

SENATE BILL REPORT

SHB 1178

As of March 31, 2015

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

Brief Description: Expanding assault in the third degree provisions.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Moscoso, Appleton, DeBolt and Haler).

Brief History: Passed House: 3/06/15, 91-7.

Committee Activity: Law & Justice: 3/30/15.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: Assault is an intentional touching of another person that is harmful or offensive regardless of whether any physical injury is done to the person. A touching is offensive if it would offend an ordinary person who is not unduly sensitive. 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. Assault in the fourth degree is a gross misdemeanor offense punishable by a maximum fine of \$5,000 or a sentence of up to 364 days in jail, or both imprisonment and a fine.

An assault that would otherwise be assault in the fourth degree, is assault in the third degree 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.

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.

Assault in the third degree is a class C felony ranked at level III on the sentencing grid and carries a maximum \$10,000 fine, or both imprisonment and a fine.

Summary of Bill: It is assault in the third degree if the assault occurs against an employee of a public or private 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. Official duties include (1) The maintenance or repair of utility poles, lines, conduit, pipes, or other infrastructure; (2) connecting, disconnecting, or recoding utility meters; or (3) collecting payment for utility services.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This will help increase the workplace safety of utility workers. The number of assaults on utility workers is increasing. Utility workers are attacked by dogs and sometimes held at gunpoint. Power lines go through private property and people who do not like to allow access sometimes react with violence.

Persons Testifying: PRO: Representative Moscoso, prime sponsor; Bob Gruenther, Larry Naccurate, Rick Luiten, International Brotherhood of Electrical Workers (IBEW) 77; Nancy Atwood, Puget Sound Energy.

Persons Signed in to Testify But Not Testifying: PRO: Adrienne Thompson, Professional and Technical Employees Local 17; Shaunie Wheeler, Karl Freudenstein, Lori Walter, IBEW 77.