

SENATE BILL REPORT

SB 5199

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 22, 1991

Brief Description: Making assaults on staff at state hospitals for the mentally ill a class C felony.

SPONSORS: Senators West, Roach, Johnson and Madsen.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5199 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Jon Carlson (786-7459)

Hearing Dates: February 20, 1991; February 22, 1991

BACKGROUND:

The crime of assault is divided into four degrees. First and second degrees are class A and B felonies, respectively, and generally involve the infliction of serious bodily harm or the use of a weapon. Third degree assault is a class C felony. Any assault that does not amount to a first, second, or third degree assault is classified as a fourth degree assault, which is a gross misdemeanor.

In some cases, the identity of the victim determines whether the assault is characterized as third or fourth degree. For example, a fourth degree assault rises to the level of third degree if the victim is a law enforcement officer, firefighter, school bus driver, or transit operator when each is performing official duties.

Custodial assault is another category of assault which is determined by the identity of the victim. Custodial assault is an assault, other than in the first or second degree, on staff or various personnel who are performing official duties at juvenile corrections institutions or adult corrections facilities. An assault upon a community correction officer performing official duties is also a custodial assault. Custodial assault is a class C felony.

SUMMARY:

A person is guilty of assault in the third degree if he or she assaults an employee of a state hospital for the mentally ill who was performing official duties at the time of the assault.

A person is guilty of custodial assault if he or she assaults staff, educational personnel, personal service providers, or

vendors when they are performing official duties at any state hospital for the mentally ill.

EFFECT OF PROPOSED SUBSTITUTE:

Redundant language is removed from the original bill.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The incidents of assaults on staff at hospitals for the mentally ill are increasing. Staff and other personnel performing official duties should be placed in the same protected category as adult and juvenile corrections officers.

TESTIMONY AGAINST:

The problem lies more in the lack of proper staff training, and the inappropriate administration of medicine.

TESTIFIED: Senator West, sponsor; Sharon Stewart-Johnson, DSHS, Division of Mental Health; Joseph Polikat, registered nurse (pro); Patricia DeBoer, WA State Assoc. for the Mentally Ill (con)