

# SENATE BILL REPORT

## SB 5046

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As Reported by Senate Committee On:  
Judiciary, January 18, 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:** Senators Kohl-Welles, Delvin and Roach; by request of Board For Judicial Administration.

**Brief History:**

**Committee Activity:** Judiciary: 1/12/11, 1/18/11 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Regala and Roach.

**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 offense is committed by assaulting a person, 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.

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*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.*

Judges, judicial officers, court reporters, clerks, and other court personnel seek to provide justice in a safe and neutral forum. Proponents of this act believe the number and severity of threats and security incidents directed at judicial officers and court personnel have been increasing in recent years.

**Summary of Bill:** A person is guilty of assault in the third degree if that person assaults a judicial officer, court-related employee, county clerk, or county clerk's employee, while the person is performing his or her official duties at the time of the assault or as a result of the person's employment within the judicial system. The definition of "court-related employee" includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee who is engaged in equivalent functions.

**Appropriation:** None.

**Fiscal Note:** Requested on January 10, 2011.

**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 timely. Courtrooms often involve situations where emotions run high. There have been situations where court personnel, or judges have been assassinated in the courtroom. If we're going to provide a higher penalty for assault on the categories of people currently covered by the assault in the third degree statute, we should include court personnel also. What we're asking you to do is raise court employees to the status of a police dog. It's about protecting those who are directly engaged with the public in the performance of their jobs. It's somewhat anomalous that if someone walks up to me, a judge, and says they don't like a ruling I made and they're going to punch me in the face, they just committed a class B felony because threatening a judge is a class B felony. But if the person just punched me in the nose, it would be a gross misdemeanor. I'd rather be threatened than punched.

**Persons Testifying:** PRO: Steve Warning, Superior Court Judges Association.