
HOUSE BILL 1760

State of Washington 58th Legislature 2003 Regular Session

By Representatives Boldt, Anderson, Mielke and McMahan

Read first time 02/07/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to ensuring discovery of sex offenses against
2 children; amending RCW 9A.76.070 and 9A.08.030; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9A.76.070 and 1982 1st ex.s. c 47 s 21 are each
6 amended to read as follows:

7 (1) A person is guilty of rendering criminal assistance in the
8 first degree if he or she renders criminal assistance to a person who
9 has committed or is being sought for murder in the first degree ~~((or))~~,
10 any class A felony or equivalent juvenile offense, or any felony sex
11 offense against any person under the age of eighteen.

12 (2) Rendering criminal assistance in the first degree is:

13 (a) A gross misdemeanor if it is established by a preponderance of
14 the evidence that the actor is a relative as defined in RCW 9A.76.060;

15 (b) A class C felony in all other cases.

16 **Sec. 2.** RCW 9A.08.030 and 1975 1st ex.s. c 260 s 9A.08.030 are
17 each amended to read as follows:

18 (1) As used in this section:

1 (a) "Agent" means any director, officer, or employee of a
2 corporation, or any other person who is authorized to act on behalf of
3 the corporation;

4 (b) "Corporation" includes a joint stock association;

5 (c) "High managerial agent" means an officer or director of a
6 corporation or any other agent in a position of comparable authority
7 with respect to the formulation of corporate policy or the supervision
8 in a managerial capacity of subordinate employees.

9 (2) A corporation is guilty of an offense when:

10 (a) The conduct constituting the offense consists of an omission to
11 discharge a specific duty of performance imposed on corporations by
12 law; or

13 (b) The conduct constituting the offense is engaged in, authorized,
14 solicited, requested, commanded, (~~or~~) tolerated, concealed,
15 disguised, or covered up by the board of directors or by a high
16 managerial agent acting within the scope of his or her employment and
17 on behalf of the corporation; or

18 (c) The conduct constituting the offense is engaged in by an agent
19 of the corporation, other than a high managerial agent, while acting
20 within the scope of his or her employment and in behalf of the
21 corporation and (i) the offense is a gross misdemeanor or misdemeanor,
22 or (ii) the offense is one defined by a statute which clearly indicates
23 a legislative intent to impose such criminal liability on a
24 corporation.

25 (3) A person is criminally liable for conduct constituting an
26 offense which he or she performs or causes to be performed in the name
27 of or on behalf of a corporation to the same extent as if such conduct
28 were performed in his or her own name or behalf.

29 (4) Whenever a duty to act is imposed by law upon a corporation,
30 any agent of the corporation who knows he or she has or shares primary
31 responsibility for the discharge of the duty is criminally liable for
32 a reckless or, if a high managerial agent, criminally negligent
33 omission to perform the required act to the same extent as if the duty
34 were by law imposed directly upon such agent.

35 (5) Every corporation, whether foreign or domestic, which shall
36 violate any provision of RCW 9A.28.040, shall forfeit every right and
37 franchise to do business in this state. The attorney general shall

1 begin and conduct all actions and proceedings necessary to enforce the
2 provisions of this subsection.

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