
Judiciary Committee

HB 1290

Title: An act relating to removing references to faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

Brief Description: Removing references to faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

Sponsors: Representatives Kilduff, Rodne, Haler, Hayes, Lytton, Gregerson, Ormsby, Senn and Bergquist.

Brief Summary of Bill

- Removes a sentence from the criminal mistreatment laws regarding legislative intent to exempt persons who receive Christian Science treatment from being considered deprived of medically necessary health care or abandoned.
- Removes a sentence from the laws regarding abuse of children exempting persons who receive Christian Science treatment from being considered neglected persons.

Hearing Date: 1/25/17

Staff: Audrey Frey (786-7289).

Background:

Criminal mistreatment.

The criminal mistreatment laws include a statement of legislative intent that a person who receives Christian Science treatment by a duly accredited Christian Science practitioner is not considered deprived of medically necessary health care or abandoned.

- "Medically necessary health care" is one of the basic necessities of life.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- "Basic necessities of life" is defined as food, water, shelter, clothing, and medically necessary health care, including, but not limited to, health-related treatment or activities, hygiene, oxygen, and medication.
- "Abandons" means leaving a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life.

A parent or person entrusted with the physical custody of a child or other dependent person is guilty of criminal mistreatment if he or she creates a certain degree of risk of death or bodily harm to the child or dependent person, or causes injury or harm to the child or dependent person by withholding any of the basic necessities of life. Criminal mistreatment ranges from a first degree offense, which is a class B felony, to a fourth degree offense, which is a misdemeanor.

A parent or person entrusted with the physical custody of a child or other dependent person is guilty of the crime of abandonment if he or she recklessly abandons the child or dependent person, and as a result of being abandoned the child or dependent person suffers a certain degree of bodily harm or risk of death or bodily harm. The crime of abandonment ranges from a first degree offense, which is a class B felony, to a third degree offense, which is a gross misdemeanor.

Abuse of children.

The laws regarding abuse of children require certain persons, including practitioners, law enforcement officers, school personnel, and others, to report to law enforcement or the Department of Social and Health Services when they have reasonable cause to believe a child has suffered abuse or neglect.

- "Abuse or neglect" is defined as sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, or the negligent treatment or maltreatment of a child by a person responsible for, or providing care to, the child.
- "Practitioner of the healing arts" or "practitioner" includes persons licensed by the state to practice podiatric medicine and surgery, optometry, dentistry, and certain other types of health services, as well as duly accredited Christian Science practitioners. The definition also provides that a person who is furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person.

Summary of Bill:

Criminal mistreatment.

The following sentence is removed from the criminal mistreatment laws: "It is the intent of the legislature that a person who, in good faith, is furnished Christian Science treatment by a duly accredited Christian Science practitioner in lieu of medical care is not considered deprived of medically necessary health care or abandoned."

Abuse of children.

The following sentence is removed from the laws regarding abuse of children: "A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner

will not be considered, for that reason alone, a neglected person for the purposes of this chapter." The definition of "practitioner" still includes a duly accredited Christian Science practitioner.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.