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## Public Safety Committee

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### HB 1178

**Brief Description:** Expanding assault in the third degree provisions.

**Sponsors:** Representatives Moscoso, Appleton, DeBolt and Haler.

Brief Summary of Bill
<ul style="list-style-type: none"><li>• Makes assault of an employee of a utility company an assault in the third degree offense.</li></ul>



**Hearing Date:** 1/28/15

**Staff:** Cassie Jones (786-7303).

**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. The crime of assault 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 otherwise be 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.

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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.*

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. 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 otherwise 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 and unable to leave the premises where the act occurred. 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.