
HOUSE BILL 1047

State of Washington

62nd Legislature

2011 Regular Session

By Representative Hunt

Prefiled 01/03/11. Read first time 01/10/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to code enforcement officers; amending RCW
2 9A.36.031; creating a new section; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.36.031 and 2005 c 458 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, the
13 immediate supervisor of a transit operator or driver, a mechanic, or a
14 security officer, by a public or private transit company or a
15 contracted transit service provider, while that person is performing
16 his or her official duties at the time of the assault; or

17 (c) Assaults a school bus driver, the immediate supervisor of a
18 driver, a mechanic, or a security officer, employed by a school

1 district transportation service or a private company under contract for
2 transportation services with a school district, while the person is
3 performing his or her official duties at the time of the assault; or

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

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

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

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

17 (h) Assaults a peace officer with a projectile stun gun; or

18 (i)(i) Assaults a code enforcement officer who was performing his
19 or her official duties at the time of the assault.

20 (ii) For purposes of this subsection, "code enforcement officer"
21 means any person, other than a law enforcement officer or other
22 employee of a law enforcement agency:

23 (A) Who is employed by an agency, as defined in RCW 42.17.020, that
24 has enforcement authority for health, safety, and welfare requirements;

25 (B) Whose duties include enforcement of any statute, rule,
26 regulation, or standard; and

27 (C) Who is authorized to issue civil infractions, criminal
28 citations, or notices of violation; or

29 (j) Assaults a nurse, physician, or health care provider who was
30 performing his or her nursing or health care duties at the time of the
31 assault. For purposes of this subsection: "Nurse" means a person
32 licensed under chapter 18.79 RCW; "physician" means a person licensed
33 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
34 person certified under chapter 18.71 or 18.73 RCW who performs
35 emergency medical services or a person regulated under Title 18 RCW and
36 employed by, or contracting with, a hospital licensed under chapter
37 70.41 RCW.

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

1 NEW SECTION. **Sec. 2.** This act does not in any way affect a code
2 enforcement officer's eligibility or ineligibility for membership in
3 the Washington law enforcement officers' and firefighters' retirement
4 system.

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