

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1442

Chapter 328, Laws of 1999

56th Legislature
1999 Regular Session

TRANSIT EMPLOYEES--ASSAULT

EFFECTIVE DATE: 7/25/99

Passed by the House April 21, 1999
Yeas 79 Nays 18

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 8, 1999
Yeas 32 Nays 14

BRAD OWEN
President of the Senate

Approved May 14, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1442** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER

Chief Clerk

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 14, 1999 - 6:38 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1442

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Representatives Edwards, Radcliff, Scott, Wolfe, Reardon, Sheahan, Lovick, Fisher, O'Brien, Santos, Romero, Kenney, Conway, Ogden, Dickerson, Haigh and Keiser

Read first time 01/25/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to assault on transit employees or customers;
2 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 1998 c 94 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, the
13 immediate supervisor of a transit operator or driver, a mechanic, or a
14 security officer, by a public or private transit company or a
15 contracted transit service provider, while that person is performing
16 his or her official duties at the time of the assault; or

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

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

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

7 (e) Assaults a fire fighter or other employee of a fire department,
8 county fire marshal's office, county fire prevention bureau, or fire
9 protection district who was performing his or her official duties at
10 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 a nurse, physician, or health care provider who was
18 performing his or her nursing or health care duties at the time of the
19 assault. For purposes of this subsection: "Nurse" means a person
20 licensed under chapter 18.79 RCW; "physician" means a person licensed
21 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
22 person certified under chapter 18.71 or 18.73 RCW who performs
23 emergency medical services or a person regulated under Title 18 RCW and
24 employed by, or contracting with, a hospital licensed under chapter
25 70.41 RCW.

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

Passed the House April 21, 1999.

Passed the Senate April 8, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.