

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5417

Chapter 302, Laws of 1996

54th Legislature
1996 Regular Session

ABANDONMENT OF DEPENDENT PERSONS

EFFECTIVE DATE: 6/6/96

Passed by the Senate March 6, 1996
YEAS 46 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 27, 1996
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 30, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5417** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 30, 1996 - 4:36 p.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5417

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Fraser, Winsley, Wojahn, Oke and Kohl)

Read first time 01/18/96.

1 AN ACT Relating to abandonment of dependent persons; amending RCW
2 9A.42.010; reenacting and amending RCW 9.94A.320; adding new sections
3 to chapter 9A.42 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.42.010 and 1986 c 250 s 1 are each amended to read
6 as follows:

7 As used in this chapter:

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

11 (2)(a) "Bodily injury" means physical pain or injury, illness, or
12 an impairment of physical condition;

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

17 (c) "Great bodily harm" means bodily injury which creates a high
18 probability of death, or which causes serious permanent disfigurement,

1 or which causes a permanent or protracted loss or impairment of the
2 function of any bodily part or organ.

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

4 (4) "Dependent person" means a person who, because of physical or
5 mental disability, or because of extreme advanced age, is dependent
6 upon another person to provide the basic necessities of life.

7 (5) "Employed" means hired by a dependent person, another person
8 acting on behalf of a dependent person, or by an organization or
9 governmental entity, to provide to a dependent person any of the basic
10 necessities of life. A person may be "employed" regardless of whether
11 the person is paid for the services or, if paid, regardless of who pays
12 for the person's services.

13 (6) "Parent" has its ordinary meaning and also includes a guardian
14 and the authorized agent of a parent or guardian.

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

18 NEW SECTION. Sec. 2. A new section is added to chapter 9A.42 RCW
19 to read as follows:

20 (1) A person is guilty of the crime of abandonment of a dependent
21 person in the first degree if:

22 (a) The person is the parent of a child, a person entrusted with
23 the physical custody of a child or other dependent person, or a person
24 employed to provide to the child or other dependent person any of the
25 basic necessities of life;

26 (b) The person recklessly abandons the child or other dependent
27 person; and

28 (c) As a result of being abandoned, the child or other dependent
29 person suffers great bodily harm.

30 (2) Abandonment of a dependent person in the first degree is a
31 class B felony.

32 NEW SECTION. Sec. 3. A new section is added to chapter 9A.42 RCW
33 to read as follows:

34 (1) A person is guilty of the crime of abandonment of a dependent
35 person in the second degree if:

36 (a) The person is the parent of a child, a person entrusted with
37 the physical custody of a child or other dependent person, or a person

1 employed to provide to the child or other dependent person any of the
2 basic necessities of life; and

3 (b) The person recklessly abandons the child or other dependent
4 person; and:

5 (i) As a result of being abandoned, the child or other dependent
6 person suffers substantial bodily harm; or

7 (ii) Abandoning the child or other dependent person creates an
8 imminent and substantial risk that the child or other dependent person
9 will die or suffer great bodily harm.

10 (2) Abandonment of a dependent person in the second degree is a
11 class C felony.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 9A.42 RCW
13 to read as follows:

14 (1) A person is guilty of the crime of abandonment of a dependent
15 person in the third degree if:

16 (a) The person is the parent of a child, a person entrusted with
17 the physical custody of a child or other dependent person, or a person
18 employed to provide to the child or dependent person any of the basic
19 necessities of life; and

20 (b) The person recklessly abandons the child or other dependent
21 person; and:

22 (i) As a result of being abandoned, the child or other dependent
23 person suffers bodily harm; or

24 (ii) Abandoning the child or other dependent person creates an
25 imminent and substantial risk that the child or other person will
26 suffer substantial bodily harm.

27 (2) Abandonment of a dependent person in the third degree is a
28 gross misdemeanor.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.42 RCW
30 to read as follows:

31 It is an affirmative defense to the charge of abandonment of a
32 dependent person, that the person employed to provide any of the basic
33 necessities of life to the child or other dependent person, gave
34 reasonable notice of termination of services and the services were not
35 terminated until after the termination date specified in the notice.
36 The notice must be given to the child or dependent person, and to other

1 persons or organizations that have requested notice of termination of
2 services furnished to the child or other dependent person.

3 The department of social and health services and the department of
4 health shall adopt rules establishing procedures for termination of
5 services to children and other dependent persons.

6 **Sec. 6.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and
7 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and
8 amended to read as follows:

9 TABLE 2

10 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

11	XV	Aggravated Murder 1 (RCW 10.95.020)
12	XIV	Murder 1 (RCW 9A.32.030)
13		Homicide by abuse (RCW 9A.32.055)
14	XIII	Murder 2 (RCW 9A.32.050)
15	XII	Assault 1 (RCW 9A.36.011)
16		Assault of a Child 1 (RCW 9A.36.120)
17	XI	Rape 1 (RCW 9A.44.040)
18		Rape of a Child 1 (RCW 9A.44.073)
19	X	Kidnapping 1 (RCW 9A.40.020)
20		Rape 2 (RCW 9A.44.050)
21		Rape of a Child 2 (RCW 9A.44.076)
22		Child Molestation 1 (RCW 9A.44.083)
23		Damaging building, etc., by explosion with
24		threat to human being (RCW
25		70.74.280(1))
26		Over 18 and deliver heroin or narcotic
27		from Schedule I or II to someone
28		under 18 (RCW 69.50.406)
29		Leading Organized Crime (RCW
30		9A.82.060(1)(a))

1 IX Assault of a Child 2 (RCW 9A.36.130)
2 Robbery 1 (RCW 9A.56.200)
3 Manslaughter 1 (RCW 9A.32.060)
4 Explosive devices prohibited (RCW
5 70.74.180)
6 Indecent Liberties (with forcible
7 compulsion) (RCW 9A.44.100(1)(a))
8 Endangering life and property by
9 explosives with threat to human being
10 (RCW 70.74.270)
11 Over 18 and deliver narcotic from Schedule
12 III, IV, or V or a nonnarcotic from
13 Schedule I-V to someone under 18 and
14 3 years junior (RCW 69.50.406)
15 Controlled Substance Homicide (RCW
16 69.50.415)
17 Sexual Exploitation (RCW 9.68A.040)
18 Inciting Criminal Profiteering (RCW
19 9A.82.060(1)(b))
20 Vehicular Homicide, by being under the
21 influence of intoxicating liquor or
22 any drug (RCW 46.61.520)

23 VIII Arson 1 (RCW 9A.48.020)
24 Promoting Prostitution 1 (RCW 9A.88.070)
25 Selling for profit (controlled or
26 counterfeit) any controlled substance
27 (RCW 69.50.410)
28 Manufacture, deliver, or possess with
29 intent to deliver heroin or cocaine
30 (RCW 69.50.401(a)(1)(i))
31 Manufacture, deliver, or possess with
32 intent to deliver methamphetamine
33 (RCW 69.50.401(a)(1)(ii))
34 Vehicular Homicide, by the operation of
35 any vehicle in a reckless manner (RCW
36 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)
2 Vehicular Homicide, by disregard for the
3 safety of others (RCW 46.61.520)
4 Introducing Contraband 1 (RCW 9A.76.140)
5 Indecent Liberties (without forcible
6 compulsion) (RCW 9A.44.100(1) (b) and
7 (c))
8 Child Molestation 2 (RCW 9A.44.086)
9 Dealing in depictions of minor engaged in
10 sexually explicit conduct (RCW
11 9.68A.050)
12 Sending, bringing into state depictions of
13 minor engaged in sexually explicit
14 conduct (RCW 9.68A.060)
15 Involving a minor in drug dealing (RCW
16 69.50.401(f))
17 Reckless Endangerment 1 (RCW 9A.36.045)
18 Unlawful Possession of a Firearm in the
19 first degree (RCW 9.41.040(1)(a))
20 VI Bribery (RCW 9A.68.010)
21 Manslaughter 2 (RCW 9A.32.070)
22 Rape of a Child 3 (RCW 9A.44.079)
23 Intimidating a Juror/Witness (RCW
24 9A.72.110, 9A.72.130)
25 Damaging building, etc., by explosion with
26 no threat to human being (RCW
27 70.74.280(2))
28 Endangering life and property by
29 explosives with no threat to human
30 being (RCW 70.74.270)
31 Incest 1 (RCW 9A.64.020(1))
32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule I or II (except heroin or
35 cocaine) (RCW 69.50.401(a)(1)(i))
36 Intimidating a Judge (RCW 9A.72.160)
37 Bail Jumping with Murder 1 (RCW
38 9A.76.170(2)(a))
39 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW
2 9.94.070)
3 Criminal Mistreatment 1 (RCW 9A.42.020)
4 Abandonment of dependent person 1 (section
5 2 of this act)
6 Rape 3 (RCW 9A.44.060)
7 Sexual Misconduct with a Minor 1 (RCW
8 9A.44.093)
9 Child Molestation 3 (RCW 9A.44.089)
10 Kidnapping 2 (RCW 9A.40.030)
11 Extortion 1 (RCW 9A.56.120)
12 Incest 2 (RCW 9A.64.020(2))
13 Perjury 1 (RCW 9A.72.020)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Extortionate Means to Collect Extensions
20 of Credit (RCW 9A.82.040)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Bail Jumping with class A Felony (RCW
24 9A.76.170(2)(b))
25 Sexually Violating Human Remains (RCW
26 9A.44.105)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)

32 IV Residential Burglary (RCW 9A.52.025)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Robbery 2 (RCW 9A.56.210)
35 Assault 2 (RCW 9A.36.021)
36 Escape 1 (RCW 9A.76.110)
37 Arson 2 (RCW 9A.48.030)
38 Commercial Bribery (RCW 9A.68.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090, 9A.72.100)
3 Malicious Harassment (RCW 9A.36.080)
4 Threats to Bomb (RCW 9.61.160)
5 Willful Failure to Return from Furlough
6 (RCW 72.66.060)
7 Hit and Run « Injury Accident (RCW
8 46.52.020(4))
9 Vehicular Assault (RCW 46.61.522)
10 Manufacture, deliver, or possess with
11 intent to deliver narcotics from
12 Schedule III, IV, or V or
13 nonnarcotics from Schedule I-V
14 (except marijuana or
15 methamphetamines) (RCW
16 69.50.401(a)(1)(ii) through (iv))
17 Influencing Outcome of Sporting Event (RCW
18 9A.82.070)
19 Use of Proceeds of Criminal Profiteering
20 (RCW 9A.82.080 (1) and (2))
21 Knowingly Trafficking in Stolen Property
22 (RCW 9A.82.050(2))

23 III Criminal Mistreatment 2 (RCW 9A.42.030)
24 Abandonment of dependent person 2 (section
25 3 of this act)
26 Extortion 2 (RCW 9A.56.130)
27 Unlawful Imprisonment (RCW 9A.40.040)
28 Assault 3 (RCW 9A.36.031)
29 Assault of a Child 3 (RCW 9A.36.140)
30 Custodial Assault (RCW 9A.36.100)
31 Unlawful possession of firearm in the
32 second degree (RCW 9.41.040(1)(b))
33 Harassment (RCW 9A.46.020)
34 Promoting Prostitution 2 (RCW 9A.88.080)
35 Willful Failure to Return from Work
36 Release (RCW 72.65.070)
37 Burglary 2 (RCW 9A.52.030)
38 Introducing Contraband 2 (RCW 9A.76.150)

1 Communication with a Minor for Immoral
2 Purposes (RCW 9.68A.090)
3 Patronizing a Juvenile Prostitute (RCW
4 9.68A.100)
5 Escape 2 (RCW 9A.76.120)
6 Perjury 2 (RCW 9A.72.030)
7 Bail Jumping with class B or C Felony (RCW
8 9A.76.170(2)(c))
9 Intimidating a Public Servant (RCW
10 9A.76.180)
11 Tampering with a Witness (RCW 9A.72.120)
12 Manufacture, deliver, or possess with
13 intent to deliver marijuana (RCW
14 69.50.401(a)(1)(ii))
15 Delivery of a material in lieu of a
16 controlled substance (RCW
17 69.50.401(c))
18 Manufacture, distribute, or possess with
19 intent to distribute an imitation
20 controlled substance (RCW
21 69.52.030(1))
22 Recklessly Trafficking in Stolen Property
23 (RCW 9A.82.050(1))
24 Theft of livestock 2 (RCW 9A.56.080)
25 Securities Act violation (RCW 21.20.400)
26 II Unlawful Practice of Law (RCW 2.48.180)
27 Malicious Mischief 1 (RCW 9A.48.070)
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Theft 1 (RCW 9A.56.030)
31 Trafficking in Insurance Claims (RCW
32 48.30A.015)
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 Health Care False Claims (RCW 48.80.030)
36 Possession of controlled substance that is
37 either heroin or narcotics from
38 Schedule I or II (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW
2 69.50.401(d))
3 Create, deliver, or possess a counterfeit
4 controlled substance (RCW
5 69.50.401(b))
6 Computer Trespass 1 (RCW 9A.52.110)
7 Escape from Community Custody (RCW
8 72.09.310)

9 I Theft 2 (RCW 9A.56.040)
10 Possession of Stolen Property 2 (RCW
11 9A.56.160)
12 Forgery (RCW 9A.60.020)
13 Taking Motor Vehicle Without Permission
14 (RCW 9A.56.070)
15 Vehicle Prowl 1 (RCW 9A.52.095)
16 Attempting to Elude a Pursuing Police
17 Vehicle (RCW 46.61.024)
18 Malicious Mischief 2 (RCW 9A.48.080)
19 Reckless Burning 1 (RCW 9A.48.040)
20 Unlawful Issuance of Checks or Drafts (RCW
21 9A.56.060)
22 Unlawful Use of Food Stamps (RCW 9.91.140
23 (2) and (3))
24 False Verification for Welfare (RCW
25 74.08.055)
26 Forged Prescription (RCW 69.41.020)
27 Forged Prescription for a Controlled
28 Substance (RCW 69.50.403)
29 Possess Controlled Substance that is a
30 Narcotic from Schedule III, IV, or V
31 or Non-narcotic from Schedule I-V
32 (except phencyclidine) (RCW
33 69.50.401(d))

34 NEW SECTION. **Sec. 7.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the
36 remainder of the act or the application of the provision to other
37 persons or circumstances is not affected.

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