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HOUSE BILL 1442

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AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Edwards, Radcliff, Scott, Wolfe, Reardon, Sheahan, Lovick, Fisher, O'Brien, Santos, Romero, Kenney, Conway, Ogden, Dickerson, Haigh and Keiser

Read first time 01/25/1999. Referred to Committee on Criminal Justice & Corrections.

1            AN ACT Relating to assault on transit employees or customers;  
2 amending RCW 9A.36.031; and prescribing penalties.

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

4            **Sec. 1.** RCW 9A.36.031 and 1998 c 94 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) Assaults a person employed as a transit operator or driver, the  
13 immediate supervisor of a transit operator or driver, a mechanic, or a  
14 security officer, by a public or private transit company or a  
15 contracted transit service provider, while that person is performing  
16 his or her official duties at the time of the assault; or

17            (c) Assaults a school bus driver, the immediate supervisor of a  
18 driver, a mechanic, or a security officer, employed by a school  
19 district transportation service or a private company under contract for

1 transportation services with a school district, while the ((driver))  
2 person is performing his or her official duties at the time of the  
3 assault; or

4 (d) With criminal negligence, causes bodily harm to another person  
5 by means of a weapon or other instrument or thing likely to produce  
6 bodily harm; or

7 (e) Assaults a fire fighter or other employee of a fire department,  
8 county fire marshal's office, county fire prevention bureau, or fire  
9 protection district who was performing his or her official duties at  
10 the time of the assault; or

11 (f) With criminal negligence, causes bodily harm accompanied by  
12 substantial pain that extends for a period sufficient to cause  
13 considerable suffering; or

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

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

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

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