
**Criminal Justice & Corrections
Committee**

HB 1236

Brief Description: Changing duties for aiding injured persons.

Sponsors: Representatives O'Brien, Morrell, Miloscia, Lovick, Darneille and Lantz.

Brief Summary of Bill

- Makes it a misdemeanor offense for failing to summon assistance for a person that has suffered substantial bodily harm.

Hearing Date: 2/1/05

Staff: Yvonne Walker (786-7841).

Background:

Under common law, a person generally has no duty to rescue another person in distress. An exception to this rule is when a special relationship exists 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 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.

Since 1968, five states have enacted duty-to-rescue statutes: Vermont, Minnesota, Rhode Island, New Jersey, and Massachusetts. The penalties are generally either a fine, a limited possible term of confinement (up to one year), or both. Duty to rescue statutes also exist in 13 European countries.

State statute protects a person from civil liability for damages resulting in acts or omissions while rendering aid (or being a Good Samaritan) to an injured person in an emergency provided the person is doing so without compensation and acts without gross negligence or wanton misconduct.

Summary of Bill:

A new crime of "failing to summon assistance" is created.

It is a misdemeanor offense to fail to summon assistance. Failing to summon assistance occurs when the person knows that another person (victim) has suffered substantial bodily harm and needs help; the person could reasonably summon assistance for the victim without placing himself or herself in danger and without interfering with a duty the person owes to a third party; the person fails to summon assistance for the victim; and another person is not summoning assistance for the victim. A person satisfies the requirement to summon assistance by making reasonable efforts to summon emergency police, fire, or medical assistance that identifies the victim's location.

The punishment for a misdemeanor offense is a maximum of 90 days in jail, a fine of \$1,000, or both.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.