Washington State House of Representatives Office of Program Research



Public Safety Committee

HB 1337

Brief Description: Adding code enforcement officers to assault in the third degree provisions.

Sponsors: Representatives Barkis, Klippert, Irwin and Lovick.

Brief Summary of Bill

• Elevates an assault that would otherwise be Assault in the fourth degree to Assault in the third degree when the victim of the assault is a code enforcement officer acting in his or her official capacity.

Hearing Date: 1/29/19

Staff: Alaura Valley (786-7291). Omeara Harrington (786-7136).

Background:

A person commits assault if he or she attempts to inflict bodily injury on another person with unlawful force, unlawfully touches another person with criminal intent, or puts another person in apprehension of harm. 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 first, second, and third degrees constitute class A, B, and C felonies, respectively. Assault in the fourth degree is a gross misdemeanor. Among other circumstances, an assault that would otherwise be Assault in the fourth degree is elevated to 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;
- 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
- occurs in a courtroom or area immediately adjacent to a courtroom while it is being used for judicial purposes.

House Bill Analysis - 1 - HB 1337

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.

The statutory maximum sentence for a class C felony is five years in prison, a maximum fine of \$10,000, or both imprisonment and a fine. Assault in the third degree is a class C felony ranked at a seriousness level III on the sentencing grid, carrying a presumptive sentence of one to three months for a first offense.

Summary of Bill:

Assault that would otherwise be Assault in the fourth degree is elevated to Assault in the third degree if the assault occurs against a code enforcement officer while that officer is in the course of his or her official duties.

A "code enforcement officer" is defined as an officer employed by the state, or any county, city, or other political subdivision of the state, who is responsible for the enforcement of fire, building, zoning, or life and safety codes.

Appropriation: None.

Fiscal Note: Requested on January 23, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.