

SENATE BILL REPORT

SB 6222

As Reported By Senate Committee On:
Judiciary, February 2, 2006

Title: An act relating to assault of a teacher.

Brief Description: Making assault of a teacher on school premises a class C felony.

Sponsors: Senators Rockefeller, Rasmussen and McAuliffe.

Brief History:

Committee Activity: Judiciary: 1/17/06, 2/2/06 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6222 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Esser, McCaslin, Rasmussen and Thibaudeau.

Staff: Cindy Fazio (786-7405)

Background: A person who insults or abuses a teacher on school premises while the teacher is carrying out his or her official duties is guilty of gross misdemeanor. A person is also guilty of a gross misdemeanor if the person intimidates any school employee or student by threat of force or violence. A gross misdemeanor is punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than one year, or both.

Assault in the third degree is committed when a person assaults a transit employee, a school bus driver or other school transportation employee, a school security officer, an employee in a fire department, an employee of a law enforcement agency, a peace officer, or a health care provider; with criminal negligence, causes bodily harm to another person using a weapon, or causes bodily harm to another person who suffers substantial pain and suffering; with the intent to resist arrest or other legal process, assaults another person. Assault in the third degree is a class C felony and carries a maximum penalty of five years or a fine of \$10,000.

Summary of Substitute Bill: Assault in the third degree is committed when a person, with intent to cause bodily harm, assaults a teacher, or other employee of a school district, on school premises, or in an area or facility being used by the school.

Substitute Bill Compared to Original Bill: The bill as referred to committee was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The Legislature has created certain classes of employment that provide for the different treatment of victims under assault in the third degree. Maybe a more general standard is warranted and perhaps this bill can be the vehicle for that review. A teacher is a figure of authority in a classroom. If that authority is weakened, it challenges the whole system. Teachers are put in positions of authority in the classroom and outside of it; even perhaps enforcing or expelling parents from school events because of bad behavior such as smoking or drinking. The teachers need special protection. I understand the point of view of a more general standard, but where teachers are concerned, I believe they need special protection. We expect our teachers to protect our children and to respond to dangerous situations while doing that. Most people don't have this obligation with their job. If a dangerous situation arises, they can leave. Teachers can't do that. We should protect them in return.

Testimony Against: None.

Who Testified: PRO: Senator Phil Rockefeller, Prime Sponsor; Office John Bogan, Washington Association of Chiefs of Police, Bill Hanson, Washington Association of Chiefs of Police, Charles Lind, King County Prosecuting Attorneys' Office, School Violators Program.

Signed in, Unable to Testify & Submitted Written Testimony: CON: Washington Defender Association, Washington Association of Criminal Defense Lawyers.