

FINAL BILL REPORT

SSB 6382

C 76 L 00

Synopsis as Enacted

Brief Description: Protecting dependent persons.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, McCaslin, Long, Costa, Winsley, Rasmussen, Kohl-Welles and McAuliffe; by request of Attorney General).

Senate Committee on Health & Long-Term Care
House Committee on Criminal Justice & Corrections
House Committee on Appropriations

Background: Recent published reports identified numerous occasions in the past several years where, without consequence to the perpetrator, an elderly or disabled person in this state was subject to abuse or neglect, sometimes over an extended period of time. Often the abuse or neglect occurred at the hands of someone paid by the state to provide these persons with care.

Blame for this, it is suggested, lies in part with existing criminal laws that fail to deter such acts, and make them difficult to prosecute when they occur. Among these are hearsay rules which limit the use of out-of-court statements to circumstances frequently not present in cases involving vulnerable adults; crimes defined in such a way that it is difficult to apply them to the circumstances in which these acts frequently occur; and sentences which do not take into account the vulnerable nature of the person against whom the crime was committed.

Summary: A new crime of criminal mistreatment in the third degree is created. This crime is committed when a person entrusted with the care of a dependent person or child, with criminal negligence creates a risk of substantial bodily harm by withholding the basic necessities of life, or with criminal negligence causes substantial bodily harm by withholding the basic necessities of life. Criminal mistreatment in the third degree is a gross misdemeanor.

It is clarified that the new crime does not apply in situations covered by the Natural Death Act.

Votes on Final Passage:

Senate	48 0
House	98 0

Effective: June 8, 2000