

HOUSE BILL ANALYSIS

HB 1442

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.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

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; and*
- *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:

What would otherwise be a misdemeanor fourth-degree assault 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; and*
- *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.*

Fiscal Note: Requested on February 2, 1999.

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