
SECOND SUBSTITUTE SENATE BILL 5417

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Fraser, Winsley, Wojahn, Oke and Kohl)

Read first time 01/18/96.

1 AN ACT Relating to abandonment of dependent persons; amending RCW
2 9A.42.010, 9A.42.020, and 9A.42.030; adding new sections to chapter
3 9A.42 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.42.010 and 1986 c 250 s 1 are each amended to read
6 as follows:

7 As used in this chapter:

8 (1) "Basic necessities of life" means food, water, shelter,
9 clothing, and health care.

10 (2)(a) "Bodily injury" means physical pain or injury, illness, or
11 an impairment of physical condition;

12 (b) "Substantial bodily harm" means bodily injury which involves a
13 temporary but substantial disfigurement, or which causes a temporary
14 but substantial loss or impairment of the function of any bodily part
15 or organ, or which causes a fracture of any bodily part;

16 (c) "Great bodily harm" means bodily injury which creates a high
17 probability of death, or which causes serious permanent disfigurement,
18 or which causes a permanent or protracted loss or impairment of the
19 function of any bodily part or organ.

1 (3) "Child" means a person under eighteen years of age.

2 (4) "Dependent person" means a person who, because of physical or
3 mental disability(~~(, or because of extreme advanced age,)~~) is dependent
4 upon another person to provide the basic necessities of life. In the
5 context of a dependent person, basic necessities shall have the same
6 meaning as in subsection (1) of this section and shall also include
7 hygiene, medication, and health-related treatment or activities.

8 (5) "Employed" includes a person hired by the dependent person, or
9 a person provided by an organization or a governmental entity to care
10 for the dependent person, without regard to who pays for the person's
11 services.

12 (6) "Entrusted" in the context of a dependent person means that the
13 person has established a pattern of providing regular care for the
14 dependent person.

15 (7) "Parent" has its ordinary meaning and also includes a guardian
16 and the authorized agent of a parent or guardian.

17 **Sec. 2.** RCW 9A.42.020 and 1986 c 250 s 2 are each amended to read
18 as follows:

19 (1) A parent of a child (~~(or the)~~), a person entrusted with the
20 physical custody of a child, or a person employed or entrusted to
21 provide physical care of a dependent person is guilty of criminal
22 mistreatment in the first degree if he or she recklessly causes great
23 bodily harm to a child or dependent person by withholding any of the
24 basic necessities of life.

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

26 **Sec. 3.** RCW 9A.42.030 and 1986 c 250 s 3 are each amended to read
27 as follows:

28 (1) A parent of a child (~~(or the)~~), a person entrusted with the
29 physical custody of a child, or a person employed or entrusted to
30 provide physical care of a dependent person is guilty of criminal
31 mistreatment in the second degree if he or she recklessly either (a)
32 creates an imminent and substantial risk of death or great bodily harm,
33 or (b) causes substantial bodily harm by withholding any of the basic
34 necessities of life.

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

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

3 (1) A parent of a child, a person entrusted with the physical
4 custody of a child, or a person employed or entrusted to provide
5 physical care of a dependent person is guilty of criminal mistreatment
6 in the third degree if he or she recklessly creates an imminent and
7 substantial risk of bodily injury by withholding any of the basic
8 necessities of life.

9 (2) Criminal mistreatment in the third degree is a gross
10 misdemeanor.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.42 RCW
12 to read as follows:

13 The provisions relating to criminal mistreatment of a dependent
14 person shall not apply to licensed home care and home health agencies
15 that have provided reasonable notice of termination of services to the
16 dependent person and to other persons or organizations that have
17 requested notice of termination of services. The legislature
18 recommends that the department of social and health services adopt
19 rules establishing procedures for termination of services to dependent
20 persons.

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