
**Public Safety & Emergency Preparedness
Committee**

HB 1835

Brief Description: Revising the crime of assault in the first degree.

Sponsors: Representative Armstrong.

Brief Summary of Bill

- Modifies the offense of Assault in the first degree to include intentionally assaulting someone with a deadly weapon and recklessly inflicting great bodily harm.

Hearing Date: 2/15/11

Staff: Parker Howell (786-5793) and Alexa Silver (786-7190).

Background:

First-Degree Assault.

Washington law defines four degrees of criminal assault.

A person is guilty of Assault in the first degree when, with intent to inflict great bodily harm, he or she:

- assaults another and inflicts great bodily harm;
- assaults another with a firearm, any deadly weapon, or by any force or means likely to produce great bodily harm or death; or
- administers, exposes, or transmits to or causes to be taken by another, poison, the human immunodeficiency virus (HIV), or any other destructive or noxious substance.

Assault in the first degree is a class A felony with a seriousness level of XII. Washington sentencing guidelines require a sentence of not less than five years for a person convicted of first-degree Assault where the offender used force or means likely to result in death or intended to kill the victim.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Second-Degree Assault.

A person commits Assault in the second degree when he or she:

- intentionally assaults another and recklessly inflicts substantial bodily harm;
- assaults another with a deadly weapon or with intent to commit a felony;
- with intent to inflict bodily harm, causes another to take poison or any other destructive or noxious substance;
- knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture;
- intentionally and unlawfully causes substantial bodily harm to an unborn quick child by injuring the mother; or
- assaults another by strangulation.

Assault in the second degree is a class B felony with a seriousness level of IV.

Summary of Bill:

A person is guilty of Assault in the first degree if he or she intentionally assaults another with a deadly weapon and recklessly inflicts great bodily harm. Assault committed in this manner is a seriousness level of X.

Appropriation: None.

Fiscal Note: Requested on February 9, 2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.