

ESSB 5010 - S AMD 483

By Senator L. Wilson

NOT CONSIDERED 01/24/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 9A.42.010 and 2020 c 18 s 7 are each reenacted and
4 amended to read as follows:

5 As used in this chapter:

6 (1) "Abandons" means leaving a child or other dependent person
7 without the means or ability to obtain one or more of the basic
8 necessities of life.

9 (2) "Basic necessities of life" means food, water, shelter,
10 clothing, and medically necessary health care, including but not
11 limited to health-related treatment or activities, hygiene, oxygen,
12 and medication.

13 (3) (a) "Bodily injury" means physical pain or injury, illness, or
14 an impairment of physical condition;

15 (b) "Substantial bodily harm" means bodily injury which involves
16 a temporary but substantial disfigurement, or which causes a
17 temporary but substantial loss or impairment of the function of any
18 bodily part or organ, or which causes a fracture of any bodily part;

19 (c) "Great bodily harm" means bodily injury which creates a high
20 probability of death, or which causes serious permanent
21 disfigurement, or which causes a permanent or protracted loss or
22 impairment of the function of any bodily part or organ.

23 (4) "Child" means a person under eighteen years of age.

24 (5) "Controlled substance" has the same meaning as in RCW
25 69.50.101.

26 (6) "Dependent person" means a person who, because of physical or
27 mental disability, or because of extreme advanced age, is dependent
28 upon another person to provide the basic necessities of life. A
29 resident of a nursing home, as defined in RCW 18.51.010, a resident
30 of an adult family home, as defined in RCW 70.128.010, and a frail
31 elder or vulnerable adult, as defined in RCW 74.34.020(~~(+22)~~)) (21),
32 is presumed to be a dependent person for purposes of this chapter.

1 ~~((+6))~~ (7) "Employed" means hired by a dependent person, another
2 person acting on behalf of a dependent person, or by an organization
3 or governmental entity, to provide to a dependent person any of the
4 basic necessities of life. A person may be "employed" regardless of
5 whether the person is paid for the services or, if paid, regardless
6 of who pays for the person's services.

7 ~~((+7))~~ (8) "Good samaritan" means any individual or group of
8 individuals who: (a) Is not related to the dependent person; (b)
9 voluntarily provides assistance or services of any type to the
10 dependent person; (c) is not paid, given gifts, or made a beneficiary
11 of any assets valued at five hundred dollars or more, for any reason,
12 by the dependent person, the dependent person's family, or the
13 dependent person's estate; and (d) does not commit or attempt to
14 commit any other crime against the dependent person or the dependent
15 person's estate.

16 ~~((+8))~~ (9) "Parent" has its ordinary meaning and also includes a
17 guardian and the authorized agent of a parent or guardian.

18 **Sec. 2.** RCW 9A.42.100 and 2005 c 218 s 4 are each amended to
19 read as follows:

20 (1) A person is guilty of the crime of endangerment with a
21 controlled substance if the person knowingly or ~~((intentionally))~~
22 ~~recklessly~~ permits a ~~((dependent))~~ child or dependent adult to ~~((be~~
23 ~~exposed to,~~) ingest, inhale, absorb, or have contact with
24 ~~((methamphetamine or ephedrine, pseudoephedrine, or anhydrous~~
25 ~~ammonia, including their salts, isomers, and salts of isomers, that~~
26 ~~are being used in the manufacture of methamphetamine, including its~~
27 ~~salts, isomers, and salts of isomers.))~~ a controlled substance other
28 than cannabis, unless the controlled substance was obtained directly
29 from, or pursuant to, a valid prescription or order of a practitioner
30 while acting in the course of his or her professional practice.

31 (2) Administering or providing a controlled substance to a child
32 or dependent adult in the course of delivering health care services
33 is not a violation of this section.

34 (3) The department of children, youth, and families and any
35 employees, interns, volunteers, or contractors of the department
36 acting in the scope of their role are exempt from any criminal
37 liability within this section.

1 (4) Endangerment with a controlled substance is a class B
2 felony."

3 On page 1, line 2 of the title, after "statute" strike the
4 remainder of the title and insert "; amending RCW 9A.42.100; and
5 reenacting and amending RCW 9A.42.010."

EFFECT: Expands the scope of the crime of endangerment with a controlled substance by: (1) Increasing the scope from endangerment by fentanyl, methamphetamine, and related substances to endangerment by any controlled substance other than cannabis, medications administered or provided during the delivery of health care, or medications administered or provided through prescription; (2) expanding the potential victims to children and dependent adults, instead of dependent children and dependent adults; (3) providing that the crime may be committed recklessly, instead of intentionally; and (4) prohibiting allowing the child or dependent adult to ingest, inhale, absorb, or have contact with the substance.

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