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SENATE BILL 5681

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State of Washington

55th Legislature

1997 Regular Session

By Senators McCaslin, Hargrove, Johnson, Haugen, McAuliffe, Long and Roach

Read first time 02/07/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to third degree assault of health care personnel;  
2 amending RCW 9A.36.031; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.36.031 and 1996 c 266 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, 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, physician, or health care provider who was  
15 performing his or her nursing or health care duties at the time of the  
16 assault. For purposes of this subsection: "Nurse" means a person  
17 licensed under chapter 18.79 RCW; "physician" means a person licensed  
18 under chapter 18.57 or 18.71 RCW; and "health care provider" means a  
19 person certified under chapter 18.71 or 18.73 RCW who performs  
20 emergency medical services or a person regulated under Title 18 RCW and  
21 employed by, or contracting with, a hospital licensed under chapter  
22 70.41 RCW.

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

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