

# SENATE BILL REPORT

## SHB 1150

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As Reported By Senate Committee On:  
Law & Justice, February 25, 1998

**Title:** An act relating to assault.

**Brief Description:** Making assault of a school employee or sports official an aggravating factor for sentencing.

**Sponsors:** House Committee on Law & Justice (originally sponsored by Representatives Cairnes, Cooper, L. Thomas, Sterk, Zellinsky, Radcliff, Wood, Hankins, Clements, Skinner, McMorris, Wensman, D. Schmidt, DeBolt, Keiser, Thompson, Carlson, O'Brien, Quall and Anderson).

**Brief History:**

**Committee Activity:** Law & Justice: 2/18/98, 2/25/98 [DPA].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Long, McCaslin and Stevens.

**Staff:** Dick Armstrong (786-7460)

**Background:** An assault, in its simplest form, has been defined by case law as any intentional offensive touching or striking of another, regardless of whether any actual physical harm is done to the victim. An act of assault may range from spitting on someone to inflicting a permanently disabling or disfiguring injury. The criminal code divides the crime of assault into four degrees, and into some specific separate crimes. The various crimes are distinguished by the state of mind of the offender, the extent of injury done to the victim, whether or not a weapon was used, and who the victim was.

Fourth-degree assault, sometimes called "simple assault," is a gross misdemeanor. Any assault that does not fall within the definition of one of the other degrees or definitions of the crime is fourth degree assault. Third degree assault, the lowest level of felony assault, is a class C felony. Generally, in order to amount to third degree assault, an assault must involve causing some bodily harm with a weapon, or must involve otherwise causing bodily harm that is "accompanied by substantial pain that extends for a period sufficient to cause considerable suffering."

In sentencing a defendant who is convicted of a misdemeanor or gross misdemeanor, the court generally has complete leeway to impose any sentence up to the maximum allowed by law. Under the Sentencing Reform Act (SRA), however, presumptive— sentence ranges are statutorily prescribed. The court may sentence outside of such a presumptive range (but not

beyond the statutorily set maximum sentence) if there are sufficient mitigating– or aggravating– factors.

**Summary of Amended Bill:** Assaulting a sports official is made an aggravating sentencing factor for all degrees of assault. The same provision is made for both felony and nonfelony sentencing.

Sports officials are defined as referees, umpires, linesmen, or similar officials who are registered with an organization that provides education and training to sports officials. Sports officials are covered by this provision while officiating an event, or after officiating an event if the assault occurs within, or in the immediate vicinity of, the facility in which the event was held.

**Amended Bill Compared to Substitute Bill:** Provisions of the bill relating to school employees are deleted.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** School employees or sports officials are usually doing work in a relatively safe environment and do not expect to be assaulted. However, the positions can be stressful when people act in an emotional manner, and the courts should be given more flexibility in sentencing. Some assaults can be heinous. More of these crimes are being committed all the time and the penalties should be more severe. Most sports officials are volunteers. Often these assaults can escalate into a violent melee.

**Testimony Against:** None.

**Testified:** Representative Cairnes, original prime sponsor.