

FINAL BILL REPORT

HB 2791

C 266 L 96

Synopsis as Enacted

Brief Description: Clarifying assault in the third degree to include county fire marshal's office.

Sponsors: Representatives Lambert, Costa, Sterk, Campbell and Smith.

House Committee on Law & Justice

Senate Committee on Law & Justice

Background: An assault is any intentional offensive touching or striking of another person, regardless of whether injury results. Assault crimes are categorized into four degrees, depending on the offender's state of mind, the seriousness of the injury to the victim, the status of the victim, and the use of a weapon.

Fourth-degree assault, also called "simple assault," is a gross misdemeanor. Any assault that does not fall within the definition of one of the other degrees of assault is fourth-degree assault. Third-degree assault is a class C felony and generally requires that the assault resulted in bodily harm caused by a weapon or bodily harm accompanied by substantial pain for a period of time sufficient to cause considerable suffering. The Legislature has also provided that a "simple assault" of certain victims will be a felony third-degree assault rather than a gross misdemeanor fourth-degree assault, even if no bodily harm resulted. A fourth-degree assault becomes a class C felony if committed against any of the following victims while the victim is engaged in his or her official duties:

- a public or private transit vehicle driver;
- a public or private school bus driver;
- a firefighter;
- a law enforcement officer;
- personnel or volunteers at a juvenile corrections facility;
- personnel or volunteers at an adult corrections facility; and
- personnel or volunteers involved in community corrections.

Summary: It is a class C felony, rather than a gross misdemeanor, to commit a simple assault on an employee of a county fire marshal's office or county fire protection bureau while the employee is performing his or her official duties.

Votes on Final Passage:

House	95	0
Senate	46	1

Effective: June 6, 1996