
SUBSTITUTE HOUSE BILL 1506

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Romero, Hunt, Lovick, Haigh, Conway, Armstrong, Jarrett, Lantz, Linville, Schual-Berke, Sullivan, Kenney and McDermott)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to assaults on state employees; and amending RCW
2 9A.36.031.

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

4 **Sec. 1.** RCW 9A.36.031 and 1999 c 328 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

1 district transportation service or a private company under contract for
2 transportation services with a school district, while the person is
3 performing his or her official duties at the time of the 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; or

26 (i) Assaults a state employee who was lawfully enforcing a state
27 statute or agency rule in his or her official capacity at the time of
28 the assault and which duties did not include care for persons with
29 mental disabilities, including developmental disabilities or mental
30 illness, organic brain syndromes, neurological disorders, traumatic
31 brain injuries, and dementia.

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

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