

HOUSE BILL REPORT

HB 1794

As Passed House:
March 3, 2011

Title: An act relating to adding court-related employees to the assault in the third degree statute.

Brief Description: Adding court-related employees to the assault in the third degree statute.

Sponsors: Representatives Ladenburg, Klippert and Kelley; by request of Board For Judicial Administration.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/15/11, 2/16/11 [DP];

General Government Appropriations & Oversight: 2/18/11 [DP].

Floor Activity:

Passed House: 3/3/11, 97-0.

Brief Summary of Bill

- Makes assault of a judicial officer, court-related employee, or county clerk who was performing his or her duties at the time of the offense an Assault in the third degree.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 10 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS & OVERSIGHT

Majority Report: Do pass. Signed by 11 members: Representatives Hudgins, Chair; Miloscia, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking

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Minority Member; Blake, Fitzgibbon, Ladenburg, Moscoso, Pedersen, Van De Wege and Wilcox.

Staff: Alex MacBain (786-7288).

Background:

Generally, a person can commit Assault if he or she: (a) attempts, with unlawful force, to inflict bodily injury upon another; (b) unlawfully touches another person with criminal intent; or (c) puts another person in apprehension of harm.

The crime is divided into four degrees depending on the manner in which it was committed or the amount of harm caused to the victim. For example, an assault that would normally be considered Assault in the fourth degree (a gross misdemeanor offense) may be elevated to Assault in the third degree (a seriousness level III, class C felony offense) if the assault was committed against a certain class of persons. For example, an assault against a firefighter performing his or her official duties at the time of the assault is automatically Assault in the third degree. Similar provisions exist for transit operators, school bus drivers, law enforcement officers, and health care providers.

An offender convicted of Assault in the third degree would receive a maximum sentence of five years in prison, a maximum fine of \$10,000, or both imprisonment and a fine for the class C felony offense. Assault in the fourth degree is a gross misdemeanor offense punishable by a sentence of up to one year in jail or a maximum fine of \$5,000, or both imprisonment and a fine.

Summary of Bill:

An assault that would normally be Assault in the fourth degree may be elevated to Assault in the third degree. This occurs if the assault was committed against a judicial officer, court-related employee, county clerk, or county clerk's employee, who was performing his or her official duties at the time of the assault or as a result of that person's employment with the judicial system.

A "court-related employee" includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is engaged in equivalent functions.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Public Safety & Emergency Preparedness):

(In support) There are some concerns by court officials in regards to security and threat incidents to employees of the courts. There are several groups of people already covered by this law such as transit operators, nurses, and firefighters. The goal is to cover judicial officers and court personnel under this statute.

Court employees would like the same level of protection as others. Currently, if you kick a police dog it is a class C felony. If you threaten a judge it is a class B felony. But if you kick a judge or court official it is a gross misdemeanor offense.

(Opposed) None.

Staff Summary of Public Testimony (General Government Appropriations & Oversight):

(In support) Court employees would like the same protections provided to school bus drivers, health care workers, and police dogs. If you threaten a judge, it is a class B felony, but even under this bill kicking a judge is a gross misdemeanor offense.

(With concerns) Due to the fiscal crisis the state has limited fiscal resources and should not be passing laws to spend money when there is not a clear need. There are already statutes in place to deal with assaults. People who assault judges or officers of the court are already subject to the full measure of the law.

(Opposed) None.

Persons Testifying (Public Safety & Emergency Preparedness): Representative Ladenburg, prime sponsor; and Steve Warning, Superior Court Judges' Association.

Persons Testifying (General Government Appropriations & Oversight): (In support) Stephen Warning, Superior Court Judges Association.

(With concerns) Arthur West.

Persons Signed In To Testify But Not Testifying (Public Safety & Emergency Preparedness): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations & Oversight): None.