
HOUSE BILL 1178

State of Washington 64th Legislature 2015 Regular Session

By Representatives Moscoso, Appleton, DeBolt, and Haler

Read first time 01/14/15. Referred to Committee on Public Safety.

1 AN ACT Relating to assault in the third degree; amending RCW
2 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 2013 c 256 s 1 are each amended to
5 read as follows:

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

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

18 (c) Assaults a school bus driver, the immediate supervisor of a
19 driver, a mechanic, or a security officer, employed by a school
20 district transportation service or a private company under contract
21 for transportation services with a school district, while the person

1 is performing his or her official duties at the time of the assault;
2 or

3 (d) With criminal negligence, causes bodily harm to another
4 person by means of a weapon or other instrument or thing likely to
5 produce bodily harm; or

6 (e) Assaults a firefighter or other employee of a fire
7 department, county fire marshal's office, county fire prevention
8 bureau, or fire protection district who was performing his or her
9 official duties at the time of the assault; or

10 (f) With criminal negligence, causes bodily harm accompanied by
11 substantial pain that extends for a period sufficient to cause
12 considerable suffering; or

13 (g) Assaults a law enforcement officer or other employee of a law
14 enforcement agency who was performing his or her official duties at
15 the time of the assault; or

16 (h) Assaults a peace officer with a projectile stun gun; or

17 (i) Assaults a nurse, physician, or health care provider who was
18 performing his or her nursing or health care duties at the time of
19 the assault. For purposes of this subsection: "Nurse" means a person
20 licensed under chapter 18.79 RCW; "physician" means a person licensed
21 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
22 person certified under chapter 18.71 or 18.73 RCW who performs
23 emergency medical services or a person regulated under Title 18 RCW
24 and employed by, or contracting with, a hospital licensed under
25 chapter 70.41 RCW; or

26 (j) Assaults a judicial officer, court-related employee, county
27 clerk, or county clerk's employee, while that person is performing
28 his or her official duties at the time of the assault or as a result
29 of that person's employment within the judicial system. For purposes
30 of this subsection, "court-related employee" includes bailiffs, court
31 reporters, judicial assistants, court managers, court managers'
32 employees, and any other employee, regardless of title, who is
33 engaged in equivalent functions; or

34 (k) Assaults a person located in a courtroom, jury room, judge's
35 chamber, or any waiting area or corridor immediately adjacent to a
36 courtroom, jury room, or judge's chamber. This section shall apply
37 only: (i) During the times when a courtroom, jury room, or judge's
38 chamber is being used for judicial purposes during court proceedings;
39 and (ii) if signage was posted in compliance with RCW 2.28.200 at the
40 time of the assault; or

1 (1) Assaults a utility worker, or employee of any publicly or
2 privately owned utility company or agency, who is at the time of the
3 act engaged in official duties and is unable to leave the premises
4 where the act occurred. Official duties include: (i) The maintenance
5 or repair of utility poles, lines, conduit, pipes, or other
6 infrastructure; (ii) connecting, disconnecting, or recoding utility
7 meters; or (iii) collecting payment for utility services. It is not a
8 defense to a charge under this subsection (1)(1) that the worker was
9 on the private property of the person charged, if the worker's
10 assignment or general duties required or allowed entry on the
11 property.

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

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