

# HOUSE BILL REPORT

## HB 1655

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to assault on bus drivers.

**Brief Description:** Extending protection for bus drivers.

**Sponsors:** Representatives Hankins, Cooper, Fisher, Romero, Blalock, Constantine, Gardner, O'Brien, Scott, Zellinsky, Hatfield and Keiser.

### Brief History:

#### Committee Activity:

Law & Justice: 2/11/97, 2/14/97 [DPS].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz and Sherstad.

**Staff:** Bill Perry (786-7123).

**Background:** An assault, in its simplest form, has been defined by case law as any intentional offensive touching or striking of another, regardless of whether any actual physical harm is done to the victim. An act of assault may range from spitting on someone to inflicting a permanently disabling or disfiguring injury. The criminal code divides the crime of assault into four degrees, and into some specific separate crimes. The various crimes are distinguished by the state of mind of the offender, the extent of injury done to the victim, whether or not a weapon was used, and who the victim was.

Fourth-degree assault, sometimes called "simple assault," is a gross misdemeanor. Any assault that does not fall within the definition of one of the other degrees or definitions of the crime is fourth-degree assault. Third-degree assault, the lowest level of felony assault, is a class C felony. Generally, in order to amount to third-degree assault, an assault must involve causing some bodily harm with a weapon, or

must involve otherwise causing bodily harm that is "accompanied by substantial pain that extends for a period sufficient to cause considerable suffering."

However, the Legislature has also provided that with respect to certain victims, an assault that would otherwise be a gross misdemeanor will be a felony. That is, with respect to these victims, there is no need to show bodily harm caused by a weapon, or accompanied by substantial pain, in order for the crime to be a felony. A fourth-degree assault becomes a class C felony if committed against:

- 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.

An otherwise misdemeanor assault against one of these victims becomes a felony only if the victim is engaged in his or her job related duties at the time of the assault. In the case of transit vehicle and school bus drivers, however, it is also necessary that the driver be operating the vehicle and that there be at least one passenger on the vehicle.

**Summary of Substitute Bill:** An otherwise misdemeanor assault on a transit vehicle or school bus driver becomes a felony if committed at any time the driver is performing his or her duties. The requirements that the driver be operating the vehicle or bus and that at least one passenger be present are removed.

**Substitute Bill Compared to Original Bill:** The original bill contains a slightly different statement of the period of time during which an otherwise misdemeanor assault of a driver becomes a felony.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.