

# SENATE BILL REPORT

## SHB 1236

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As Reported By Senate Committee On:  
Judiciary, March 30, 2005

**Title:** An act relating to failing to summon assistance.

**Brief Description:** Changing duties for aiding injured persons.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Morrell, Miloscia, Lovick, Darneille and Lantz).

**Brief History:** Passed House: 3/14/05, 97-0.

**Committee Activity:** Judiciary: 3/29/05, 3/30/05 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

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

**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 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, four states have enacted duty-to-rescue statutes: Vermont, Minnesota, Rhode Island, 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

**Summary of Amended Bill:** The crime of "failing to summon assistance" is created. It is a misdemeanor offense to fail to summon assistance. Failing to summon assistance occurs when a person is present when the crime is committed against a victim, or was made aware that a crime was committed against a victim by someone who was present when the crime was committed against the victim, and:

- the person knows that the victim has suffered substantial bodily harm as a result of the crime committed and is in need of assistance;
- the person could reasonably summon assistance for the victim in need without danger to himself or herself and without interference with an important duty owed to a third party;

- the person fails to summon assistance for the victim in need; and
- another person is not summoning or has not summoned assistance for the person in need of such assistance.

**Amended Bill Compared to Original Bill:** A person is guilty of the crime of failure to summon assistance if he or she was present when a crime was committed against another person and:the person knows that the victim has suffered substantial bodily harm as a result of the crime committed and is in need of assistance;

- the person could reasonably summon assistance for the victim in need without danger to himself or herself and without interference with an important duty owed to a third party;
- the person fails to summon assistance for the victim in need; and
- another person is not summoning or has not summoned assistance for the person in need of such assistance.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** None.

**Testimony Against:** None.

**Who Testified:** No one.