Social Workers and Child USA advocacy.

Persons Signed In To Testify But Not Testifying: None.