

**HB 2407** - H AMD **856**

By Representative Couture

**NOT CONSIDERED 03/07/2024**

1 On page 1, after line 4, insert the following:

2 "Sec. 1. RCW 9A.36.031 and 2013 c 256 s 1 are each amended to  
3 read as follows:

4 (1) A person is guilty of assault in the third degree if he or  
5 she, under circumstances not amounting to assault in the first or  
6 second degree:

7 (a) With intent to prevent or resist the execution of any lawful  
8 process or mandate of any court officer or the lawful apprehension  
9 or detention of himself, herself, or another person, assaults  
10 another; or

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

16 (c) Assaults a school bus driver, the immediate supervisor of a  
17 driver, a mechanic, or a security officer, employed by a school  
18 district transportation service or a private company under contract  
19 for transportation services with a school district, while the person  
20 is performing his or her official duties at the time of the assault; or

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

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

1 (f) With criminal negligence, causes bodily harm accompanied by  
2 substantial pain that extends for a period sufficient to cause  
3 considerable suffering; or  
4 (g) Assaults a law enforcement officer or other employee of a  
5 law enforcement agency who was performing his or her official duties  
6 at the time of the assault; or  
7 (h) Assaults a peace officer with a projectile stun gun; or  
8 (i) Assaults a nurse, physician, or health care provider who was  
9 performing his or her nursing or health care duties at the time of  
10 the assault. For purposes of this subsection: "Nurse" means a person  
11 licensed under chapter 18.79 RCW; "physician" means a person  
12 licensed under chapter 18.57 or 18.71 RCW; and "health care  
13 provider" means a person certified under chapter 18.71 or 18.73 RCW  
14 who performs emergency medical services or a person regulated under  
15 Title 18 RCW and employed by, or contracting with, a hospital  
16 licensed under chapter 70.41 RCW; or  
17 (j) Assaults a judicial officer, court-related employee, county  
18 clerk, or county clerk's employee, while that person is performing  
19 his or her official duties at the time of the assault or as a result  
20 of that person's employment within the judicial system. For purposes  
21 of this subsection, "court-related employee" includes bailiffs,  
22 court reporters, judicial assistants, court managers, court  
23 managers' employees, and any other employee, regardless of title,  
24 who is engaged in equivalent functions; or  
25 (k) Assaults a person located in a courtroom, jury room, judge's  
26 chamber, or any waiting area or corridor immediately adjacent to a  
27 courtroom, jury room, or judge's chamber. This section shall apply  
28 only: (i) During the times when a courtroom, jury room, or judge's  
29 chamber is being used for judicial purposes during court  
30 proceedings; and (ii) if signage was posted in compliance with RCW  
31 2.28.200 at the time of the assault; or  
32 (l) Assaults a child welfare worker, as defined in RCW 74.14B.  
33 005, who was performing his or her official duties at the time of  
34 the assault.

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

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3 Renumber the remaining sections consecutively and correct any  
4 internal references accordingly.

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6 Correct the title.

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EFFECT: 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 child welfare worker acting in his or her official capacity.

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