

# SENATE BILL REPORT

## HB 1442

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As Reported By Senate Committee On:  
Judiciary, April 2, 1999

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

**Committee Activity:** Judiciary: 4/1/99, 4/2/99 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, McCaslin and Thibaudeau.

**Staff:** Dick Armstrong (786-7460)

**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 Amended Bill:** The statute that makes it a felony to assault a transit driver who is performing official duties is expanded to cover assaults against transit mechanics, transit security officers and the immediate supervisor of a transit driver, if such persons are performing official duties at the time of the assault.

**Amended Bill Compared to Original Bill:** The House bill applied to all employees and customers of a transit company. The bill as amended applies only to specified employees.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** There is a real need to do something to help out transit employees who are assaulted on a frequent basis. There are too many assaults and they are getting to be more serious. People need to realize that assaulting a transit employee is a serious matter and should not be just a gross misdemeanor. Prosecutors do not take misdemeanors seriously and the penalty should be a felony.

**Testimony Against:** None.

**Testified:** PRO: Barry Samet, ATU 587; Jackie White, WA State Transit Assn.; Fred Ropes, Olympia Transit System, ATU 1384; Jim Jackson, ATU 587; Mark Powell, ATU Legislative Council.