

ESHB 1080 - S COMM AMD
By Committee on Judiciary

ADOPTED 03/02/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.42.010 and 1997 c 392 s 508 are each amended to
4 read as follows:

5 As used in this chapter:

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

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

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

16 (c) "Great bodily harm" means bodily injury which creates a high
17 probability of death, or which causes serious permanent disfigurement,
18 or which causes a permanent or protracted loss or impairment of the
19 function of any bodily part or organ.

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

21 (4) "Dependent person" means a person who, because of physical or
22 mental disability, or because of extreme advanced age, is dependent
23 upon another person to provide the basic necessities of life. A
24 resident of a nursing home, as defined in RCW 18.51.010, a resident of
25 an adult family home, as defined in RCW 70.128.010, and a frail elder
26 or vulnerable adult, as defined in RCW 74.34.020(~~((+8))~~) (13), is
27 presumed to be a dependent person for purposes of this chapter.

28 (5) "Employed" means hired by a dependent person, another person
29 acting on behalf of a dependent person, or by an organization or
30 governmental entity, to provide to a dependent person any of the basic

1 necessities of life. A person may be "employed" regardless of whether
2 the person is paid for the services or, if paid, regardless of who pays
3 for the person's services.

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

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

9 (8) "Good samaritan" means any individual or group of individuals
10 who: (a) Is not related to the dependent person; (b) voluntarily
11 provides assistance or services of any type to the dependent person;
12 (c) is not paid, given gifts, or made a beneficiary of any assets
13 valued at five hundred dollars or more, for any reason, by the
14 dependent person, the dependent person's family, or the dependent
15 person's estate; and (d) does not commit or attempt to commit any other
16 crime against the dependent person or the dependent person's estate.

17 **Sec. 2.** RCW 9A.42.020 and 1997 c 392 s 510 are each amended to
18 read as follows:

19 (1) A parent of a child, the person entrusted with the physical
20 custody of a child or dependent person, a person who has assumed the
21 responsibility to provide to a dependent person the basic necessities
22 of life, or a person employed to provide to the child or dependent
23 person the basic necessities of life is guilty of criminal mistreatment
24 in the first degree if he or she recklessly, as defined in RCW
25 9A.08.010, causes great bodily harm to a child or dependent person by
26 withholding any of the basic necessities of life.

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

28 **Sec. 3.** RCW 9A.42.030 and 1997 c 392 s 511 are each amended to
29 read as follows:

30 (1) A parent of a child, the person entrusted with the physical
31 custody of a child or dependent person, a person who has assumed the
32 responsibility to provide to a dependent person the basic necessities
33 of life, or a person employed to provide to the child or dependent
34 person the basic necessities of life is guilty of criminal mistreatment
35 in the second degree if he or she recklessly, as defined in RCW

1 9A.08.010, either (a) creates an imminent and substantial risk of death
2 or great bodily harm, or (b) causes substantial bodily harm by
3 withholding any of the basic necessities of life.

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

5 **Sec. 4.** RCW 9A.42.035 and 2000 c 76 s 1 are each amended to read
6 as follows:

7 (1) A person is guilty of the crime of criminal mistreatment in the
8 third degree if the person is the parent of a child, is a person
9 entrusted with the physical custody of a child or other dependent
10 person, is a person who has assumed the responsibility to provide to a
11 dependent person the basic necessities of life, or is a person employed
12 to provide to the child or dependent person the basic necessities of
13 life, and either:

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

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

20 (2) For purposes of this section, "a person who has assumed the
21 responsibility to provide to a dependent person the basic necessities
22 of life" means a person other than: (a) A government agency that
23 regularly provides assistance or services to dependent persons,
24 including but not limited to the department of social and health
25 services; or (b) a good samaritan as defined in RCW 9A.42.010.

26 (3) Criminal mistreatment in the third degree is a gross
27 misdemeanor.

28 **Sec. 5.** RCW 9A.42.037 and 2002 c 219 s 2 are each amended to read
29 as follows:

30 (1) A person is guilty of the crime of criminal mistreatment in the
31 fourth degree if the person is the parent of a child, is a person
32 entrusted with the physical custody of a child or other dependent
33 person, is a person who has assumed the responsibility to provide to a
34 dependent person the basic necessities of life, or is a person employed
35 to provide to the child or dependent person the basic necessities of
36 life, and either:

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

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

8 (2) For purposes of this section, "a person who has assumed the
9 responsibility to provide to a dependent person the basic necessities
10 of life" means a person other than: (a) A government agency that
11 regularly provides assistance or services to dependent persons,
12 including but not limited to the department of social and health
13 services; or (b) a good samaritan as defined in RCW 9A.42.010.

14 (3) Criminal mistreatment in the fourth degree is a misdemeanor.

15 **Sec. 6.** RCW 9A.42.060 and 2002 c 331 s 3 are each amended to read
16 as follows:

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

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

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

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

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

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

34 **Sec. 7.** RCW 9A.42.070 and 2002 c 331 s 4 are each amended to read
35 as follows:

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

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

9 (b) The person recklessly abandons the child or other dependent
10 person; and:

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

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

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

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

21 **Sec. 8.** RCW 9A.42.080 and 2002 c 331 s 5 are each amended to read
22 as follows:

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

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

31 (b) The person recklessly abandons the child or other dependent
32 person; and:

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

35 (ii) Abandoning the child or other dependent person creates an
36 imminent and substantial risk that the child or other person will
37 suffer substantial bodily harm.

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

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

6 **Sec. 9.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are
7 each reenacted and amended to read as follows:

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XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083)

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape
10 (RCW 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Criminal Mistreatment 1 (RCW
15 9A.42.020)
16 Explosive devices prohibited (RCW
17 70.74.180)
18 Hit and Run--Death (RCW
19 46.52.020(4)(a))
20 Homicide by Watercraft, by being
21 under the influence of intoxicating
22 liquor or any drug (RCW
23 79A.60.050)
24 Inciting Criminal Profiteering (RCW
25 9A.82.060(1)(b))
26 Malicious placement of an explosive 2
27 (RCW 70.74.270(2))
28 Robbery 1 (RCW 9A.56.200)
29 Sexual Exploitation (RCW 9.68A.040)
30 Vehicular Homicide, by being under
31 the influence of intoxicating liquor
32 or any drug (RCW 46.61.520)
33 VIII Arson 1 (RCW 9A.48.020)
34 Homicide by Watercraft, by the
35 operation of any vessel in a
36 reckless manner (RCW
37 79A.60.050)

1 Manslaughter 2 (RCW 9A.32.070)
2 Promoting Prostitution 1 (RCW
3 9A.88.070)
4 Theft of Ammonia (RCW 69.55.010)
5 Vehicular Homicide, by the operation
6 of any vehicle in a reckless
7 manner (RCW 46.61.520)
8 VII Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Civil Disorder Training (RCW
11 9A.48.120)
12 Dealing in depictions of minor
13 engaged in sexually explicit
14 conduct (RCW 9.68A.050)
15 Drive-by Shooting (RCW 9A.36.045)
16 Homicide by Watercraft, by disregard
17 for the safety of others (RCW
18 79A.60.050)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1)
21 (b) and (c))
22 Introducing Contraband 1 (RCW
23 9A.76.140)
24 Malicious placement of an explosive 3
25 (RCW 70.74.270(3))
26 Negligently Causing Death By Use of
27 a Signal Preemption Device
28 (RCW 46.37.675)
29 Sending, bringing into state depictions
30 of minor engaged in sexually
31 explicit conduct (RCW
32 9.68A.060)
33 Unlawful Possession of a Firearm in
34 the first degree (RCW
35 9.41.040(1))
36 Use of a Machine Gun in Commission
37 of a Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW
9 9A.72.160)
10 Intimidating a Juror/Witness (RCW
11 9A.72.110, 9A.72.130)
12 Malicious placement of an imitation
13 device 2 (RCW 70.74.272(1)(b))
14 Rape of a Child 3 (RCW 9A.44.079)
15 Theft of a Firearm (RCW 9A.56.300)
16 Unlawful Storage of Ammonia (RCW
17 69.55.020)

18 V (~~Abandonment of dependent person 1~~
19 ~~(RCW 9A.42.060))~~)
20 Abandonment of Dependent Person 2
21 (RCW 9A.42.070)
22 Advancing money or property for
23 extortionate extension of credit
24 (RCW 9A.82.030)
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 (~~Criminal Mistreatment 1 (RCW~~
29 ~~9A.42.020))~~)
30 Criminal Mistreatment 2 (RCW
31 9A.42.030)
32 Custodial Sexual Misconduct 1 (RCW
33 9A.44.160)

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit
8 (RCW 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Perjury 1 (RCW 9A.72.020)
15 Persistent prison misbehavior (RCW
16 9.94.070)
17 Possession of a Stolen Firearm (RCW
18 9A.56.310)
19 Rape 3 (RCW 9A.44.060)
20 Rendering Criminal Assistance 1
21 (RCW 9A.76.070)
22 Sexual Misconduct with a Minor 1
23 (RCW 9A.44.093)
24 Sexually Violating Human Remains
25 (RCW 9A.44.105)
26 Stalking (RCW 9A.46.110)
27 Taking Motor Vehicle Without
28 Permission 1 (RCW 9A.56.070)
29 IV Arson 2 (RCW 9A.48.030)
30 Assault 2 (RCW 9A.36.021)
31 Assault 3 (of a Peace Officer with a
32 Projectile Stun Gun) (RCW
33 9A.36.031(1)(h))
34 Assault by Watercraft (RCW
35 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW
6 9A.68.060)
7 Counterfeiting (RCW 9.16.035(4))
8 Endangerment with a Controlled
9 Substance (RCW 9A.42.100)
10 Escape 1 (RCW 9A.76.110)
11 Hit and Run--Injury (RCW
12 46.52.020(4)(b))
13 Hit and Run with Vessel--Injury
14 Accident (RCW 79A.60.200(3))
15 Identity Theft 1 (RCW 9.35.020(2))
16 Indecent Exposure to Person Under
17 Age Fourteen (subsequent sex
18 offense) (RCW 9A.88.010)
19 Influencing Outcome of Sporting
20 Event (RCW 9A.82.070)
21 Malicious Harassment (RCW
22 9A.36.080)
23 Residential Burglary (RCW
24 9A.52.025)
25 Robbery 2 (RCW 9A.56.210)
26 Theft of Livestock 1 (RCW 9A.56.080)
27 Threats to Bomb (RCW 9.61.160)
28 Trafficking in Stolen Property 1 (RCW
29 9A.82.050)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(4)(b))
33 Unlawful transaction of health
34 coverage as a health care service
35 contractor (RCW 48.44.016(3))

1 Unlawful transaction of health
2 coverage as a health maintenance
3 organization (RCW 48.46.033(3))
4 Unlawful transaction of insurance
5 business (RCW 48.15.023(3))
6 Unlicensed practice as an insurance
7 professional (RCW 48.17.063(3))
8 Use of Proceeds of Criminal
9 Profiteering (RCW 9A.82.080 (1)
10 and (2))
11 Vehicular Assault, by being under the
12 influence of intoxicating liquor or
13 any drug, or by the operation or
14 driving of a vehicle in a reckless
15 manner (RCW 46.61.522)
16 Willful Failure to Return from
17 Furlough (RCW 72.66.060)
18 III ~~((Abandonment of dependent person 2~~
19 ~~(RCW 9A.42.070)))~~
20 Assault 3 (Except Assault 3 of a Peace
21 Officer With a Projectile Stun
22 Gun) (RCW 9A.36.031 except
23 subsection (1)(h))
24 Assault of a Child 3 (RCW 9A.36.140)
25 Bail Jumping with class B or C Felony
26 (RCW 9A.76.170(3)(c))
27 Burglary 2 (RCW 9A.52.030)
28 Communication with a Minor for
29 Immoral Purposes (RCW
30 9.68A.090)
31 Criminal Gang Intimidation (RCW
32 9A.46.120)
33 ~~((Criminal Mistreatment 2 (RCW~~
34 ~~9A.42.030)))~~
35 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction
2 or threat of death) (RCW
3 9.61.260(3))
4 Escape 2 (RCW 9A.76.120)
5 Extortion 2 (RCW 9A.56.130)
6 Harassment (RCW 9A.46.020)
7 Intimidating a Public Servant (RCW
8 9A.76.180)
9 Introducing Contraband 2 (RCW
10 9A.76.150)
11 Malicious Injury to Railroad Property
12 (RCW 81.60.070)
13 Negligently Causing Substantial Bodily
14 Harm By Use of a Signal
15 Preemption Device (RCW
16 46.37.674)
17 Patronizing a Juvenile Prostitute
18 (RCW 9.68A.100)
19 Perjury 2 (RCW 9A.72.030)
20 Possession of Incendiary Device (RCW
21 9.40.120)
22 Possession of Machine Gun or Short-
23 Barreled Shotgun or Rifle (RCW
24 9.41.190)
25 Promoting Prostitution 2 (RCW
26 9A.88.080)
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death)
33 (RCW 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Trafficking in Stolen Property 2 (RCW
36 9A.82.055)

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(2))
5 Vehicular Assault, by the operation or
6 driving of a vehicle with disregard
7 for the safety of others (RCW
8 46.61.522)
9 Willful Failure to Return from Work
10 Release (RCW 72.65.070)
11 II Computer Trespass 1 (RCW
12 9A.52.110)
13 Counterfeiting (RCW 9.16.035(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Health Care False Claims (RCW
17 48.80.030)
18 Identity Theft 2 (RCW 9.35.020(3))
19 Improperly Obtaining Financial
20 Information (RCW 9.35.010)
21 Malicious Mischief 1 (RCW
22 9A.48.070)
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Theft 1 (RCW 9A.56.030)
26 Theft of Rental, Leased, or Lease-
27 purchased Property (valued at one
28 thousand five hundred dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Trafficking in Insurance Claims (RCW
31 48.30A.015)
32 Unlawful factoring of a credit card or
33 payment card transaction (RCW
34 9A.56.290(4)(a))
35 Unlawful Practice of Law (RCW
36 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 I Attempting to Elude a Pursuing Police
4 Vehicle (RCW 46.61.024)
5 False Verification for Welfare (RCW
6 74.08.055)
7 Forgery (RCW 9A.60.020)
8 Fraudulent Creation or Revocation of a
9 Mental Health Advance Directive
10 (RCW 9A.60.060)
11 Malicious Mischief 2 (RCW
12 9A.48.080)
13 Mineral Trespass (RCW 78.44.330)
14 Possession of Stolen Property 2 (RCW
15 9A.56.160)
16 Reckless Burning 1 (RCW 9A.48.040)
17 Taking Motor Vehicle Without
18 Permission 2 (RCW 9A.56.075)
19 Theft 2 (RCW 9A.56.040)
20 Theft of Rental, Leased, or Lease-
21 purchased Property (valued at two
22 hundred fifty dollars or more but
23 less than one thousand five
24 hundred dollars) (RCW
25 9A.56.096(5)(b))
26 Transaction of insurance business
27 beyond the scope of licensure
28 (RCW 48.17.063(4))
29 Unlawful Issuance of Checks or Drafts
30 (RCW 9A.56.060)
31 Unlawful Possession of Fictitious
32 Identification (RCW 9A.56.320)
33 Unlawful Possession of Instruments of
34 Financial Fraud (RCW
35 9A.56.320)
36 Unlawful Possession of Payment
37 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal
2 Identification Device (RCW
3 9A.56.320)
4 Unlawful Production of Payment
5 Instruments (RCW 9A.56.320)
6 Unlawful Trafficking in Food Stamps
7 (RCW 9.91.142)
8 Unlawful Use of Food Stamps (RCW
9 9.91.144)
10 Vehicle Prowl 1 (RCW 9A.52.095)"

ESHB 1080 - S COMM AMD
By Committee on Judiciary

ADOPTED 03/02/2006

11 On page 1, line 2 of the title, after "person;" strike the
12 remainder of title and insert "amending RCW 9A.42.010, 9A.42.020,
13 9A.42.030, 9A.42.035, 9A.42.037, 9A.42.060, 9A.42.070, and 9A.42.080;
14 reenacting and amending RCW 9.94A.515; and prescribing penalties."

--- END ---