
SECOND SUBSTITUTE SENATE BILL 5002

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Smith, Haugen, Winsley, McCaslin, Wojahn, C. Anderson, Rasmussen, Moyer, Prentice, Rinehart, Long, Quigley, McAuliffe and Kohl)

Read first time 01/18/96.

1 AN ACT Relating to assault; amending RCW 9A.36.031; and prescribing
2 penalties.

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

4 **Sec. 1.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to read
5 as follows:

6 (1) A person is guilty of assault in the third degree if he or she,
7 under circumstances not amounting to assault in the first or second
8 degree:

9 (a) With intent to prevent or resist the execution of any lawful
10 process or mandate of any court officer or the lawful apprehension or
11 detention of himself or another person, assaults another; or

12 (b) Assaults a person employed as a transit operator or driver by
13 a public or private transit company while that person is operating or
14 is in control of a vehicle that is owned or operated by the transit
15 company and that is occupied by one or more passengers; or

16 (c) Assaults a school bus driver employed by a school district or
17 a private company under contract for transportation services with a
18 school district while the driver is operating or is in control of a
19 school bus that is occupied by one or more passengers; or

1 (d) With criminal negligence, causes bodily harm to another person
2 by means of a weapon or other instrument or thing likely to produce
3 bodily harm; or

4 (e) Assaults a fire fighter or other employee of a fire department,
5 county fire marshal's office or county fire prevention bureau, or fire
6 protection district who was performing his or her official duties at
7 the time of the assault; or

8 (f) With criminal negligence, causes bodily harm accompanied by
9 substantial pain that extends for a period sufficient to cause
10 considerable suffering; or

11 (g) Assaults a law enforcement officer or other employee of a law
12 enforcement agency who was performing his or her official duties at the
13 time of the assault; or

14 (h) Assaults a nurse or health care provider who was performing his
15 or her nursing or health care duties at the time of the assault. For
16 purposes of this subsection, "nurse" means a person licensed under
17 chapter 18.79 RCW. "Health care provider" means a person licensed
18 under chapter 18.73 RCW who performs emergency medical services and is
19 employed by a public agency or a person licensed under Title 18 RCW and
20 employed by, or contracting with, a hospital licensed under chapter
21 70.41 RCW.

22 (2) Assault in the third degree is a class C felony.

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