

FINAL BILL REPORT

SB 5413

C 141 L 09

Synopsis as Enacted

Brief Description: Concerning the assault of a law enforcement officer or other employee of a law enforcement agency.

Sponsors: Senators Eide, Kline, Swecker, Roach, Rockefeller, Shin and Marr.

Senate Committee on Judiciary
House Committee on Public Safety & Emergency Preparedness

Background: A person is guilty of assault in the third degree if the person, under circumstances not amounting to assault in the first or second degree, assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault. Commission of assault in the third degree is a class C felony. Assault in the third degree is ranked at seriousness level III for purposes of the sentencing grid.

Summary: An additional 12 months is added to the standard sentence range for offenses in which the defendant is convicted of assaulting a law enforcement officer, or other law enforcement agency employee, who was performing official duties at the time of the assault and there has been a special allegation pleaded and proven beyond a reasonable doubt that the defendant intentionally committed the assault with what appears to be a firearm. The court will make a finding of fact of the special allegation. If a jury trial occurs, the jury must find a special verdict as to the special allegation if it finds the defendant guilty.

Votes on Final Passage:

Senate	45	0
House	86	9

Effective: July 26, 2009

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.