

2382-S

Sponsor(s): House Committee on Criminal Justice & Corrections
(originally sponsored by Representatives Dickerson, O'Brien, Kagi,
Darneille and Chase)

Brief Description: Revising provisions relating to criminal mistreatment.

HB 2382-S - DIGEST

(DIGEST AS ENACTED)

Recognizes that responses by the department of social and health services and public safety agencies have varied between jurisdictions when allegations of withholding of the basic necessities of life are made.

Declares an intent to improve the capacity of the department of social and health services and public safety agencies to respond to situations where the basic necessities of life are withheld by allowing an earlier intervention in such cases.

Finds that improved coordination between the department of social and health services and public safety agencies at an earlier point will lead to better treatment of children and families and will reduce the likelihood of serious harm.

Provides that, when a law enforcement officer arrests a person for criminal mistreatment of a child, the officer must notify child protective services.

Provides that, when a law enforcement officer arrests a person for criminal mistreatment of a dependent person other than a child, the officer must notify adult protective services.

Declares that a person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

Provides that the department of social and health services, in consultation with the attorney general and organizations representing law enforcement agencies, shall prepare a plan for improved coordination of services to families when a member of the family is charged with criminal mistreatment under chapter 9A.42 RCW.

Directs the department of social and health services to regularly consult with the legislature in the preparation of the plan. The plan shall be submitted to the governor and the legislature not later than December 1, 2002.

Declares that a person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(1) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(2) With criminal negligence, causes bodily injury or extreme mental distress to a child or dependent person by withholding the basic necessities of life.

Declares that criminal mistreatment in the fourth degree is a misdemeanor.