

HOUSE BILL REPORT

HB 2791

As Reported by House Committee On:
Judiciary

Title: An act relating to faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

Brief Description: Concerning faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

Sponsors: Representatives Kilduff, Senn and Hayes.

Brief History:

Committee Activity:

Judiciary: 1/18/18, 2/1/18 [DPS].

Brief Summary of Substitute Bill

- Removes the references to faith-based exemptions with regard to the criminal mistreatment of children and vulnerable adults.
- Modifies the definition of "negligent treatment or maltreatment" to exclude health care decisions made in reliance on faith-based practices unless the decision poses a clear and present danger to the health, welfare, or safety of a child.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Shea and Valdez.

Staff: Ingrid Lewis (786-7289).

Background:

Criminal Mistreatment.

In general, a parent or person entrusted with the physical custody of a child or other dependent person is guilty of Criminal Mistreatment if he or she creates a certain degree of

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risk of death or bodily harm to the child or dependent person, or causes injury or harm to the child or dependent person by withholding any of the basic necessities of life. "Basic necessities of life" is defined as food, water, shelter, clothing, and medically necessary health care, including, but not limited to, health-related treatment or activities, hygiene, oxygen, and medication. Criminal Mistreatment penalties range from a first degree offense, which is a class B felony, to a fourth degree offense, which is a misdemeanor.

In general, a person commits Abandonment of a dependent person if he or she is the parent of a child, is a person entrusted with the physical custody of a child or dependent person, or is employed to provide a child or dependent person with the basic necessities of life; and leaves a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life. As with Criminal Mistreatment, the penalty for abandonment ranges from a first degree offense, which is a class B felony, to a third degree offense, which is a gross misdemeanor.

Legislative intent incorporated into the criminal mistreatment statutes state that a person who receives Christian Science treatment by a duly accredited Christian Science practitioner is not considered deprived of medically necessary health care or abandoned.

Abuse of Children.

The laws regarding abuse of children require certain persons, including practitioners, law enforcement officers, school personnel, and others, to report to law enforcement or the Department of Social and Health Services when they have reasonable cause to believe a child has suffered abuse or neglect.

Abuse or neglect includes the negligent treatment or maltreatment of a child. "Negligent treatment or maltreatment" is defined as the failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety.

"Practitioner of the healing arts" or "practitioner" includes persons licensed by the state to practice podiatric medicine and surgery, optometry, dentistry, and certain other types of health services, as well as duly accredited Christian Science practitioners. A person who is furnished Christian Science treatment by a duly accredited Christian Science practitioner is not considered, for that reason alone, a neglected person.

Summary of Substitute Bill:

The references to faith-based exemptions are removed from the criminal mistreatment and child abuse statutes.

The definition of "negligent treatment or maltreatment" is modified to exclude health care decisions made in reliance on faith-based practices, unless the decision poses a clear and present danger to the health, welfare, or safety of a child.

Substitute Bill Compared to Original Bill:

The substitute bill modifies the definition of "negligent treatment or maltreatment" to exclude health care decisions made in reliance on faith-based practices, unless the decision poses a clear and present danger to the health, welfare, or safety of a child.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except section 3, relating to the statute that will be modified pursuant to the assumption of duties by the Department of Children, Youth, and Families, which takes effect July 1, 2018.

Staff Summary of Public Testimony:

See Committee Records for HB 1290 from the 2017 Legislative Session.

Persons Testifying:

See Committee Records for HB 1290 from the 2017 Legislative Session.

Persons Signed In To Testify But Not Testifying:

See Committee Records for HB 1290 from the 2017 Legislative Session.