

HOUSE BILL REPORT

SB 6011

As Reported by House Committee On:
Public Safety

Title: An act relating to random assaults.

Brief Description: Increasing penalties for random assaults.

Sponsors: Senators Padden, Pearson, Hewitt, Brown and O'Ban.

Brief History:

Committee Activity:

Public Safety: 2/25/14, 2/26/14 [DP].

Brief Summary of Bill

- Elevates a random assault of a person without any prior physical or verbal contact in a public place to Assault in the third degree.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Minority Report: Without recommendation. Signed by 2 members: Representatives Roberts, Vice Chair; Appleton.

Staff: Sarah Koster (786-7303).

Background:

The term assault is defined in common law as: (1) intentionally and unlawfully touching another; (2) intentionally attempting with unlawful force to inflict bodily injury upon another; or (3) intentionally placing another in reasonable fear of physical harm.

A person commits the crime of Assault in the first degree if that person, with intent to inflict great bodily harm: (1) assaults another with a firearm or any deadly weapon or by any force

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or means likely to produce great bodily harm or death; (2) administers, exposes, or transmits to or causes to be taken by another, poison, the human immunodeficiency virus (HIV), or any other destructive or noxious substance; or (3) assaults another and inflicts great bodily harm.

Assault in the first degree is a class A felony ranked at level 12 with a standard range of 93-123 months for a first offense.

If a person commits the crime of Assault in the second degree, that person, under circumstances not amounting to Assault in the first degree: (1) intentionally assaults another, recklessly inflicting substantial bodily harm; (2) intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; (3) assaults another with a deadly weapon; (4) with intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; (5) with intent to commit a felony, assaults another; (6) knowingly inflicts bodily harm which by design causes such pain or agony as to be equivalent to that produced by torture; or (7) assaults another by strangulation or suffocation.

Assault in the second degree is a class B felony ranked at level four with a standard range of three to nine months for a first offense.

A person commits the crime of Assault in the third degree if that person, under circumstances not amounting to Assault in the first or second degree: (1) assaults another with intent to prevent or resist the execution of any lawful process or mandate of a court officer, or the lawful apprehension or detention of himself, herself, or another person; (2) assaults a transit worker; (3) assaults a school transportation employee; (4) with criminal negligence, causes bodily harm to another person by means of a weapon or instrument likely to produce bodily harm; (5) assaults a firefighter or fire department employee; (6) with criminal negligence, causes bodily harm accompanied by substantial pain causing considerable suffering; (7) assaults a law enforcement officer or police department employee; (8) assaults a peace officer with a projectile stun gun; (9) assaults a nurse, physician, or health care worker; (10) assaults a judicial officer or court-related employee; or (11) assaults a person located in a courtroom, jury room, judge's chamber, or waiting area adjacent to such a room during a time when the room is being used for judicial purposes during court proceedings and proper signage is displayed.

Assault in the third degree is a class C felony ranked at a level three with a standard range of one to three months for a first offense, except if the offense was Assault of a Peace Officer with a Projectile Stun Gun which is ranked at Level IV.

A person commits the crime of Assault in the fourth degree if, under circumstances not amounting to Assault in the first, second, or third degree or custodial assault, that person assaults another.

Assault in the fourth degree is a gross misdemeanor with a maximum permissible sentence of 364 days in jail and a \$5,000 fine.

Summary of Bill:

A person is guilty of Assault in the third degree if that person, under circumstances not amounting to Assault in the first or second degree, assaults another person randomly without any prior physical or verbal contact in a public place.

Appropriation: None.

Fiscal Note: Not requested.

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) This bill deals with the knockout phenomenon which was covered in the media. There has not been a huge number of incidents in this state, but there was an incident in eastern Washington which is still being investigated. The perpetrators seek out victims who are particularly vulnerable, older, or frail. Then, for the fun of it, they go after the victim and try to hit him with their fists and render him unconscious. Often times there is someone shooting a video, so the assailant gets credit with their gang. There was a proposed amendment from the Seattle Police Department, which would deal with the videotaping element of the offense. This is preventative; which we do in some other areas, like flash mobs.

This is a real situation and does occur; there have been arrests and convictions. It is not a rampant problem here in the State of Washington. This may have occurred in Spokane and the intent was to get ahead of the game. Running up behind someone and hitting them hard enough to knock them out should be raised to something more than a misdemeanor. If it causes significant bodily harm, then it may be a felony, but it should be more than a misdemeanor even if the victim does not pass out.

(Opposed) This is not a widespread problem and the laws as written can already deal with this problem. If it is a serious injury then it could be charged as a felony and could include a vulnerable adult enhancement, in addition to the felony. This bill could include someone who pushes someone else in a crowded theater as guilty of a felony and that does not seem to be the intent.

Persons Testifying: (In support) Senator Padden, prime sponsor; and Don Pierce, Washington Association of Sheriffs and Police Chiefs.

(Opposed) Lisa Mulligan, Washington Criminal Defense Lawyers and Washington Defender Association.

Persons Signed In To Testify But Not Testifying: None.