

2 **SB 5499** - S AMD - 562
3 By Senator Roach

4 ADOPTED 1/30/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9A.36.031 and 1997 c 172 s 1 are each amended to read
8 as follows:

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

12 (a) With intent to prevent or resist the execution of any lawful
13 process or mandate of any court officer or the lawful apprehension or
14 detention of himself or another person, assaults another; or

15 (b) Assaults a person employed as a transit operator or driver by
16 a public or private transit company while that person is (~~operating or~~
17 ~~is in control of a vehicle that is owned or operated by the transit~~
18 ~~company and that is occupied by one or more passengers~~) performing his
19 or her official duties at the time of the assault; or

20 (c) Assaults a school bus driver employed by a school district or
21 a private company under contract for transportation services with a
22 school district while the driver is (~~operating or is in control of a~~
23 ~~school bus that is occupied by one or more passengers~~) performing his
24 or her official duties at the time of the assault; or

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

28 (e) Assaults a fire fighter or other employee of a fire department,
29 county fire marshal's office, county fire prevention bureau, or fire
30 protection district who was performing his or her official duties at
31 the time of the assault; or

32 (f) With criminal negligence, causes bodily harm accompanied by
33 substantial pain that extends for a period sufficient to cause
34 considerable suffering; or

1 (g) Assaults a law enforcement officer or other employee of a law
2 enforcement agency who was performing his or her official duties at the
3 time of the assault; or

4 (h) Assaults a nurse, physician, or health care provider who was
5 performing his or her nursing or health care duties at the time of the
6 assault. For purposes of this subsection: "Nurse" means a person
7 licensed under chapter 18.79 RCW; "physician" means a person licensed
8 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
9 person certified under chapter 18.71 or 18.73 RCW who performs
10 emergency medical services or a person regulated under Title 18 RCW and
11 employed by, or contracting with, a hospital licensed under chapter
12 70.41 RCW.

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

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17 On page 1, line 1 of the title, after "drivers;" strike the
18 remainder of the title and insert "amending RCW 9A.36.031; and
19 prescribing penalties."

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