
HOUSE BILL 1882

State of Washington 56th Legislature 1999 Regular Session

By Representatives Lambert, Edwards and Carrell

Read first time 02/09/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to assaults upon persons performing public service;
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 1998 c 94 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 performing his~~
14 ~~or her official duties at the time of the assault; or~~

15 ~~(c) Assaults a school bus driver employed by a school district or~~
16 ~~a private company under contract for transportation services with a~~
17 ~~school district while the driver is performing his or her official~~
18 ~~duties at the time of the assault; or~~

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

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

8 ~~(f))~~ (b) With criminal negligence, causes bodily harm accompanied
9 by 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 (c) Assaults a person who is employed by a public entity or by a
24 private entity on contract to a public entity to provide or perform a
25 public service while that person is in the performance of the person's
26 official duties; or

27 (d) Assaults a person who is employed to provide any medical or
28 health care service, treatment, or care while that person is in the
29 performance of the person's official duties.

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

--- END ---