

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE SENATE BILL 5417**

54th Legislature  
1996 Regular Session

Passed by the Senate March 6, 1996  
YEAS 46 NAYS 0

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**President of the Senate**

Passed by the House February 27, 1996  
YEAS 98 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5417** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SECOND SUBSTITUTE SENATE BILL 5417

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AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

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; reenacting and amending RCW 9.94A.320; adding new sections  
3 to chapter 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, including but not limited to health-related  
10 treatment or activities, hygiene, oxygen, and medication.

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

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

17            (c) "Great bodily harm" means bodily injury which creates a high  
18 probability of death, or which causes serious permanent disfigurement,

1 or which causes a permanent or protracted loss or impairment of the  
2 function of any bodily part or organ.

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

4 (4) "Dependent person" means a person who, because of physical or  
5 mental disability, or because of extreme advanced age, is dependent  
6 upon another person to provide the basic necessities of life.

7 (5) "Employed" means hired by a dependent person, another person  
8 acting on behalf of a dependent person, or by an organization or  
9 governmental entity, to provide to a dependent person any of the basic  
10 necessities of life. A person may be "employed" regardless of whether  
11 the person is paid for the services or, if paid, regardless of who pays  
12 for the person's services.

13 (6) "Parent" has its ordinary meaning and also includes a guardian  
14 and the authorized agent of a parent or guardian.

15 (7) "Abandons" means leaving a child or other dependent person  
16 without the means or ability to obtain one or more of the basic  
17 necessities of life.

18 NEW SECTION. Sec. 2. A new section is added to chapter 9A.42 RCW  
19 to read as follows:

20 (1) A person is guilty of the crime of abandonment of a dependent  
21 person in the first degree if:

22 (a) The person is the parent of a child, a person entrusted with  
23 the physical custody of a child or other dependent person, or a person  
24 employed to provide to the child or other dependent person any of the  
25 basic necessities of life;

26 (b) The person recklessly abandons the child or other dependent  
27 person; and

28 (c) As a result of being abandoned, the child or other dependent  
29 person suffers great bodily harm.

30 (2) Abandonment of a dependent person in the first degree is a  
31 class B felony.

32 NEW SECTION. Sec. 3. A new section is added to chapter 9A.42 RCW  
33 to read as follows:

34 (1) A person is guilty of the crime of abandonment of a dependent  
35 person in the second degree if:

36 (a) The person is the parent of a child, a person entrusted with  
37 the physical custody of a child or other dependent person, or a person

1 employed to provide to the child or other dependent person any of the  
2 basic necessities of life; and

3 (b) The person recklessly abandons the child or other dependent  
4 person; and:

5 (i) As a result of being abandoned, the child or other dependent  
6 person suffers substantial bodily harm; or

7 (ii) Abandoning the child or other dependent person creates an  
8 imminent and substantial risk that the child or other dependent person  
9 will die or suffer great bodily harm.

10 (2) Abandonment of a dependent person in the second degree is a  
11 class C felony.

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

14 (1) A person is guilty of the crime of abandonment of a dependent  
15 person in the third degree if:

16 (a) The person is the parent of a child, a person entrusted with  
17 the physical custody of a child or other dependent person, or a person  
18 employed to provide to the child or dependent person any of the basic  
19 necessities of life; and

20 (b) The person recklessly abandons the child or other dependent  
21 person; and:

22 (i) As a result of being abandoned, the child or other dependent  
23 person suffers bodily harm; or

24 (ii) Abandoning the child or other dependent person creates an  
25 imminent and substantial risk that the child or other person will  
26 suffer substantial bodily harm.

27 (2) Abandonment of a dependent person in the third degree is a  
28 gross misdemeanor.

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

31 It is an affirmative defense to the charge of abandonment of a  
32 dependent person, that the person employed to provide any of the basic  
33 necessities of life to the child or other dependent person, gave  
34 reasonable notice of termination of services and the services were not  
35 terminated until after the termination date specified in the notice.  
36 The notice must be given to the child or dependent person, and to other

1 persons or organizations that have requested notice of termination of  
2 services furnished to the child or other dependent person.

3 The department of social and health services and the department of  
4 health shall adopt rules establishing procedures for termination of  
5 services to children and other dependent persons.

6 **Sec. 6.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and  
7 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and  
8 amended to read as follows:

9 TABLE 2

10 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

11	XV	Aggravated Murder 1 (RCW 10.95.020)
12	XIV	Murder 1 (RCW 9A.32.030)
13		Homicide by abuse (RCW 9A.32.055)
14	XIII	Murder 2 (RCW 9A.32.050)
15	XII	Assault 1 (RCW 9A.36.011)
16		Assault of a Child 1 (RCW 9A.36.120)
17	XI	Rape 1 (RCW 9A.44.040)
18		Rape of a Child 1 (RCW 9A.44.073)
19	X	Kidnapping 1 (RCW 9A.40.020)
20		Rape 2 (RCW 9A.44.050)
21		Rape of a Child 2 (RCW 9A.44.076)
22		Child Molestation 1 (RCW 9A.44.083)
23		Damaging building, etc., by explosion with
24		threat to human being (RCW
25		70.74.280(1))
26		Over 18 and deliver heroin or narcotic
27		from Schedule I or II to someone
28		under 18 (RCW 69.50.406)
29		Leading Organized Crime (RCW
30		9A.82.060(1)(a))

1 IX Assault of a Child 2 (RCW 9A.36.130)  
2 Robbery 1 (RCW 9A.56.200)  
3 Manslaughter 1 (RCW 9A.32.060)  
4 Explosive devices prohibited (RCW  
5 70.74.180)  
6 Indecent Liberties (with forcible  
7 compulsion) (RCW 9A.44.100(1)(a))  
8 Endangering life and property by  
9 explosives with threat to human being  
10 (RCW 70.74.270)  
11 Over 18 and deliver narcotic from Schedule  
12 III, IV, or V or a nonnarcotic from  
13 Schedule I-V to someone under 18 and  
14 3 years junior (RCW 69.50.406)  
15 Controlled Substance Homicide (RCW  
16 69.50.415)  
17 Sexual Exploitation (RCW 9.68A.040)  
18 Inciting Criminal Profiteering (RCW  
19 9A.82.060(1)(b))  
20 Vehicular Homicide, by being under the  
21 influence of intoxicating liquor or  
22 any drug (RCW 46.61.520)

23 VIII Arson 1 (RCW 9A.48.020)  
24 Promoting Prostitution 1 (RCW 9A.88.070)  
25 Selling for profit (controlled or  
26 counterfeit) any controlled substance  
27 (RCW 69.50.410)  
28 Manufacture, deliver, or possess with  
29 intent to deliver heroin or cocaine  
30 (RCW 69.50.401(a)(1)(i))  
31 Manufacture, deliver, or possess with  
32 intent to deliver methamphetamine  
33 (RCW 69.50.401(a)(1)(ii))  
34 Vehicular Homicide, by the operation of  
35 any vehicle in a reckless manner (RCW  
36 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)  
2 Vehicular Homicide, by disregard for the  
3 safety of others (RCW 46.61.520)  
4 Introducing Contraband 1 (RCW 9A.76.140)  
5 Indecent Liberties (without forcible  
6 compulsion) (RCW 9A.44.100(1) (b) and  
7 (c))  
8 Child Molestation 2 (RCW 9A.44.086)  
9 Dealing in depictions of minor engaged in  
10 sexually explicit conduct (RCW  
11 9.68A.050)  
12 Sending, bringing into state depictions of  
13 minor engaged in sexually explicit  
14 conduct (RCW 9.68A.060)  
15 Involving a minor in drug dealing (RCW  
16 69.50.401(f))  
17 Reckless Endangerment 1 (RCW 9A.36.045)  
18 Unlawful Possession of a Firearm in the  
19 first degree (RCW 9.41.040(1)(a))  
20 VI Bribery (RCW 9A.68.010)  
21 Manslaughter 2 (RCW 9A.32.070)  
22 Rape of a Child 3 (RCW 9A.44.079)  
23 Intimidating a Juror/Witness (RCW  
24 9A.72.110, 9A.72.130)  
25 Damaging building, etc., by explosion with  
26 no threat to human being (RCW  
27 70.74.280(2))  
28 Endangering life and property by  
29 explosives with no threat to human  
30 being (RCW 70.74.270)  
31 Incest 1 (RCW 9A.64.020(1))  
32 Manufacture, deliver, or possess with  
33 intent to deliver narcotics from  
34 Schedule I or II (except heroin or  
35 cocaine) (RCW 69.50.401(a)(1)(i))  
36 Intimidating a Judge (RCW 9A.72.160)  
37 Bail Jumping with Murder 1 (RCW  
38 9A.76.170(2)(a))  
39 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW  
2 9.94.070)  
3 Criminal Mistreatment 1 (RCW 9A.42.020)  
4 Abandonment of dependent person 1 (section  
5 2 of this act)  
6 Rape 3 (RCW 9A.44.060)  
7 Sexual Misconduct with a Minor 1 (RCW  
8 9A.44.093)  
9 Child Molestation 3 (RCW 9A.44.089)  
10 Kidnapping 2 (RCW 9A.40.030)  
11 Extortion 1 (RCW 9A.56.120)  
12 Incest 2 (RCW 9A.64.020(2))  
13 Perjury 1 (RCW 9A.72.020)  
14 Extortionate Extension of Credit (RCW  
15 9A.82.020)  
16 Advancing money or property for  
17 extortionate extension of credit (RCW  
18 9A.82.030)  
19 Extortionate Means to Collect Extensions  
20 of Credit (RCW 9A.82.040)  
21 Rendering Criminal Assistance 1 (RCW  
22 9A.76.070)  
23 Bail Jumping with class A Felony (RCW  
24 9A.76.170(2)(b))  
25 Sexually Violating Human Remains (RCW  
26 9A.44.105)  
27 Delivery of imitation controlled substance  
28 by person eighteen or over to person  
29 under eighteen (RCW 69.52.030(2))  
30 Possession of a Stolen Firearm (RCW  
31 9A.56.310)

32 IV Residential Burglary (RCW 9A.52.025)  
33 Theft of Livestock 1 (RCW 9A.56.080)  
34 Robbery 2 (RCW 9A.56.210)  
35 Assault 2 (RCW 9A.36.021)  
36 Escape 1 (RCW 9A.76.110)  
37 Arson 2 (RCW 9A.48.030)  
38 Commercial Bribery (RCW 9A.68.060)



1           Bribing a Witness/Bribe Received by  
2                   Witness (RCW 9A.72.090, 9A.72.100)  
3           Malicious Harassment (RCW 9A.36.080)  
4           Threats to Bomb (RCW 9.61.160)  
5           Willful Failure to Return from Furlough  
6                   (RCW 72.66.060)  
7           Hit and Run « Injury Accident (RCW  
8                   46.52.020(4))  
9           Vehicular Assault (RCW 46.61.522)  
10          Manufacture, deliver, or possess with  
11                   intent to deliver narcotics from  
12                   Schedule III, IV, or V or  
13                   nonnarcotics from Schedule I-V  
14                   (except marijuana or  
15                   methamphetamines) (RCW  
16                   69.50.401(a)(1)(ii) through (iv))  
17          Influencing Outcome of Sporting Event (RCW  
18                   9A.82.070)  
19          Use of Proceeds of Criminal Profiteering  
20                   (RCW 9A.82.080 (1) and (2))  
21          Knowingly Trafficking in Stolen Property  
22                   (RCW 9A.82.050(2))  
  
23    III       Criminal Mistreatment 2 (RCW 9A.42.030)  
24              Abandonment of dependent person 2 (section  
25                   3 of this act)  
26              Extortion 2 (RCW 9A.56.130)  
27              Unlawful Imprisonment (RCW 9A.40.040)  
28              Assault 3 (RCW 9A.36.031)  
29              Assault of a Child 3 (RCW 9A.36.140)  
30              Custodial Assault (RCW 9A.36.100)  
31              Unlawful possession of firearm in the  
32                   second degree (RCW 9.41.040(1)(b))  
33              Harassment (RCW 9A.46.020)  
34              Promoting Prostitution 2 (RCW 9A.88.080)  
35              Willful Failure to Return from Work  
36                   Release (RCW 72.65.070)  
37              Burglary 2 (RCW 9A.52.030)  
38              Introducing Contraband 2 (RCW 9A.76.150)

1 Communication with a Minor for Immoral  
2 Purposes (RCW 9.68A.090)  
3 Patronizing a Juvenile Prostitute (RCW  
4 9.68A.100)  
5 Escape 2 (RCW 9A.76.120)  
6 Perjury 2 (RCW 9A.72.030)  
7 Bail Jumping with class B or C Felony (RCW  
8 9A.76.170(2)(c))  
9 Intimidating a Public Servant (RCW  
10 9A.76.180)  
11 Tampering with a Witness (RCW 9A.72.120)  
12 Manufacture, deliver, or possess with  
13 intent to deliver marijuana (RCW  
14 69.50.401(a)(1)(ii))  
15 Delivery of a material in lieu of a  
16 controlled substance (RCW  
17 69.50.401(c))  
18 Manufacture, distribute, or possess with  
19 intent to distribute an imitation  
20 controlled substance (RCW  
21 69.52.030(1))  
22 Recklessly Trafficking in Stolen Property  
23 (RCW 9A.82.050(1))  
24 Theft of livestock 2 (RCW 9A.56.080)  
25 Securities Act violation (RCW 21.20.400)  
26 II Unlawful Practice of Law (RCW 2.48.180)  
27 Malicious Mischief 1 (RCW 9A.48.070)  
28 Possession of Stolen Property 1 (RCW  
29 9A.56.150)  
30 Theft 1 (RCW 9A.56.030)  
31 Trafficking in Insurance Claims (RCW  
32 48.30A.015)  
33 Unlicensed Practice of a Profession or  
34 Business (RCW 18.130.190(7))  
35 Health Care False Claims (RCW 48.80.030)  
36 Possession of controlled substance that is  
37 either heroin or narcotics from  
38 Schedule I or II (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW  
2 69.50.401(d))  
3 Create, deliver, or possess a counterfeit  
4 controlled substance (RCW  
5 69.50.401(b))  
6 Computer Trespass 1 (RCW 9A.52.110)  
7 Escape from Community Custody (RCW  
8 72.09.310)

9 I Theft 2 (RCW 9A.56.040)  
10 Possession of Stolen Property 2 (RCW  
11 9A.56.160)  
12 Forgery (RCW 9A.60.020)  
13 Taking Motor Vehicle Without Permission  
14 (RCW 9A.56.070)  
15 Vehicle Prowl 1 (RCW 9A.52.095)  
16 Attempting to Elude a Pursuing Police  
17 Vehicle (RCW 46.61.024)  
18 Malicious Mischief 2 (RCW 9A.48.080)  
19 Reckless Burning 1 (RCW 9A.48.040)  
20 Unlawful Issuance of Checks or Drafts (RCW  
21 9A.56.060)  
22 Unlawful Use of Food Stamps (RCW 9.91.140  
23 (2) and (3))  
24 False Verification for Welfare (RCW  
25 74.08.055)  
26 Forged Prescription (RCW 69.41.020)  
27 Forged Prescription for a Controlled  
28 Substance (RCW 69.50.403)  
29 Possess Controlled Substance that is a  
30 Narcotic from Schedule III, IV, or V  
31 or Non-narcotic from Schedule I-V  
32 (except phencyclidine) (RCW  
33 69.50.401(d))

34 NEW SECTION. **Sec. 7.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the  
36 remainder of the act or the application of the provision to other  
37 persons or circumstances is not affected.

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