

SENATE BILL REPORT

SSB 5492

As Passed Senate, March 16, 1999

Title: An act relating to assault on transit employees.

Brief Description: Extending protection of transit employees.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Haugen, Long, Shin, Goings and Winsley).

Brief History:

Committee Activity: Judiciary: 2/15/99, 3/3/99 [DPS].

Failed Senate, 3/12/99, 24-21. Reconsidered: Passed Senate, 3/16/99, 28-20.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass.

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

Staff: Dick Armstrong (786-7460)

Background: An assault, in its simplest form, has been defined by case law as any intentional offensive touching or striking of another, regardless of whether any actual physical harm is done to the victim. An act of assault may range from spitting on someone to inflicting a permanently disabling or disfiguring injury. 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 was the victim.

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 public or private transit vehicle driver;

- a public or private school bus driver;
- a fire fighter;
- a law enforcement officer;
- personnel or volunteers at a juvenile corrections facility;
- personnel or volunteers at an adult corrections facility; and
- personnel or volunteers involved in community corrections.

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: 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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: A safe environment on transit vehicles for customers is essential to promote safe mass transit. Buses should be safe. Transit officials have increased security, but more needs to be done. There has been an increase in the number of assaults of bus drivers in King County. The bill is a tool to help transit employees.

Testimony Against: This bill provides special status to some people and violates equal protection. If someone is shot or otherwise assaulted, they hurt the same whether they are near a bus or if they are not near a bus.

Testified: Barry Samet, Amalgamated Transit Union (pro); Joyce Olson, Community Transit (pro); Merton Cooper (con).