

1 **SSB 5002 - H AMD 474**

2 By Representatives Sterk, Cody and others

3 Strike everything after the enacting clause and insert the  
4 following:

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

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

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

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

20 (c) Assaults a school bus driver employed by a school district  
21 or a private company under contract for transportation services  
22 with a school district while the driver is operating or is in  
23 control of a school bus that is occupied by one or more passengers;  
24 or

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

28 (e) Assaults a fire fighter or other employee of a fire  
29 department or fire protection district who was performing his or  
30 her official duties at the time of the assault; or

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

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

7 (h) Assaults a nurse or a physician who was performing,  
8 rendering or administering emergency medical care at the time of  
9 the assault. For purposes of this subsection, "nurse" means a  
10 person licensed under chapter 18.79 RCW. For purposes of this  
11 subsection, "physician" means a person licensed under chapter 18.71  
12 RCW.

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

14  
15 NEW SECTION. Sec. 2. It is the intent of the legislature that  
16 RCW 9A.36.031(1)(h) not be construed to affect the law regarding  
17 the criminal liability of insane persons or persons incompetent to  
18 stand trial."

19 Correct the title accordingly.

20  
21 **EFFECT:** Provides that assault of a nurse of physician is  
22 a felony offense.  
23

--- END ---