
SENATE BILL 5492

State of Washington 56th Legislature 1999 Regular Session

By Senators Haugen, Long and Shin

Read first time 01/25/1999. Referred to Committee on Judiciary.

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)~~)
13 by a public or private transit company or a contracted transit service
14 provider while that person is performing his or her official duties at
15 the time of the assault; or

16 (c) Assaults a person using transit equipment, services, or
17 facilities; or

18 (d) Assaults a (~~(school bus driver)~~) person 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))~~) (e) With criminal negligence, causes bodily harm to another
5 person by means of a weapon or other instrument or thing likely to
6 produce bodily harm; or

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

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

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

17 (~~((h))~~) (i) Assaults a nurse, physician, or health care provider
18 who was performing his or her nursing or health care duties at the time
19 of the assault. For purposes of this subsection: "Nurse" means a
20 person licensed under chapter 18.79 RCW; "physician" means a person
21 licensed under chapter 18.57 or 18.71 RCW; and "health care provider"
22 means a 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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