

HOUSE BILL REPORT

HB 1506

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to assaults on state employees.

Brief Description: Penalizing assault on state employees.

Sponsors: Representatives O'Brien, Romero, Hunt, Lovick, Haigh, Conway, Armstrong, Jarrett, Lantz, Linville, Schual-Berke, Sullivan, Kenney and McDermott.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/12/03, 2/28/03 [DPS].

Brief Summary of Substitute Bill

- Makes an assault of a state employee lawfully enforcing a state statute or agency rule assault in the third degree, unless the employee's duties included care for persons with mental disabilities.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Kagi and Lovick.

Minority Report: Do not pass. Signed by 3 members: Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Pearson.

Staff: Jim Morishima (786-7191).

Background:

The crime of assault is divided into four degrees. An assault that would normally be considered assault in the fourth degree (a gross misdemeanor) may be elevated to assault in the third degree (a class C felony, seriousness level III) if the assault was committed against a certain class of persons. For example, an assault against a firefighter performing his or her official duties at the time of the assault is automatically assault in

the third degree. Similar provisions exist for transit operators, school bus drivers, law enforcement officers, and health care providers.

Summary of Substitute Bill:

An assault that would normally be assault in the fourth degree may be elevated to assault in the third degree if the assault was committed against a state employee who was lawfully enforcing a state statute or agency rule in his or her official capacity at the time of the assault, unless the assault was committed against a state employee whose duties include care for persons with mental disabilities.

Substitute Bill Compared to Original Bill:

The substitute exempts fourth degree assaults on state employees whose duties include care for persons with mental disabilities from the provisions automatically elevating such assaults to third degree assaults.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Many state employees are physically or verbally assaulted when they are carrying out their duties. Some of these assaults involve firearms. State employees sometimes work in isolated areas with little or no backup. This bill sends a message that it's not permissible to assault state employees and would make a perpetrator think twice before committing such an assault. Also the bill will encourage prosecution of such assaults.

Testimony Against: None.

Testified: Lynn Maier and Howard Fuss, Washington Public Employees Association; Mohammad Mostafani Nassab and James Steele, Washington State Parks; and Jim King, Citizens of Parks and Recreation.