

---

HOUSE BILL 2623

---

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Pearson, Ladenburg, and Moscoso

Read first time 01/19/12. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to adding persons who serve legal process to  
2 assault in the third degree provisions; reenacting and amending RCW  
3 9A.36.031; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.36.031 and 2011 c 336 s 359 and 2011 c 238 s 1 are  
6 each reenacted and amended to read as follows:

7 (1) A person is guilty of assault in the third degree if he or she,  
8 under circumstances not amounting to assault in the first or second  
9 degree:

10 (a) With intent to prevent or resist the execution of any lawful  
11 process or mandate of any court officer or the lawful apprehension or  
12 detention of himself, herself, or another person, assaults another; or

13 (b) Assaults a person employed as a transit operator or driver, the  
14 immediate supervisor of a transit operator or driver, a mechanic, or a  
15 security officer, by a public or private transit company or a  
16 contracted transit service provider, while that person is performing  
17 his or her official duties at the time of the assault; or

18 (c) Assaults a school bus driver, the immediate supervisor of a  
19 driver, a mechanic, or a security officer, employed by a school

1 district transportation service or a private company under contract for  
2 transportation services with a school district, while the person is  
3 performing his or her official duties at the time of the assault; or

4 (d) With criminal negligence, causes bodily harm to another person  
5 by means of a weapon or other instrument or thing likely to produce  
6 bodily harm; or

7 (e) Assaults a firefighter or other employee of a fire department,  
8 county fire marshal's office, county fire prevention bureau, or fire  
9 protection district who was performing his or her official duties at  
10 the time of the assault; or

11 (f) With criminal negligence, causes bodily harm accompanied by  
12 substantial pain that extends for a period sufficient to cause  
13 considerable suffering; or

14 (g) Assaults a law enforcement officer or other employee of a law  
15 enforcement agency who was performing his or her official duties at the  
16 time of the assault; or

17 (h) Assaults a peace officer with a projectile stun gun; or

18 (i) Assaults a nurse, physician, or health care provider who was  
19 performing his or her nursing or health care duties at the time of the  
20 assault. For purposes of this subsection: "Nurse" means a person  
21 licensed under chapter 18.79 RCW; "physician" means a person licensed  
22 under chapter 18.57 or 18.71 RCW; and "health care provider" means a  
23 person certified under chapter 18.71 or 18.73 RCW who performs  
24 emergency medical services or a person regulated under Title 18 RCW and  
25 employed by, or contracting with, a hospital licensed under chapter  
26 70.41 RCW; or

27 (j) Assaults a judicial officer, court-related employee, county  
28 clerk, or county clerk's employee, while that person is performing his  
29 or her official duties at the time of the assault or as a result of  
30 that person's employment within the judicial system. For purposes of  
31 this subsection, "court-related employee" includes bailiffs, court  
32 reporters, judicial assistants, court managers, court managers'  
33 employees, and any other employee, regardless of title, who is engaged  
34 in equivalent functions; or

35 (k) Assaults a person in the act of serving legal process who is  
36 either registered or exempt from registration as described in RCW

1 18.180.010.

2 (2) Assault in the third degree is a class C felony.

--- END ---