
Civil Rights & Judiciary Committee

SB 5749

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

Sponsors: Senators Mullet, Van De Wege and Kuderer.

Brief Summary of Bill

- Removes references to Christian Science practitioners from the criminal mistreatment and child abuse statutes.
- 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.

Hearing Date: 2/21/20

Staff: Ingrid Lewis (786-7289).

Background:

Criminal Mistreatment and Abandonment of a Dependent Person.

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 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 is guilty of abandonment of a dependent person if the person 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

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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. 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.

Christian Science Practitioner.

Christian Science practitioners engage in spiritual healing. A Christian Science practitioner is accredited by the church after an application process and class instruction.

Summary of Bill:

The references to Christian Science practitioners 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.

Appropriation: None.

Fiscal Note: Not requested.

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