
HOUSE BILL 2374

State of Washington 56th Legislature 2000 Regular Session

By Representatives Carlson, Skinner, Keiser and Rockefeller

Read first time . Referred to Committee on .

1 AN ACT Relating to assaults on school employees; amending RCW
2 9A.36.031 and 9A.36.140; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.36.031 and 1999 c 328 s 1 are each amended to read
5 as follows:

6 (1) A person is guilty of assault in the third degree if he or she,
7 under circumstances not amounting to assault in the first or second
8 degree:

9 (a) With intent to prevent or resist the execution of any lawful
10 process or mandate of any court officer or the lawful apprehension or
11 detention of himself or another person, assaults another; or

12 (b) With criminal negligence, causes bodily harm to another person
13 by means of a weapon or other instrument or thing likely to produce
14 bodily harm; or

15 (c) With criminal negligence, causes bodily harm accompanied by
16 substantial pain that extends for a period sufficient to cause
17 considerable suffering; or

18 (d) Assaults a person employed as a transit operator or driver, the
19 immediate supervisor of a transit operator or driver, a mechanic, or a

1 security officer, by a public or private transit company or a
2 contracted transit service provider, while that person is performing
3 his or her official duties at the time of the assault; or

4 ~~((e))~~ (e) Assaults a school bus driver, the immediate supervisor
5 of a driver, a mechanic, or a security officer, employed by a school
6 district transportation service or a private company under contract for
7 transportation services with a school district, while the person is
8 performing his or her official duties at the time of the assault; or

9 ~~((d) With criminal negligence, causes bodily harm to another
10 person by means of a weapon or other instrument or thing likely to
11 produce bodily harm; or~~

12 (e)) (f) Assaults a fire fighter or other employee of a fire
13 department, county fire marshal's office, county fire prevention
14 bureau, or fire protection district who was performing his or her
15 official duties at the time of the assault; or

16 ~~((f) With criminal negligence, causes bodily harm accompanied by
17 substantial pain that extends for a period sufficient to cause
18 considerable suffering; or))~~

19 (g) Assaults a law enforcement officer or other employee of a law
20 enforcement agency who was performing his or her official duties at the
21 time of the assault; or

22 (h) Assaults a nurse, physician, or health care provider who was
23 performing his or her nursing or health care duties at the time of the
24 assault. For purposes of this subsection: "Nurse" means a person
25 licensed under chapter 18.79 RCW; "physician" means a person licensed
26 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
27 person certified under chapter 18.71 or 18.73 RCW who performs
28 emergency medical services or a person regulated under Title 18 RCW and
29 employed by, or contracting with, a hospital licensed under chapter
30 70.41 RCW; or

31 (i) Assaults an employee of a public school district or of an
32 elementary or secondary private school while the employee is performing
33 his or her official duties.

34 (2) Assault in the third degree is a class C felony.

35 **Sec. 2.** RCW 9A.36.140 and 1992 c 145 s 3 are each amended to read
36 as follows:

37 (1) A person eighteen years of age or older is guilty of the crime
38 of assault of a child in the third degree if the child is under the age

1 of thirteen and the person commits the crime of assault in the third
2 degree as defined in RCW 9A.36.031(1)((~~(d)~~ or (~~f~~)) (b) or (c) against
3 the child.

4 (2) Assault of a child in the third degree is a class C felony.

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