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## Public Safety Committee

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### HB 2294

**Brief Description:** Expanding the scope of assault in the third degree to include all health care providers.

**Sponsors:** Representatives Kloba, Griffey, Slatter, Thai, Fey, Irwin, Wylie, Volz and Appleton.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Elevates the classification of assault to Assault in the third degree when committed against any health care provider regulated under Title 18 RCW who was performing health care duties at the time of the assault.</li></ul>
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**Hearing Date:** 1/27/20

**Staff:** Omeara Harrington (786-7136).

**Background:**

Assault in the Third Degree.

A person commits assault if, acting with unlawful force, he or she attempts to inflict bodily injury on another person, 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. 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) in certain circumstances, including when the assault:

- is intended to prevent or resist the execution of any lawful process or mandate of any court officer;
- is committed with criminal negligence and causes bodily harm: (1) to another person by means of an instrument or weapon likely to produce bodily harm; or (2) that is accompanied by substantial pain that extends for a period sufficient to cause considerable suffering;

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- occurs in a courtroom or area immediately adjacent to a courtroom while it is being used for judicial purposes; or
- occurs against a person in a listed profession during the course of their official duties.

Among other professions, an assault that would otherwise be Assault in the fourth degree is elevated to Assault in the third degree when it occurs against a nurse, physician, or health care provider who is performing health care duties at the time of the assault. Health care providers include certain persons performing emergency medical services, and persons employed by, or contracting with, a hospital.

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 ranked at a seriousness level III on the sentencing grid, carrying a presumptive sentence of one to three months for a first offense.

#### Professions Regulated Under Title 18 RCW.

Title 18 RCW includes regulatory provisions for a broad array of businesses and professions. Examples of medical-related professions regulated under Title 18 include, among others: Acupuncture and Eastern Medicine; Chiropractic; Podiatric Medicine and Surgery; Dentistry; Naturopathy; Physicians; Nursing Care; Physical Therapy; Medical Assistants; and Massage Therapists.

#### **Summary of Bill:**

The existing category of medical professionals, the assault of whom is elevated to Assault in the third degree, is expanded to include all health care providers regulated under Title 18 RCW who were performing health care duties at the time of the assault.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2020.

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