
**Public Safety & Emergency Preparedness
Committee**

HB 1794

Brief Description: Adding court-related employees to the assault in the third degree statute.

Sponsors: Representatives Ladenburg, Klippert and Kelley; by request of Board For Judicial Administration.

Brief Summary of Bill

- Makes assault of a judicial officer, court-related employee, or county clerk who was performing his or her duties at the time of the offense an Assault in the third degree offense.

Hearing Date: 2/15/11

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.

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.

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 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. This occurs if the Assault was committed against a judicial officer, court-related employee, county clerk, or county clerk's employee, who was performing his or her official duties at the time of the assault or as a result of that person's employment with the judicial system.

A "court-related employee" includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is engaged in equivalent functions.

Appropriation: None.

Fiscal Note: Requested on February 9, 2011.

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