
HOUSE BILL 1080

State of Washington

59th Legislature

2005 Regular Session

By Representatives McDonald, O'Brien and Morrell

Read first time 01/13/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to protecting dependent persons by changing the
2 crimes of criminal mistreatment and abandonment of a dependent person;
3 amending RCW 9A.42.020, 9A.42.030, 9A.42.035, 9A.42.037, 9A.42.060,
4 9A.42.070, and 9A.42.080; reenacting and amending RCW 9.94A.515;
5 prescribing penalties; providing an effective date; and declaring an
6 emergency.

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

8 **Sec. 1.** RCW 9A.42.020 and 1997 c 392 s 510 are each amended to
9 read as follows:

10 (1) A parent of a child, the person entrusted with the physical
11 custody of a child or dependent person, a person who has assumed the
12 responsibility to provide to a dependent person the basic necessities
13 of life, or a person employed to provide to the child or dependent
14 person the basic necessities of life is guilty of criminal mistreatment
15 in the first degree if he or she recklessly, as defined in RCW
16 9A.08.010, causes great bodily harm to a child or dependent person by
17 withholding any of the basic necessities of life.

18 (2) Criminal mistreatment in the first degree is a class B felony.

1 **Sec. 2.** RCW 9A.42.030 and 1997 c 392 s 511 are each amended to
2 read as follows:

3 (1) A parent of a child, the person entrusted with the physical
4 custody of a child or dependent person, a person who has assumed the
5 responsibility to provide to a dependent person the basic necessities
6 of life, or a person employed to provide to the child or dependent
7 person the basic necessities of life is guilty of criminal mistreatment
8 in the second degree if he or she recklessly, as defined in RCW
9 9A.08.010, either (a) creates an imminent and substantial risk of death
10 or great bodily harm, or (b) causes substantial bodily harm by
11 withholding any of the basic necessities of life.

12 (2) Criminal mistreatment in the second degree is a class C felony.

13 **Sec. 3.** RCW 9A.42.035 and 2000 c 76 s 1 are each amended to read
14 as follows:

15 (1) A person is guilty of the crime of criminal mistreatment in the
16 third degree if the person is the parent of a child, is a person
17 entrusted with the physical custody of a child or other dependent
18 person, is a person who has assumed the responsibility to provide to a
19 dependent person the basic necessities of life, or is a person employed
20 to provide to the child or dependent person the basic necessities of
21 life, and either:

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

25 (b) With criminal negligence, causes substantial bodily harm to a
26 child or dependent person by withholding any of the basic necessities
27 of life.

28 (2) Criminal mistreatment in the third degree is a gross
29 misdemeanor.

30 **Sec. 4.** RCW 9A.42.037 and 2002 c 219 s 2 are each amended to read
31 as follows:

32 (1) A person is guilty of the crime of criminal mistreatment in the
33 fourth degree if the person is the parent of a child, is a person
34 entrusted with the physical custody of a child or other dependent
35 person, is a person who has assumed the responsibility to provide to a

1 dependent person the basic necessities of life, or is a person employed
2 to provide to the child or dependent person the basic necessities of
3 life, and either:

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

7 (b) With criminal negligence, causes bodily injury or extreme
8 emotional distress manifested by more than transient physical symptoms
9 to a child or dependent person by withholding the basic necessities of
10 life.

11 (2) Criminal mistreatment in the fourth degree is a misdemeanor.

12 **Sec. 5.** RCW 9A.42.060 and 2002 c 331 s 3 are each amended to read
13 as follows:

14 (1) Except as provided in subsection (2) of this section, a person
15 is guilty of the crime of abandonment of a dependent person in the
16 first degree if:

17 (a) The person is the parent of a child, a person entrusted with
18 the physical custody of a child or other dependent person, a person who
19 has assumed the responsibility to provide to a dependent person the
20 basic necessities of life, or a person employed to provide to the child
21 or other dependent person any of the basic necessities of life;

22 (b) The person recklessly abandons the child or other dependent
23 person; and

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

26 (2) A parent of a newborn who transfers the newborn to a qualified
27 person at an appropriate location pursuant to RCW 13.34.360 is not
28 subject to criminal liability under this section.

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

31 **Sec. 6.** RCW 9A.42.070 and 2002 c 331 s 4 are each amended to read
32 as follows:

33 (1) Except as provided in subsection (2) of this section, a person
34 is guilty of the crime of abandonment of a dependent person in the
35 second degree if:

1 (a) The person is the parent of a child, a person entrusted with
2 the physical custody of a child or other dependent person, a person who
3 has assumed the responsibility to provide to a dependent person the
4 basic necessities of life, or a person employed to provide to the child
5 or other dependent person any of the basic necessities of life; and

6 (b) The person recklessly abandons the child or other dependent
7 person; and:

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

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

13 (2) A parent of a newborn who transfers the newborn to a qualified
14 person at an appropriate location pursuant to RCW 13.34.360 is not
15 subject to criminal liability under this section.

16 (3) Abandonment of a dependent person in the second degree is a
17 class C felony.

18 **Sec. 7.** RCW 9A.42.080 and 2002 c 331 s 5 are each amended to read
19 as follows:

20 (1) Except as provided in subsection (2) of this section, a person
21 is guilty of the crime of abandonment of a dependent person in the
22 third degree if:

23 (a) The person is the parent of a child, a person entrusted with
24 the physical custody of a child or other dependent person, a person who
25 has assumed the responsibility to provide to a dependent person the
26 basic necessities of life, or a person employed to provide to the child
27 or dependent person any of the basic necessities of life; and

28 (b) The person recklessly abandons the child or other dependent
29 person; and:

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

32 (ii) Abandoning the child or other dependent person creates an
33 imminent and substantial risk that the child or other person will
34 suffer substantial bodily harm.

35 (2) A parent of a newborn who transfers the newborn to a qualified
36 person at an appropriate location pursuant to RCW 13.34.360 is not
37 subject to criminal liability under this section.

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

3 **Sec. 8.** RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are
4 each reenacted and amended to read as follows:

5 TABLE 2
6 CRIMES INCLUDED WITHIN
7 EACH SERIOUSNESS LEVEL

8	XVI	Aggravated Murder 1 (RCW
9		10.95.020)
10	XV	Homicide by abuse (RCW 9A.32.055)
11		Malicious explosion 1 (RCW
12		70.74.280(1))
13		Murder 1 (RCW 9A.32.030)
14	XIV	Murder 2 (RCW 9A.32.050)
15		Trafficking 1 (RCW 9A.40.100(1))
16	XIII	Malicious explosion 2 (RCW
17		70.74.280(2))
18		Malicious placement of an explosive 1
19		(RCW 70.74.270(1))
20	XII	Assault 1 (RCW 9A.36.011)
21		Assault of a Child 1 (RCW 9A.36.120)
22		Malicious placement of an imitation
23		device 1 (RCW 70.74.272(1)(a))
24		Rape 1 (RCW 9A.44.040)
25		Rape of a Child 1 (RCW 9A.44.073)
26		Trafficking 2 (RCW 9A.40.100(2))
27	XI	Manslaughter 1 (RCW 9A.32.060)
28		Rape 2 (RCW 9A.44.050)
29		Rape of a Child 2 (RCW 9A.44.076)
30	X	Child Molestation 1 (RCW 9A.44.083)
31		Indecent Liberties (with forcible
32		compulsion) (RCW
33		9A.44.100(1)(a))
34		Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW
4 70.74.280(3))
5 Sexually Violent Predator Escape
6 (RCW 9A.76.115)
7 IX Abandonment of Dependent Person 1
8 (RCW 9A.42.060)
9 Assault of a Child 2 (RCW 9A.36.130)
10 Criminal Mistreatment 1 (RCW
11 9A.42.020)
12 Explosive devices prohibited (RCW
13 70.74.180)
14 Hit and Run--Death (RCW
15 46.52.020(4)(a))
16 Homicide by Watercraft, by being
17 under the influence of intoxicating
18 liquor or any drug (RCW
19 79A.60.050)
20 Inciting Criminal Profiteering (RCW
21 9A.82.060(1)(b))
22 Malicious placement of an explosive 2
23 (RCW 70.74.270(2))
24 Robbery 1 (RCW 9A.56.200)
25 Sexual Exploitation (RCW 9.68A.040)
26 Vehicular Homicide, by being under
27 the influence of intoxicating
28 liquor or any drug (RCW
29 46.61.520)
30 VIII Arson 1 (RCW 9A.48.020)
31 Homicide by Watercraft, by the
32 operation of any vessel in a
33 reckless manner (RCW
34 79A.60.050)
35 Manslaughter 2 (RCW 9A.32.070)
36 Promoting Prostitution 1 (RCW
37 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)
2 Vehicular Homicide, by the operation
3 of any vehicle in a reckless
4 manner (RCW 46.61.520)
5 VII Burglary 1 (RCW 9A.52.020)
6 Child Molestation 2 (RCW 9A.44.086)
7 Civil Disorder Training (RCW
8 9A.48.120)
9 Dealing in depictions of minor
10 engaged in sexually explicit
11 conduct (RCW 9.68A.050)
12 Drive-by Shooting (RCW 9A.36.045)
13 Homicide by Watercraft, by disregard
14 for the safety of others (RCW
15 79A.60.050)
16 Indecent Liberties (without forcible
17 compulsion) (RCW 9A.44.100(1)
18 (b) and (c))
19 Introducing Contraband 1 (RCW
20 9A.76.140)
21 Malicious placement of an explosive 3
22 (RCW 70.74.270(3))
23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct (RCW
26 9.68A.060)
27 Unlawful Possession of a Firearm in
28 the first degree (RCW
29 9.41.040(1))
30 Use of a Machine Gun in Commission
31 of a Felony (RCW 9.41.225)
32 Vehicular Homicide, by disregard for
33 the safety of others (RCW
34 46.61.520)
35 VI Bail Jumping with Murder 1 (RCW
36 9A.76.170(3)(a))
37 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW
3 9A.72.160)
4 Intimidating a Juror/Witness (RCW
5 9A.72.110, 9A.72.130)
6 Malicious placement of an imitation
7 device 2 (RCW 70.74.272(1)(b))
8 Rape of a Child 3 (RCW 9A.44.079)
9 Theft of a Firearm (RCW 9A.56.300)
10 Unlawful Storage of Ammonia (RCW
11 69.55.020)
12 V ~~((Abandonment of dependent person 1~~
13 ~~(RCW 9A.42.060)))~~
14 Abandonment of Dependent Person 2
15 (RCW 9A.42.070)
16 Advancing money or property for
17 extortionate extension of credit
18 (RCW 9A.82.030)
19 Bail Jumping with class A Felony
20 (RCW 9A.76.170(3)(b))
21 Child Molestation 3 (RCW 9A.44.089)
22 ~~((Criminal Mistreatment 1 (RCW~~
23 ~~9A.42.020)))~~
24 Criminal Mistreatment 2 (RCW
25 9A.42.030)
26 Custodial Sexual Misconduct 1 (RCW
27 9A.44.160)
28 Domestic Violence Court Order
29 Violation (RCW 10.99.040,
30 10.99.050, 26.09.300, 26.10.220,
31 26.26.138, 26.50.110, 26.52.070,
32 or 74.34.145)
33 Extortion 1 (RCW 9A.56.120)
34 Extortionate Extension of Credit
35 (RCW 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Perjury 1 (RCW 9A.72.020)
7 Persistent prison misbehavior (RCW
8 9.94.070)
9 Possession of a Stolen Firearm (RCW
10 9A.56.310)
11 Rape 3 (RCW 9A.44.060)
12 Rendering Criminal Assistance 1
13 (RCW 9A.76.070)
14 Sexual Misconduct with a Minor 1
15 (RCW 9A.44.093)
16 Sexually Violating Human Remains
17 (RCW 9A.44.105)
18 Stalking (RCW 9A.46.110)
19 Taking Motor Vehicle Without
20 Permission 1 (RCW 9A.56.070)
21 IV Arson 2 (RCW 9A.48.030)
22 Assault 2 (RCW 9A.36.021)
23 Assault by Watercraft (RCW
24 79A.60.060)
25 Bribing a Witness/Bribe Received by
26 Witness (RCW 9A.72.090,
27 9A.72.100)
28 Cheating 1 (RCW 9.46.1961)
29 Commercial Bribery (RCW
30 9A.68.060)
31 Counterfeiting (RCW 9.16.035(4))
32 Endangerment with a Controlled
33 Substance (RCW 9A.42.100)
34 Escape 1 (RCW 9A.76.110)
35 Hit and Run--Injury (RCW
36 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4 Indecent Exposure to Person Under
5 Age Fourteen (subsequent sex
6 offense) (RCW 9A.88.010)
7 Influencing Outcome of Sporting
8 Event (RCW 9A.82.070)
9 Malicious Harassment (RCW
10 9A.36.080)
11 Residential Burglary (RCW
12 9A.52.025)
13 Robbery 2 (RCW 9A.56.210)
14 Theft of Livestock 1 (RCW 9A.56.080)
15 Threats to Bomb (RCW 9.61.160)
16 Trafficking in Stolen Property 1 (RCW
17 9A.82.050)
18 Unlawful factoring of a credit card or
19 payment card transaction (RCW
20 9A.56.290(4)(b))
21 Unlawful transaction of health
22 coverage as a health care service
23 contractor (RCW 48.44.016(3))
24 Unlawful transaction of health
25 coverage as a health maintenance
26 organization (RCW 48.46.033(3))
27 Unlawful transaction of insurance
28 business (RCW 48.15.023(3))
29 Unlicensed practice as an insurance
30 professional (RCW 48.17.063(3))
31 Use of Proceeds of Criminal
32 Profiteering (RCW 9A.82.080 (1)
33 and (2))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)
6 Willful Failure to Return from
7 Furlough (RCW 72.66.060)
8 III ~~((Abandonment of dependent person 2-~~
9 ~~(RCW 9A.42.070)))~~
10 Assault 3 (RCW 9A.36.031)
11 Assault of a Child 3 (RCW 9A.36.140)
12 Bail Jumping with class B or C Felony
13 (RCW 9A.76.170(3)(c))
14 Burglary 2 (RCW 9A.52.030)
15 Communication with a Minor for
16 Immoral Purposes (RCW
17 9.68A.090)
18 Criminal Gang Intimidation (RCW
19 9A.46.120)
20 ~~((Criminal Mistreatment 2 (RCW-~~
21 ~~9A.42.030)))~~
22 Custodial Assault (RCW 9A.36.100)
23 Cyberstalking (subsequent conviction
24 or threat of death) (RCW
25 9.61.260(3))
26 Escape 2 (RCW 9A.76.120)
27 Extortion 2 (RCW 9A.56.130)
28 Harassment (RCW 9A.46.020)
29 Intimidating a Public Servant (RCW
30 9A.76.180)
31 Introducing Contraband 2 (RCW
32 9A.76.150)
33 Malicious Injury to Railroad Property
34 (RCW 81.60.070)
35 Patronizing a Juvenile Prostitute
36 (RCW 9.68A.100)
37 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-
4 Barreled Shotgun or Rifle (RCW
5 9.41.190)
6 Promoting Prostitution 2 (RCW
7 9A.88.080)
8 Securities Act violation (RCW
9 21.20.400)
10 Tampering with a Witness (RCW
11 9A.72.120)
12 Telephone Harassment (subsequent
13 conviction or threat of death)
14 (RCW 9.61.230(2))
15 Theft of Livestock 2 (RCW 9A.56.083)
16 Trafficking in Stolen Property 2 (RCW
17 9A.82.055)
18 Unlawful Imprisonment (RCW
19 9A.40.040)
20 Unlawful possession of firearm in the
21 second degree (RCW 9.41.040(2))
22 Vehicular Assault, by the operation or
23 driving of a vehicle with disregard
24 for the safety of others (RCW
25 46.61.522)
26 Willful Failure to Return from Work
27 Release (RCW 72.65.070)
28 II Computer Trespass 1 (RCW
29 9A.52.110)
30 Counterfeiting (RCW 9.16.035(3))
31 Escape from Community Custody
32 (RCW 72.09.310)
33 Health Care False Claims (RCW
34 48.80.030)
35 Identity Theft 2 (RCW 9.35.020(3))
36 Improperly Obtaining Financial
37 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW
2 9A.48.070)
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Theft 1 (RCW 9A.56.030)
6 Theft of Rental, Leased, or Lease-
7 purchased Property (valued at one
8 thousand five hundred dollars or
9 more) (RCW 9A.56.096(5)(a))
10 Trafficking in Insurance Claims (RCW
11 48.30A.015)
12 Unlawful factoring of a credit card or
13 payment card transaction (RCW
14 9A.56.290(4)(a))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlicensed Practice of a Profession or
18 Business (RCW 18.130.190(7))
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of a
25 Mental Health Advance Directive
26 (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW
28 9A.48.080)
29 Mineral Trespass (RCW 78.44.330)
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Taking Motor Vehicle Without
34 Permission 2 (RCW 9A.56.075)
35 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at two
3 hundred fifty dollars or more but
4 less than one thousand five
5 hundred dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063(4))
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW
16 9A.56.320)
17 Unlawful Possession of Payment
18 Instruments (RCW 9A.56.320)
19 Unlawful Possession of a Personal
20 Identification Device (RCW
21 9A.56.320)
22 Unlawful Production of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Trafficking in Food Stamps
25 (RCW 9.91.142)
26 Unlawful Use of Food Stamps (RCW
27 9.91.144)
28 Vehicle Prowl 1 (RCW 9A.52.095)

29 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 July 1, 2005.

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