
**Community Safety, Justice, & Reentry
Committee**

ESSB 5299

Brief Description: Concerning law enforcement officer protection.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Braun, Rolfes, Conway, Holy, Mullet, Torres, Wagoner, Warnick, Wilson, C. and Wilson, L.).

Brief Summary of Engrossed Substitute Bill

- Expands the definition of Assault in the third degree to include when a person assaults an off-duty law enforcement officer or other employee of a law enforcement agency with specified intent.
- Expands the special allegation and sentencing enhancement that apply to certain offenses where the defendant intentionally assaults an on-duty law enforcement officer or other employee of a law enforcement agency with what appears to be a firearm, to apply to assaults with what appears to be a deadly weapon.
- Requires each law enforcement agency to report incidents where a law enforcement officer employed by the agency and performing their duties is physically harmed by a citizen.

Hearing Date: 2/14/24

Staff: Corey Patton (786-7388).

Background:

Felony Penalties and Sentencing.

The classification of a crime generally determines the maximum authorized term of confinement

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and fine for an offense, subject to certain exceptions. For example, class C felonies are typically punishable by up to five years imprisonment, up to a \$10,000 fine, or both such imprisonment and fine. For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal history. However, additional sentencing policies may further increase or decrease a person's sentence.

Assault in the Third Degree.

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. An assault may be classified as Assault in the first, second, third, or fourth degree, depending on the specific circumstances.

A person commits Assault in the third degree if he or she, under circumstances not amounting to Assault in the first or second degree, assaults a specific category of person or commits the assault with certain intent or criminal negligence accompanied by other specific factors. For example, Assault in the third degree includes when a person assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties. Assault in the third degree is a class C felony ranked at seriousness level III.

The prosecuting attorney may also file a special allegation against a defendant convicted of Assault in the third degree committed against an on-duty law enforcement officer or other employee of a law enforcement agency if the defendant intentionally committed the offense with what appears to be a firearm. If the prosecuting attorney proves the special allegation beyond a reasonable doubt to the finder of fact, then a sentencing enhancement must be imposed that increases the standard range of the defendant's sentence by 12 months.

Reporting the Use of Force by Law Enforcement Officers.

Each law enforcement agency is required to report incidents where a law enforcement officer employed by the agency uses force and a fatality, great bodily harm, or substantial bodily harm occurs in connection with the use of force, or a law enforcement officer engages in specific types of conduct.

Summary of Bill:

The definition of Assault in the third degree is expanded to include when a person assaults an off-duty law enforcement officer or other employee of a law enforcement agency, if the assault was committed with intent to specifically target the officer or employee due to their employment as a law enforcement professional. The special allegation and sentencing enhancement that apply to circumstances where a defendant intentionally commits Assault in the third degree against an on-duty law enforcement officer or other employee of a law enforcement agency with what appears to be a firearm is expanded to include circumstances where the defendant

intentionally commits the offense with what appears to be a deadly weapon.

Each law enforcement agency must report incidents where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties within the scope of their employment, including:

- details regarding the physical harm committed and the means of committing the physical harm;
- whether or not subsequent charges were filed against the citizen;
- if charges were filed against the civilian, the ultimate disposition of the case;
- reasoning if charges were not filed against the civilian; and
- the age, gender, race, and ethnicity of the individual who assaulted the officer.

Appropriation: None.

Fiscal Note: Available.

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