

SENATE BILL REPORT

SB 5492

As Reported By Senate Committee On:
Judiciary, March 3, 1999

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

Brief Description: Extending protection of transit employees and customers.

Sponsors: Senators Haugen, Long, Shin, Goings and Winsley.

Brief History:

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

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 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 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 Substitute Bill: The statute that makes it a felony to assault a bus driver for a school or transit company while performing his or her official duties is expanded to cover assaults against mechanics, security officers, and the immediate supervisor of a bus or transit driver who are performing official duties.

Substitute Bill Compared to Original Bill: The original bill would have covered all employees and customers of a school bus system or a public or private transit system.

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).