

SENATE BILL REPORT

HB 1794

As of March 24, 2011

Title: An act relating to adding court-related employees to the assault in the third degree statute.

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 History: Passed House: 3/03/11, 97-0.

Committee Activity: Judiciary: 3/23/11.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: Assault in the third degree is a class C felony that carries a penalty of imprisonment in a state correctional institution for a maximum term of not more than five years or by a fine in an amount fixed by the court of not more than \$10,000 or by both imprisonment and fine.

The statute specifies that assault in the third degree is committed when a person assaults another person, in a specified category of people, while in the performance of his or her official duties. The types of persons identified in the assault in the third degree statute include: transit operators, school bus drivers, firefighters or other employees of a fire department, law enforcement officers or other employees of a law enforcement agency, nurses, physicians, or health care providers, or by assaulting a peace officer with a projectile stun gun. Assault in the third degree is also committed when a person, acting with criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm. A person who acts with criminal negligence and causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering is committing assault in the third degree.

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

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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: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is the companion to Senator Kohl-Welles bill that passed out of this committee unanimously.

Persons Testifying: PRO: Representative Ladenberg, prime sponsor; Mellani MacAleenan, Board for Judicial Administration.