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**SUBSTITUTE SENATE BILL 5803**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Esser, Prentice and Keiser)

READ FIRST TIME 03/03/03.

1 AN ACT Relating to making an assault on a peace officer a most  
2 serious offense; amending RCW 9A.36.021; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.36.021 and 2001 2nd sp.s. c 12 s 355 are each  
5 amended to read as follows:

6 (1) A person is guilty of assault in the second degree if he or  
7 she, under circumstances not amounting to assault in the first degree:

8 (a) Intentionally assaults another and thereby recklessly inflicts  
9 substantial bodily harm; or

10 (b) Intentionally and unlawfully causes substantial bodily harm to  
11 an unborn quick child by intentionally and unlawfully inflicting any  
12 injury upon the mother of such child; or

13 (c) Assaults another with a deadly weapon; or

14 (d) With intent to inflict bodily harm, administers to or causes to  
15 be taken by another, poison or any other destructive or noxious  
16 substance; or

17 (e) With intent to commit a felony, assaults another; or

18 (f) Knowingly inflicts bodily harm which by design causes such pain  
19 or agony as to be the equivalent of that produced by torture; or

1       (g) Assaults a law enforcement officer who was performing his or  
2 her official duties at the time of the assault and caused bodily harm  
3 to the officer while:

4       (i) Attempting to exert physical control over the officer; or

5       (ii) Attempting to gain access to the officer's weapon.

6       (2) Assault in the second degree is a class B felony, except that  
7 assault in the second degree with a finding of sexual motivation under  
8 RCW 9.94A.835 or 13.40.135 is a class A felony.

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