

SENATE BILL REPORT

SB 5077

As Reported By Senate Committee On:
Judiciary, February 22, 2005

Title: An act relating to failing to summon assistance.

Brief Description: Changing duties for aiding injured persons.

Sponsors: Senators Eide, Schmidt and Berkey.

Brief History:

Committee Activity: Judiciary: 1/26/05, 2/22/05 [DPS, DNP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau.

Minority Report: Do not pass.

Signed by Senator Carrell.

Staff: Lidia Mori (786-7755)

Background: Under common law, a person generally has no duty to rescue another person in distress. An exception to this rule exists when there is a special relationship between the parties and that relationship creates a duty to assist.

Some statutes in Washington have departed from common law in limited ways and have established an affirmative duty to assist another. One example is the duty to report suspected child abuse or neglect. Another is to report a child pornography film that is presented for developing. A third is to summon aid for a peace officer when requested. A violation of any of these statutes carries criminal penalties.

Several states, including Vermont, Minnesota, Rhode Island, and Massachusetts, have enacted duty-to rescue statutes. The penalties are generally a fine, a limited possible term of confinement (up to one year), or both. Duty to rescue statutes exist in at least 13 European countries.

Summary of Substitute Bill: A person is guilty of failing to summon assistance if the person: (1) knows that another individual has suffered substantial bodily harm as a result of a criminal act and needs assistance; (2) could reasonably summon assistance without placing himself or herself in danger and without interfering with an important duty owed to a third party; and (3) another person is not summoning assistance for the person in need. The requirement is satisfied by making reasonable efforts to summon emergency aid to the victim's location. Failing to summon assistance is a misdemeanor.

Substitute Bill Compared to Original Bill: The definition of the offense of failing to summon assistance is narrowed such that it occurs when a person knows that another person has suffered substantial bodily harm as a result of a criminal act and is in need of assistance.

Appropriation: None.

Fiscal Note: Requested on January 25, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a good samaritan bill. Joey Levick was beaten and left to die in a ditch for 16 hours. Numerous people came to the crime scene but no one helped him. We should all be accountable for what we do and don't do. People can remain anonymous when they call 911. Many people would absolutely help a person in trouble, but as we see from cases every year, there are those that won't. This is an ethic that should be put forward. Citizens aren't asked to do much, this duty is discharged by a simple phone call and a life could be saved. It is morally indefensible to choose to safeguard a criminal instead of assisting the victim of a crime.

Testimony Against: None.

Who Testified: PRO: Senator Tracey Eide, prime sponsor; Mr. Joe Levick; Melva Levick; Anita Schuerhoff; Denise Webber; Dan Satterberg, King County Prosecutor's Office; Janice Ellis, Snohomish County Prosecuting Attorney.