

HOUSE BILL REPORT

HB 1442

As Amended by the Senate

Title: An act relating to assault on transit employees or customers.

Brief Description: Extending protection of transit employees and customers.

Sponsors: Representatives Edwards, Radcliff, Scott, Wolfe, Reardon, Sheahan, Lovick, Fisher, O'Brien, Santos, Romero, Kenney, Conway, Ogden, Dickerson, Haigh and Keiser.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/12/99, 2/24/99 [DP].

Floor Activity:

Passed House: 3/9/99, 67-30.

Senate Amended.

Passed Senate: 4/8/99, 32-14.

Brief Summary of Bill

- Provides that what would otherwise be a misdemeanor fourth-degree assault is a felony third-degree assault if committed against:
 - (1) Any person employed by a public or private transit company, or contracted transit provider while performing his or her official duties.
 - (2) A person using transit equipment, services, or facilities.
 - (3) Any person employed by a school district transportation service or a private company under contract for transportation services with a school district while performing his or her official duties.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 6 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

Minority Report: Do not pass. Signed by 2 members: Representatives Cairnes, Republican Vice Chair and Koster.

Staff: Jean Ann Quinn (786-7310).

Background:

The criminal code divides the crime of assault into four degrees, and into some specific separate crimes. The various crimes are distinguished by the state of mind of the offender, the extent of injury done to the victim, whether or not a weapon was used, and who the victim was.

Fourth-degree assault, sometimes called "simple assault," is a gross misdemeanor. Any assault that does not fall within the definition of one of the other degrees or definitions of the crime is fourth-degree assault. Third-degree assault, the lowest level of felony assault, is a class C felony. Generally, in order to amount to third-degree assault, an assault must involve causing some bodily harm with a weapon, or must involve otherwise causing bodily harm that is "accompanied by substantial pain that extends for a period sufficient to cause considerable suffering."

However, the Legislature has also provided that with respect to certain victims, an assault that would otherwise be a gross misdemeanor will be a felony. That is, with respect to these victims, there is no need to show bodily harm caused by a weapon, or accompanied by substantial pain, in order for the crime to be a felony. A fourth-degree assault becomes a class C felony if committed against:

- A person employed as a transit operator or driver by a public or private transit company.
- A public or private school bus driver.
- A firefighter or other person employed by a fire department.
- A law enforcement officer.
- A nurse, physician, or health care provider.

An otherwise misdemeanor assault against one of these victims becomes a felony only if the victim is engaged in his or her job-related duties at the time of the assault.

Summary of Bill:

What would otherwise be a misdemeanor fourth-degree assault also becomes a felony third-degree assault if committed against:

- Any person employed by a public or private transit company or a contracted transit service provider while that person is performing his or her official duties.
- A person using transit equipment, services, or facilities.
- Any person employed by a school district transportation service or a private company under contract for transportation services with a school district while that person is performing his or her official duties.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment restricts coverage to certain employees of a transit company or contracted transit service provider, specifically the immediate supervisors of transit operators and drivers, mechanics, and security officers. The House bill covered all employees and customers of a transit company or contracted transit service provider.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill is part of an overall plan to improve security on all transit systems throughout the state. It builds on a bill passed last year, dealing with assaults on bus drivers, by also protecting other employees and customers. This is important because the security problems are getting worse every year. Assaults are particularly dangerous within the small confines of a bus, and people are especially vulnerable because they cannot flee. Making buses safer will aid in the effort to attract people to mass transit. Raising this type of assault to a felony will help private security people be more effective.

Testimony Against: The law should not create special classes of victims. It is appropriate to have different degrees of assault, but there should not be different degrees of victims. The 14th Amendment to the United States Constitution guarantees everyone equal protection under the law. Everyone hurts the same, and they should be treated the same.

Testified: (In support) Representative Jeanne Edwards, prime sponsor; Jim Fitzgerald, Amalgamated Transit Union #1015; Barry Samet, Amalgamated Transit Union #587; Ramona Davis, Amalgamated Transit Union #587; Steve Lindstrom, C-Tran, Clark County; Joyce Olson, Community Transit; and Jim Walker, Community Transit.

(Opposed) Merton Cooper.