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SENATE BILL 5833

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators Roach, Kohl-Welles, Pearson, Darneille, and Chase

Read first time 02/05/15. Referred to Committee on Law & Justice.

1            AN ACT Relating to assault in the third degree; amending RCW  
2 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 2013 c 256 s 1 are each amended to  
5 read as follows:

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

13            (b) Assaults a person employed as a transit operator or driver,  
14 the immediate supervisor of a transit operator or driver, a mechanic,  
15 or a security officer, by a public or private transit company or a  
16 contracted transit service provider, while that person is performing  
17 his or her official duties at the time of the assault; or

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

1 is performing his or her official duties at the time of the assault;  
2 or

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

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

16 (h) Assaults a peace officer with a projectile stun gun; or

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

26 (j) Assaults a judicial officer, court-related employee, county  
27 clerk, or county clerk's employee, while that person is performing  
28 his or her official duties at the time of the assault or as a result  
29 of that person's employment within the judicial system. For purposes  
30 of this subsection, "court-related employee" includes bailiffs, court  
31 reporters, judicial assistants, court managers, court managers'  
32 employees, and any other employee, regardless of title, who is  
33 engaged in equivalent functions; or

34 (k) Assaults a person located in a courtroom, jury room, judge's  
35 chamber, or any waiting area or corridor immediately adjacent to a  
36 courtroom, jury room, or judge's chamber. This section shall apply  
37 only: (i) During the times when a courtroom, jury room, or judge's  
38 chamber is being used for judicial purposes during court proceedings;  
39 and (ii) if signage was posted in compliance with RCW 2.28.200 at the  
40 time of the assault; or

1       (1) Assaults a utility worker, or employee of any publicly or  
2 privately owned utility company or agency, who is at the time of the  
3 act engaged in official duties, including: (i) The maintenance or  
4 repair of utility poles, lines, conduit, pipes, or other  
5 infrastructure; or (ii) connecting, disconnecting, or recoding  
6 utility meters. It is not a defense to a charge under this subsection  
7 (1)(1) that the worker was on the private property of the person  
8 charged, if the worker's assignment or general duties required or  
9 allowed entry on such property.

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

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