
**Criminal Justice & Corrections
Committee**

HB 1080

Brief Description: Protecting dependent persons.

Sponsors: Representatives McDonald, O'Brien and Morrell.

Brief Summary of Bill

- Expands the circumstances under which a person can be found guilty of criminal mistreatment and abandonment of a dependent person.
- Increases the penalties for criminal mistreatment in the first and second degrees and abandonment of a dependent person in the first and second degrees.

Hearing Date: 1/27/05

Staff: Jim Morishima (786-7191).

Background:

I. Criminal Mistreatment

In general, a person commits criminal mistreatment if he or she:

- Is the parent of a child, is a person entrusted with the physical custody of a child or dependent person, or is employed to provide a child or dependent person with the basic necessities of life; and
- Withholds the basic necessities of life from the child or dependent person.

The penalty for criminal mistreatment depends on the intent of the perpetrator and the harm caused to the victim. For example, it is criminal mistreatment in the first degree if the perpetrator recklessly causes great bodily harm to the child or dependent person. Criminal mistreatment in the first degree is a class B felony with a seriousness level of V. Additionally, it is criminal mistreatment in the second degree if the person recklessly creates an imminent and substantial risk of death or great bodily harm or recklessly causes substantial bodily harm. Criminal mistreatment in the second degree is a class C felony with a seriousness level of III.

II. Abandonment

In general, a person commits abandonment of a dependent person if he or she:

- Is the parent of a child, is a person entrusted with the physical custody of a child or dependent person, or is employed to provide a child or dependent person with the basic necessities of life; and
- Abandons the dependent person.

As with criminal mistreatment, the penalty for abandonment of a dependent person depends on the intent of the perpetrator and the harm caused to the victim. For example, it is abandonment of a dependent person in the first degree if the perpetrator recklessly causes great bodily harm. Abandonment of a dependent person in the first degree is a class B felony with a seriousness level of V. Additionally, it is abandonment of a dependent person in the second degree if the perpetrator recklessly creates an imminent and substantial risk of death or great bodily harm or recklessly causes substantial bodily harm. Abandonment of a dependent person in the second degree is a class C felony with a seriousness level of III.

Summary of Bill:

I. Criminal Mistreatment

The circumstances under which a person can be guilty of criminal mistreatment are expanded to include when a person who has assumed the responsibility to provide a dependent person the basic necessities of life withholds the basic necessities of life.

The seriousness level for criminal mistreatment in the first degree is increased from V to IX. The seriousness level for criminal mistreatment in the second degree is increased from III to V.

II. Abandonment

The circumstances under which a person can be guilty of abandonment of a dependent person are expanded to include when a person who assumed the responsibility to provide a dependent person the basic necessities of life abandons the dependent person.

The seriousness level for abandonment of a dependent person in the first degree is increased from V to IX. The seriousness level for abandonment of a dependent person in the second degree is increased from III to V.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2005.