

SENATE BILL 5199

State of Washington 52nd Legislature 1991 Regular Session

By Senators West, Roach, Johnson and Madsen.

Read first time January 23, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to assaults on staff at state institutions;
2 amending RCW 9A.36.031 and 9A.36.100; and providing penalties.

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

4 **Sec. 1.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to read
5 as follows:

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

12 (b) Assaults a person employed as a transit operator or driver by
13 a public or private transit company while that person is operating or
14 is in control of a vehicle that is owned or operated by the transit
15 company and that is occupied by one or more passengers; or

1 (c) Assaults a school bus driver employed by a school district or
2 a private company under contract for transportation services with a
3 school district while the driver is operating or is in control of a
4 school bus that is occupied by one or more passengers; or

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

8 (e) Assaults a fire fighter or other employee of a fire department
9 or fire protection district who was performing his or her official
10 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 the
16 time of the assault; or

17 (h) Assaults an employee of a state hospital for the mentally ill
18 who was performing his or her official duty at the time of the assault.

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

20 **Sec. 2.** RCW 9A.36.100 and 1988 c 151 s 1 are each amended to read
21 as follows:

22 (1) A person is guilty of custodial assault if that person is not
23 guilty of an assault in the first or second degree and where the
24 person:

25 (a) Assaults a full or part-time staff member or volunteer, any
26 educational personnel, any personal service provider, or any vendor or
27 agent thereof at any juvenile corrections institution or local juvenile
28 detention facilities who was performing official duties at the time of
29 the assault;

1 (b) Assaults a full or part-time staff member or volunteer, any
2 educational personnel, any personal service provider, or any vendor or
3 agent thereof at any adult corrections institution or local adult
4 detention facilities who was performing official duties at the time of
5 the assault;

6 (c)(i) Assaults a full or part-time community correction officer
7 while the officer is performing official duties; or

8 (ii) Assaults any other full or part-time employee who is employed
9 in a community corrections office while the employee is performing
10 official duties; ~~((or))~~

11 (d) Assaults a full or part-time staff member or volunteer, any
12 educational personnel, any personal service provider, or any vendor or
13 vendor's agent at any state hospital for the mentally ill who was
14 performing official duties at the time of the assault; or

15 (e) Assaults any volunteer who was assisting a person described in
16 (c) of this subsection at the time of the assault.

17 (2) Custodial assault is a class C felony.