

# HOUSE BILL REPORT

## SSB 6544

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### As Passed House:

March 4, 2008

**Title:** An act relating to the seriousness level of criminal mistreatment.

**Brief Description:** Increasing the sentencing range for first degree criminal mistreatment.

**Sponsors:** By Senate Committee on Judiciary (originally sponsored by Senators Stevens, Honeyford, Pflug, Delvin, Holmquist, McCaslin, Swecker and Roach).

### Brief History:

#### Committee Activity:

Public Safety & Emergency Preparedness: 2/25/08 [DP].

#### Floor Activity:

Passed House: 3/4/08, 94-0.

### Brief Summary of Substitute Bill

- Increases the seriousness level of criminal mistreatment in the first degree from a seriousness level IX to a level X.

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## HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Kirby.

**Staff:** Yvonne Walker (786-7841).

### Background:

A parent of a child, a person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life, is guilty of criminal mistreatment in the first degree if he or she recklessly causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life. Criminal mistreatment in the first degree is a seriousness level IX,

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class B felony offense. A first-time offender with no prior criminal history would receive a presumptive sentence range of 31 to 41 months in prison.

A child is defined as a person under the age of 18 years old. A dependent person is defined as a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home or adult family home or a frail elder or vulnerable adult is presumed to be a dependent person.

Great bodily harm means bodily injury which creates a high probability of death, causes serious permanent disfigurement, or which causes a permanent, protracted loss, or impairment of the function of any bodily part or organ.

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**Summary of Bill:**

Criminal mistreatment in the first degree is increased to a seriousness level X, class B felony offense. A first-time offender with no prior criminal history would receive a presumptive sentence range of 51 to 68 months in prison.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill came from a case where a young boy was being starved to death by his father as a form of punishment. This was a child that weighed 30 pounds when he was 14 months old and when he was 3 years old he only weighed 25 pounds. This was an egregious act and the punishment under current law is inadequate. This bill will improve the penalty.

(Opposed) None.

**Persons Testifying:** Senator Stevens, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.