

HOUSE BILL REPORT

HB 2248

As Reported By House Committee On:
Corrections

Title: An act relating to assault.

Brief Description: Escalating penalties for gang assaults.

Sponsors: Representatives Chappell, Brumsickle, Campbell, Kessler, Orr, Karahalios, Kremen, Schoesler, Cothorn, Ogden, Springer, Van Luven, Johanson, Sheldon, Brough, Carlson, Long, Basich, L. Johnson, Backlund, Quall and Rayburn.

Brief History:

Reported by House Committee on:
Corrections, February 3, 1994, DPS.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Moak and Padden.

Staff: Kristen Lichtenberg (786-7156).

Background: Under present law, a person commits fourth degree assault when he or she assaults another under circumstances not amounting to a higher degree of assault. Fourth degree assault therefore excludes circumstances involving weapons, assaults on peace officers, or assaults inflicting substantial bodily harm. Typically, fourth degree assault involves a "simple" assault, *i.e.*, a fist fight without weapons. The law provides no additional penalty for those who act together to commit a fourth degree assault against a single victim.

Fourth degree assault is a gross misdemeanor, and therefore is not ranked on the Sentencing Reform Act (SRA) seriousness scale. It is punishable by up to one year in jail. Third degree assault is a class C felony. The SRA ranks it as a level III offense, which means that a first-time offender would receive a sentence of between one and three months in jail.

Summary of Substitute Bill: A person commits third degree assault when, under circumstances not amounting to first or second degree assault, he or she acts in concert with another person in assaulting a single victim and inflicts bodily harm.

Substitute Bill Compared to Original Bill: The substitute adds a bodily harm requirement.

Fiscal Note: Requested January 17, 1994.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Two or more individuals who "gang up" on a single victim should be charged with more than fourth degree assault.

Testimony Against: None.

Witnesses: Representative Dave Chappell, Prime Sponsor (pro).