
SENATE BILL 5497

State of Washington

63rd Legislature

2013 Regular Session

By Senators Fain, McAuliffe, Litzow, Rolfes, Tom, Rivers, Hill, Fraser, Becker, King, and Kohl-Welles

Read first time 01/31/13. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to assault in the third degree against a school
2 employee; reenacting and amending RCW 9A.36.031; prescribing penalties;
3 and providing an effective date.

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

5 **Sec. 1.** RCW 9A.36.031 and 2011 c 336 s 359 and 2011 c 238 s 1 are
6 each reenacted and amended to read as follows:

7 (1) A person is guilty of assault in the third degree if he or she,
8 under circumstances not amounting to assault in the first or second
9 degree:

10 (a) With intent to prevent or resist the execution of any lawful
11 process or mandate of any court officer or the lawful apprehension or
12 detention of himself, herself, or another person, assaults another; or

13 (b) Assaults a person employed as a transit operator or driver, the
14 immediate supervisor of a transit operator or driver, a mechanic, or a
15 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 employee including, but not limited to,
19 teacher, instructor, administrator, staff person, teacher aide and

1 paraprofessional, food service worker, and other clerical, custodial,
2 or maintenance personnel employed by a school district, bus driver, the
3 immediate supervisor of a driver, a mechanic, or a security officer,
4 employed by a school district transportation service or a private
5 company under contract for transportation services with a school
6 district, while the person is performing his or her official duties at
7 the time of the assault; or

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

11 (e) Assaults a firefighter or other employee of a fire department,
12 county fire marshal's office, county fire prevention bureau, or fire
13 protection district who was performing his or her official duties at
14 the time of the assault; or

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

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

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

22 (i) Assaults a nurse, physician, or health care provider who was
23 performing his or her nursing or health care duties at the time of the
24 assault. For purposes of this subsection: "Nurse" means a person
25 licensed under chapter 18.79 RCW; "physician" means a person licensed
26 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
27 person certified under chapter 18.71 or 18.73 RCW who performs
28 emergency medical services or a person regulated under Title 18 RCW and
29 employed by, or contracting with, a hospital licensed under chapter
30 70.41 RCW; or

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

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

2 NEW SECTION. **Sec. 2.** This act takes effect August 1, 2013.

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