

CERTIFICATION OF ENROLLMENT

SENATE BILL 5681

Chapter 172, Laws of 1997

55th Legislature
1997 Regular Session

THIRD DEGREE ASSAULT OF HEALTH CARE PERSONNEL

EFFECTIVE DATE: 7/27/97

Passed by the Senate March 19, 1997
YEAS 44 NAYS 1

BOB MORTON

President of the Senate

Passed by the House April 10, 1997
YEAS 94 NAYS 4

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 23, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5681** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

April 23, 1997 - 4:42 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5681

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senators McCaslin, Hargrove, Johnson, Haugen, McAuliffe, Long and Roach

Read first time 02/07/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to third degree assault of health care personnel;
2 amending RCW 9A.36.031; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.36.031 and 1996 c 266 s 1 are each amended to read
5 as follows:

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

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

12 (b) Assaults a person employed as a transit operator or driver by
13 a public or private transit company while that person is operating or
14 is in control of a vehicle that is owned or operated by the transit
15 company and that is occupied by one or more passengers; or

16 (c) Assaults a school bus driver employed by a school district or
17 a private company under contract for transportation services with a
18 school district while the driver is operating or is in control of a
19 school bus that is occupied by one or more passengers; or

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

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

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

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

14 (h) Assaults a nurse, physician, or health care provider who was
15 performing his or her nursing or health care duties at the time of the
16 assault. For purposes of this subsection: "Nurse" means a person
17 licensed under chapter 18.79 RCW; "physician" means a person licensed
18 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
19 person certified under chapter 18.71 or 18.73 RCW who performs
20 emergency medical services or a person regulated under Title 18 RCW and
21 employed by, or contracting with, a hospital licensed under chapter
22 70.41 RCW.

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

Passed the Senate March 19, 1997.

Passed the House April 10, 1997.

Approved by the Governor April 23, 1997.

Filed in Office of Secretary of State April 23, 1997.