
**Public Safety & Emergency Preparedness
Committee**

HB 2623

Brief Description: Adding persons who serve legal process to assault in the third degree provisions.

Sponsors: Representatives Pearson, Ladenburg and Moscoso.

Brief Summary of Bill

- Makes assault of a legal process server an Assault in the third degree offense.

Hearing Date: 2/8/12

Staff: Yvonne Walker (786-7841).

Background:

Generally, a person commits 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 instance, 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 assaults against transit operators, school bus drivers, law enforcement officers, health care providers, and court-related employees.

An offender convicted of Assault in the third degree may 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

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.

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. Assault of a legal process server is a class C felony offense.

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 offense was committed against a person in the act of serving legal process.

Appropriation: None.

Fiscal Note: Available.

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