

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5499**

Chapter 94, Laws of 1998

55th Legislature  
1998 Regular Session

ASSAULT ON BUS DRIVERS--PENALTIES

EFFECTIVE DATE: 6/11/98

Passed by the Senate January 30, 1998  
YEAS 48 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 5, 1998  
YEAS 98 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved March 20, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5499** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

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**Secretary**

FILED

March 20, 1998 - 5:18 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**ENGROSSED SENATE BILL 5499**

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Passed Legislature - 1998 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** Senators Roach, Johnson, Goings, Jacobsen, Haugen, Horn, Zarelli, McCaslin, Long, Franklin, Winsley, Oke and Rasmussen

Read first time 01/29/97. Referred to Committee on Law & Justice.

1            AN ACT Relating to assault on bus drivers; amending RCW 9A.36.031;  
2 and prescribing penalties.

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

4            **Sec. 1.** RCW 9A.36.031 and 1997 c 172 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~~)) performing his  
16 or her official duties at the time of the assault; or

17            (c) Assaults a school bus driver employed by a school district or  
18 a private company under contract for transportation services with a  
19 school district while the driver is (~~operating or is in control of a~~

1 ~~school bus that is occupied by one or more passengers))~~ performing his  
2 or her official duties at the time of the assault; or

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

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

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

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

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

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

Passed the Senate January 30, 1998.

Passed the House March 5, 1998.

Approved by the Governor March 20, 1998.

Filed in Office of Secretary of State March 20, 1998.