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**SUBSTITUTE SENATE BILL 6165**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Chase, Angel, and Liias)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to modifying the offense of assault in the third  
2 degree; amending RCW 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 a fare payment monitor, or a security officer, by a public or private  
16 transit company or a contracted transit service provider, while that  
17 person is performing his or her official duties at the time of the  
18 assault; or

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

1 for transportation services with a school district, while the person  
2 is performing his or her official duties at the time of the assault;  
3 or

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

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

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

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

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

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

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

35 (k) Assaults a person located in a courtroom, jury room, judge's  
36 chamber, or any waiting area or corridor immediately adjacent to a  
37 courtroom, jury room, or judge's chamber. This section shall apply  
38 only: (i) During the times when a courtroom, jury room, or judge's  
39 chamber is being used for judicial purposes during court proceedings;

1 and (ii) if signage was posted in compliance with RCW 2.28.200 at the  
2 time of the assault.

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

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