

SENATE BILL REPORT

SB 5803

As Reported By Senate Committee On:
Judiciary, February 28, 2003

Title: An act relating to making an assault on a peace officer a most serious offense.

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

Sponsors: Senators Esser, Prentice and Keiser.

Brief History:

Committee Activity: Judiciary: 2/27/03, 2/28/03 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Roach and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: "Persistent offender" was defined, in 1993 by Initiative Measure No. 593, as an offender currently convicted of a "most serious offense" and who also has a criminal history that includes at least two previous most serious offense convictions. "Most serious offenses" are specifically enumerated. Persistent offenders are sentenced to life in prison without the possibility of release. This is commonly called the "Three Strikes" law.

Assault in the third degree may be committed when a person assaults a law enforcement officer or law enforcement employee who is performing their official duties at the time. It is a class C felony ranked at level III on the sentencing grid (one to three months for a first offense).

Summary of Substitute Bill: It is assault in the second degree if a person assaults a law enforcement officer performing his or her duties at the time of the assault and causes bodily harm while either attempting to exert physical control over the officer or attempting to gain access to the officer's weapon. This is a class B felony ranked at level IV on the sentencing grid (three to nine months for a first offense). Assault in the second degree is a "strike" for purposes of the persistent offender statute.

Substitute Bill Compared to Original Bill: The original bill made assault in the third degree a "strike" if it was committed against a law enforcement officer or employee. The substitute makes it assault in the second degree if a person assaults a law enforcement officer and causes bodily harm while either attempting to exert physical control over the officer or attempting to gain access to the officer's weapon.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The substitute bill purposefully eliminates mere unwanted touching as a strike offense. People who disarm law enforcement officers are dangerous people.

Testimony Against: None.

Testified: Michael Transue, Seattle, King County, Port of Seattle Police Officers (pro).