
HOUSE BILL 1816

State of Washington

57th Legislature

2001 Regular Session

By Representatives O'Brien, Ballasiotes, Eickmeyer, Fromhold and Kirby

Read first time 02/08/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to assault in the third degree; and amending RCW
2 9A.36.031.

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

4 **Sec. 1.** RCW 9A.36.031 and 1999 c 328 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, the
13 immediate supervisor of a transit operator or driver, a mechanic, or a
14 security officer, by a public or private transit company or a
15 contracted transit service provider, while that person is performing
16 his or her official duties at the time of the assault; or

17 (c) Assaults a school bus driver, the immediate supervisor of a
18 driver, a mechanic, or a security officer, employed by a school
19 district transportation service or a private company under contract for

1 transportation services with a school district, while the person is
2 performing his or her official duties at the time of the assault; or

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

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

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

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

16 (h) Assaults a nurse, physician, or health care provider who was
17 performing his or her nursing or health care duties at the time of the
18 assault and which duties did not include care for persons with mental
19 disabilities, including developmental disabilities or mental illness,
20 organic brain syndromes, neurological disorders, traumatic brain
21 injury, and dementia. For purposes of this subsection: "Nurse" means
22 a person licensed under chapter 18.79 RCW; "physician" means a person
23 licensed under chapter 18.57 or 18.71 RCW; and "health care provider"
24 means a person certified under chapter 18.71 or 18.73 RCW who performs
25 emergency medical services or a person regulated under Title 18 RCW and
26 employed by, or contracting with, a hospital licensed under chapter
27 70.41 RCW.

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

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