
**Criminal Justice & Corrections
Committee**

SSB 5803

Brief Description: Making it a most serious offense to assault a peace officer.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Esser, Prentice and Keiser).

Brief Summary of Substitute Bill

- Makes assault of a police officer under certain circumstances assault in the second degree.

Hearing Date: 3/25/03

Staff: Jim Morishima (786-7191).

Background:

Assault

A person commits assault if he or she intentionally batters another person or intentionally causes apprehension of an immediate battery. 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 law enforcement officer or other public employee of a law enforcement agency performing his or her official duties at the time of the assault.

A person commits assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

- Intentionally assaults another and thereby recklessly inflicts substantial bodily harm;
- Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of the child;
- Assaults another with a deadly weapon;
- Administers, or causes to be taken by another, poison or any other destructive or noxious substance with the intent to inflict bodily harm;

- Assault another with the intent to commit a felony; or
- Knowingly inflicts bodily harm, which by design causes such pain or agony as to be the equivalent of that produced by torture.

Assault in the second degree is a class B felony with a seriousness level of IV, unless it was committed with sexual motivation, in which case it is a class A felony with a seriousness level of IV.

Persistent Offenders

Under the "three strikes" law, persistent offenders are sentenced to life without the possibility of parole. A persistent offender is an offender sentenced to more than two "most serious offenses" (sometimes called "strikes"). All class A felonies and certain enumerated felonies, including assault in the second degree, are strikes.

Summary of Bill:

A person is guilty of assault in the second degree (a "strike") if he or she assaults a law enforcement officer who was performing his or her official duties at the time of the assault and caused bodily harm to the officer while attempting to exert physical control over the officer or attempting to gain access to the officer's weapon.

Appropriation: None.

Fiscal Note: Requested on March 20, 2003.

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