

HOUSE BILL REPORT

HB 2464

As Reported by House Committee On:
Public Safety

Title: An act relating to assault in the third degree.

Brief Description: Modifying assault in the third degree provisions.

Sponsors: Representatives Moscoso, Goodman, Fey, DeBolt, Ryu, Pettigrew, Haler and Chandler.

Brief History:

Committee Activity:

Public Safety: 1/28/14, 2/4/14 [DP].

Brief Summary of Bill

- Makes assault of an employee of a utility company an Assault in the third degree offense.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 7 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hope, Moscoso, Pettigrew and Takko.

Minority Report: Do not pass. Signed by 4 members: Representatives Hayes, Assistant Ranking Minority Member; Appleton, Holy and Ross.

Staff: Jenna Zwang (786-7290) and Yvonne Walker (786-7841).

Background:

Assault is the threat or use of force on another that causes that person to have a reasonable apprehension of imminent harm or offensive contact.

In Washington, the crime is divided into four degrees depending on the manner in which it is committed or the amount of harm caused to the victim. An assault that would normally be

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Assault in the fourth degree (a gross misdemeanor), may be elevated to Assault in the third degree (a class C felony) if the assault:

- was intended to prevent or resist the execution of any lawful process or mandate of any court officer;
- with criminal negligence causes bodily harm: (1) to another person by means of an instrument or weapon likely to produce bodily harm; or (2) accompanied by substantial pain that extends for a period sufficient to cause considerable suffering;
- occurs against a certain class of persons during the course of their official duties, such as transit operators, school bus drivers, law enforcement officers, health care providers, and court-related employees; or
- the assault occurs in a courtroom or area immediately adjacent to a courtroom while it is being used for judicial purposes.

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 felony offense. Assault in the fourth degree is a gross misdemeanor offense punishable by a sentence of up to 364 days 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 is elevated to Assault in the third degree (a class C felony) if the assault occurs against an employee of a utility company who is engaged in official duties. It is not a defense to the charge that the worker was on the private property of the person charged if the worker's duties required or allowed entry on such property.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Utility workers are similar to first responders in emergency situations. They deserve the same kind of protections as other professions that respond to emergencies. The fieldwork of checking meters is popular amongst female utility employees. It's the way a lot of women get their foothold in the industry. Women are disproportionately harassed, bullied, and assaulted by people who don't want to pay their bills. This legislation would go a long way to making the workplace safer for all workers and especially for women.

Utility workers often don't report assaults because they can't afford the professional repercussions. They need the force of law behind them. Often no charges are filed in assaults against utility workers because it isn't something that is worth a prosecutor's time. Utility workers are in the community on a daily basis in both emergent situations and in situations regarding public safety. They should have a safe environment.

Over 13 percent of electrical workers have been physically assaulted while at work. Almost all report being verbally assaulted and are forced to leave the area rather than risk physical harm. This is a serious bill and it gives utility workers the protection they deserve.

(Opposed) None.

Persons Testifying: Representative Moscoso, prime sponsor; Bob Guenther, International Brotherhood of Electrical Workers 77; Nicole Grant, Certified Electrical Workers of Washington; Conor Bronsdon, Washington State Labor Council; and Nancy Atwood, Puget Sound Energy.

Persons Signed In To Testify But Not Testifying: None.