

FINAL BILL REPORT

ESSB 6104

C 145 L 92

SYNOPSIS AS ENACTED

Brief Description: Creating the crime of assault on a child.

SPONSORS: Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Hayner, Sellar, A. Smith and Erwin)

SENATE COMMITTEE ON LAW & JUSTICE

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

Under current sentencing guidelines provisions, a person convicted of second degree assault is subject to a jail sentence of three to nine months (assuming that the person does not have any prior convictions). Although present law draws distinctions between children and adults with respect to the crimes of rape and homicide, the statutes do not differentiate between assault of an adult and assault of a child. Given the particular vulnerability of young victims, it has been suggested that a child assault statute be created which enhances penalties and addresses concerns arising from a perpetrator's ongoing abuse of a child.

SUMMARY:

A new crime of assault of a child is created. This crime applies to assaults when the victim is under 13 years of age and the perpetrator is 18 years of age or older.

A person is guilty of assault of a child in the first degree if he or she intentionally assaults the child and either: 1) recklessly inflicts great bodily harm; or 2) causes substantial bodily harm after previously engaging in a pattern or practice of either (a) assaulting the child which results in bodily harm greater than transient physical pain or minor temporary marks, or (b) causing the child physical pain or agony equivalent to that produced by torture.

A person is guilty of assault of a child in the second degree if he or she intentionally assaults a child causing bodily harm that is greater than transient pain or minor temporary marks, after previously engaging in a pattern or practice of either (1) assaulting the child which results in bodily harm greater than transient pain or minor temporary marks, or (2) causing the child physical pain or agony equivalent to that produced by torture.

A person is guilty of assault of a child in the third degree if he or she commits third degree assault against the child under current law. The prosecutor is also allowed the discretion to file charges for child assault under the existing first and second degree assault statutes.

Assault of a child in the first degree is a class A felony, assault of a child in the second degree is a class B felony, and assault of a child in the third degree is a class C felony. In addition, the Sentencing Grid is amended to reflect the seriousness levels for the crime of assault of a child. Assault of a child in the first degree is seriousness level XII, which carries a penalty of 93-123 months in prison for a first offense; assault of a child in the second degree is placed at seriousness level IX, which carries a penalty of 31-41 months in prison for a first offense; and assault of a child in the third degree is seriousness level III, which carries a penalty of 1-3 months in the county jail for the first offense.

Other criminal statutes are amended to include assault of a child where appropriate.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	95	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: June 11, 1992