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**Public Safety & Emergency Preparedness  
Committee**

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**HB 1047**

**Brief Description:** Concerning code enforcement officers.

**Sponsors:** Representative Hunt.

**Brief Summary of Bill**

- Makes assault of a code enforcement officer while performing his or her duties at the time of the offense an Assault in the third degree offense.

**Hearing Date:** 1/18/11

**Staff:** Yvonne Walker (786-7841).

**Background:**

Generally a person can commit Assault if he or she: (a) attempts, with unlawful force, to inflict bodily injury upon another; (b) unlawfully touches another person with criminal intent; or (c) puts another person in apprehension of harm.

The crime is divided into four degrees depending on the manner in which it was committed or the amount of harm caused to the victim. For example, an Assault that would normally be considered Assault in the fourth degree (a gross misdemeanor offense) may be elevated to Assault in the third degree (a seriousness level III, class C felony offense) if the Assault was committed against a certain class of persons. For example, an Assault against a firefighter performing his or her official duties at the time of the Assault is automatically Assault in the third degree. Similar provisions exist for transit operators, school bus drivers, law enforcement officers, and health care providers.

An offender convicted of Assault in the third degree would receive a maximum sentence of five years in prison, a maximum fine of \$10,000, or both imprisonment and a fine for the class C

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felony offense. Assault in the fourth degree is a gross misdemeanor offense punishable by a sentence of up to one year in jail or a maximum fine of \$5,000, or both imprisonment and a fine.

**Summary of Bill:**

An Assault that would normally be Assault in the fourth degree may be elevated to Assault in the third degree if the Assault was committed against a code enforcement officer who was performing his or her official duties at the time of the Assault.

A code enforcement officer is defined as, any person other than an employee of a law enforcement agency, that:

- is employed by a state or local agency that has enforcement authority for health, safety, and welfare requirements;
- whose duties include the enforcement of statutes, rules, regulations, or standards; and
- is authorized to issue civil infractions, criminal citations, or violation notices.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2011.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.