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HOUSE BILL 2705

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Hinkle, Curtis, Woods, Green, Ericks and Tom

Read first time 01/12/2006.      Referred to Committee on Criminal Justice & Corrections.

1            AN ACT Relating to increasing penalties for assaulting or injuring  
2 an emergency worker; amending RCW 9A.36.031; reenacting and amending  
3 RCW 46.63.020; adding a new section to chapter 46.61 RCW; and  
4 prescribing penalties.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.61 RCW  
7 to read as follows:

8            (1) Any person who drives a vehicle in a willful or wanton  
9 disregard for the safety of, and injures, an emergency worker  
10 performing his or her official duties at the time of the incident is  
11 guilty of reckless driving that injures an emergency worker. Violation  
12 of this section is a class C felony punishable under chapter 9A.20 RCW.

13            (2) The license or permit to drive or any nonresident privilege of  
14 any person convicted of reckless driving that injures an emergency  
15 worker shall be suspended by the department for not less than ninety  
16 days.

17            (3) For the purposes of this section, "emergency worker" means an  
18 emergency medical technician or a first responder as those terms are  
19 defined in RCW 18.73.030.

1       **Sec. 2.** RCW 9A.36.031 and 2005 c 458 s 1 are each amended to read  
2 as follows:

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

6       (a) With intent to prevent or resist the execution of any lawful  
7 process or mandate of any court officer or the lawful apprehension or  
8 detention of himself or another person, assaults another; or

9       (b) Assaults a person employed as a transit operator or driver, the  
10 immediate supervisor of a transit operator or driver, a mechanic, or a  
11 security officer, by a public or private transit company or a  
12 contracted transit service provider, while that person is performing  
13 his or her official duties at the time of the assault; or

14       (c) Assaults an emergency worker who was performing his or her  
15 official duties at the time of the assault. For the purposes of this  
16 subsection, the definitions in section 1 of this act apply; or

17       (d) Assaults a school bus driver, the immediate supervisor of a  
18 driver, a mechanic, or a security officer, employed by a school  
19 district transportation service or a private company under contract for  
20 transportation services with a school district, while the person is  
21 performing his or her official duties at the time of the assault; or

22       (~~(d)~~) (e) With criminal negligence, causes bodily harm to another  
23 person by means of a weapon or other instrument or thing likely to  
24 produce bodily harm; or

25       (~~(e)~~) (f) Assaults a fire fighter or other employee of a fire  
26 department, county fire marshal's office, county fire prevention  
27 bureau, or fire protection district who was performing his or her  
28 official duties at the time of the assault; or

29       (~~(f)~~) (g) With criminal negligence, causes bodily harm  
30 accompanied by substantial pain that extends for a period sufficient to  
31 cause considerable suffering; or

32       (~~(g)~~) (h) Assaults a law enforcement officer or other employee of  
33 a law enforcement agency who was performing his or her official duties  
34 at the time of the assault; or

35       (~~(h)~~) (i) Assaults a peace officer with a projectile stun gun; or

36       (~~(i)~~) (j) Assaults a nurse, physician, or health care provider  
37 who was performing his or her nursing or health care duties at the time  
38 of the assault. For purposes of this subsection: "Nurse" means a

1 person licensed under chapter 18.79 RCW; "physician" means a person  
2 licensed under chapter 18.57 or 18.71 RCW; and "health care provider"  
3 means a person certified under chapter 18.71 or 18.73 RCW who performs  
4 emergency medical services or a person regulated under Title 18 RCW and  
5 employed by, or contracting with, a hospital licensed under chapter  
6 70.41 RCW.

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

8 **Sec. 3.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005  
9 c 183 s 10 are each reenacted and amended to read as follows:

10 Failure to perform any act required or the performance of any act  
11 prohibited by this title or an equivalent administrative regulation or  
12 local law, ordinance, regulation, or resolution relating to traffic  
13 including parking, standing, stopping, and pedestrian offenses, is  
14 designated as a traffic infraction and may not be classified as a  
15 criminal offense, except for an offense contained in the following  
16 provisions of this title or a violation of an equivalent administrative  
17 regulation or local law, ordinance, regulation, or resolution:

18 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
19 vehicle while under the influence of intoxicating liquor or a  
20 controlled substance;

21 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

22 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
23 while under the influence of intoxicating liquor or narcotics or habit-  
24 forming drugs or in a manner endangering the person of another;

25 (4) RCW 46.10.130 relating to the operation of snowmobiles;

26 (5) Chapter 46.12 RCW relating to certificates of ownership and  
27 registration and markings indicating that a vehicle has been destroyed  
28 or declared a total loss;

29 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by  
30 failure to register a vehicle and falsifying residency when registering  
31 a motor vehicle;

32 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
33 drive;

34 (8) RCW 46.16.160 relating to vehicle trip permits;

35 (9) RCW 46.16.381(2) relating to knowingly providing false  
36 information in conjunction with an application for a special placard or  
37 license plate for disabled persons' parking;

- 1 (10) RCW 46.20.005 relating to driving without a valid driver's  
2 license;
- 3 (11) RCW 46.20.091 relating to false statements regarding a  
4 driver's license or instruction permit;
- 5 (12) RCW 46.20.0921 relating to the unlawful possession and use of  
6 a driver's license;
- 7 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
8 license or status;
- 9 (14) RCW 46.20.345 relating to the operation of a motor vehicle  
10 with a suspended or revoked license;
- 11 (15) RCW 46.20.410 relating to the violation of restrictions of an  
12 occupational or temporary restricted driver's license;
- 13 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
14 an ignition interlock device in violation of a license notation that  
15 the device is required;
- 16 (17) RCW 46.20.750 relating to assisting another person to start a  
17 vehicle equipped with an ignition interlock device;
- 18 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 19 (19) Chapter 46.29 RCW relating to financial responsibility;
- 20 (20) RCW 46.30.040 relating to providing false evidence of  
21 financial responsibility;
- 22 (21) RCW 46.37.435 relating to wrongful installation of  
23 sunscreening material;
- 24 (22) RCW 46.37.650 relating to the sale, resale, distribution, or  
25 installation of a previously deployed air bag;
- 26 (23) RCW 46.44.180 relating to operation of mobile home pilot  
27 vehicles;
- 28 (24) RCW 46.48.175 relating to the transportation of dangerous  
29 articles;
- 30 (25) RCW 46.52.010 relating to duty on striking an unattended car  
31 or other property;
- 32 (26) RCW 46.52.020 relating to duty in case of injury to or death  
33 of a person or damage to an attended vehicle;
- 34 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,  
35 and appraisers;
- 36 (28) RCW 46.52.130 relating to confidentiality of the driving  
37 record to be furnished to an insurance company, an employer, and an  
38 alcohol/drug assessment or treatment agency;

1 (29) RCW 46.55.020 relating to engaging in the activities of a  
2 registered tow truck operator without a registration certificate;  
3 (30) RCW 46.55.035 relating to prohibited practices by tow truck  
4 operators;  
5 (31) RCW 46.61.015 relating to obedience to police officers,  
6 flaggers, or fire fighters;  
7 (32) RCW 46.61.020 relating to refusal to give information to or  
8 cooperate with an officer;  
9 (33) RCW 46.61.022 relating to failure to stop and give  
10 identification to an officer;  
11 (34) RCW 46.61.024 relating to attempting to elude pursuing police  
12 vehicles;  
13 (35) RCW 46.61.500 relating to reckless driving;  
14 (36) RCW 46.61.502 and 46.61.504 relating to persons under the  
15 influence of intoxicating liquor or drugs;  
16 (37) RCW 46.61.503 relating to a person under age twenty-one  
17 driving a motor vehicle after consuming alcohol;  
18 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
19 (39) RCW 46.61.522 relating to vehicular assault;  
20 (40) RCW 46.61.5249 relating to first degree negligent driving;  
21 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway  
22 workers;  
23 (42) Section 1 of this act relating to reckless driving that  
24 injures an emergency worker;  
25 (43) RCW 46.61.530 relating to racing of vehicles on highways;  
26 ~~((43))~~ (44) RCW 46.61.655(7) (a) and (b) relating to failure to  
27 secure a load;  
28 ~~((44))~~ (45) RCW 46.61.685 relating to leaving children in an  
29 unattended vehicle with the motor running;  
30 ~~((45))~~ (46) RCW 46.61.740 relating to theft of motor vehicle  
31 fuel;  
32 ~~((46))~~ (47) RCW 46.37.671 through 46.37.675 relating to signal  
33 preemption devices;  
34 ~~((47))~~ (48) RCW 46.64.010 relating to unlawful cancellation of or  
35 attempt to cancel a traffic citation;  
36 ~~((48))~~ (49) RCW 46.64.048 relating to attempting, aiding,  
37 abetting, coercing, and committing crimes;

1       (~~(49)~~) (50) Chapter 46.65 RCW relating to habitual traffic  
2 offenders;  
3       (~~(50)~~) (51) RCW 46.68.010 relating to false statements made to  
4 obtain a refund;  
5       (~~(51)~~) (52) Chapter 46.70 RCW relating to unfair motor vehicle  
6 business practices, except where that chapter provides for the  
7 assessment of monetary penalties of a civil nature;  
8       (~~(52)~~) (53) Chapter 46.72 RCW relating to the transportation of  
9 passengers in for hire vehicles;  
10       (~~(53)~~) (54) RCW 46.72A.060 relating to limousine carrier  
11 insurance;  
12       (~~(54)~~) (55) RCW 46.72A.070 relating to operation of a limousine  
13 without a vehicle certificate;  
14       (~~(55)~~) (56) RCW 46.72A.080 relating to false advertising by a  
15 limousine carrier;  
16       (~~(56)~~) (57) Chapter 46.80 RCW relating to motor vehicle wreckers;  
17       (~~(57)~~) (58) Chapter 46.82 RCW relating to driver's training  
18 schools;  
19       (~~(58)~~) (59) RCW 46.87.260 relating to alteration or forgery of a  
20 cab card, letter of authority, or other temporary authority issued  
21 under chapter 46.87 RCW;  
22       (~~(59)~~) (60) RCW 46.87.290 relating to operation of an  
23 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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