
SENATE BILL 5375

State of Washington

63rd Legislature

2013 Regular Session

By Senators Kline, Conway, Litzow, Keiser, Chase, Hasegawa, Kohl-
Welles, Schoesler, and Roach

Read first time 01/28/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to assault in the third degree; reenacting and
2 amending RCW 9A.36.031; and prescribing penalties.

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

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

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

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

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

17 (c) Assaults a school bus driver, the immediate supervisor of a
18 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 utility worker, or employee of any publicly or
36 privately owned utility company or agency, who is at the time of the
37 act engaged in official duties, including: (i) The maintenance or
38 repair of utility poles, lines, conduit, pipes, or other

1 infrastructure; (ii) connecting, disconnecting, or recoding utility
2 meters; or (iii) collecting payment for utility services. It is not a
3 defense to a charge under this subsection (1)(k) that the worker was on
4 the private property of the person charged, if the worker's assignment
5 or general duties required or allowed entry on such property.

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

--- END ---