

# HOUSE BILL REPORT

## ESHB 1506

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**As of Second Reading:**

March 14, 2003

**Title:** An act relating to assaults on state employees.

**Brief Description:** Penalizing assault on state employees.

**Sponsors:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Romero, Hunt, Lovick, Haigh, Conway, Armstrong, Jarrett, Lantz, Linville, Schual-Berke, Sullivan, Kenney and McDermott).

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 2/12/03, 2/28/03 [DPS].

### Brief Summary of Engrossed Substitute Bill

- Makes an assault of a state employee lawfully enforcing a state statute or agency rule assault in the third degree, unless the employee's duties included care for persons with mental disabilities and the employee is assaulted by such a person.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Kagi and Lovick.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Pearson.

**Staff:** Jim Morishima (786-7191).

**Background:**

The crime of assault is divided into four degrees. An assault that would normally be

considered assault in the fourth degree (a gross misdemeanor) may be elevated to assault in the third degree (a class C felony, seriousness level III) if the assault was committed against a certain class of persons. For example, an assault against a firefighter performing his or her official duties at the time of the assault is automatically assault in the third degree. Similar provisions exist for transit operators, school bus drivers, law enforcement officers, and health care providers.

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**Summary of Engrossed Substitute Bill:**

An assault that would normally be assault in the fourth degree may be elevated to assault in the third degree if the assault was committed against a state employee who was lawfully enforcing a state statute or agency rule in his or her official capacity at the time of the assault. However, a fourth degree assault is not elevated to the third degree crime if it is committed by a person with mental disabilities against a state employee whose duties include the care of such persons.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Many state employees are physically or verbally assaulted when they are carrying out their duties. Some of these assaults involve firearms. State employees sometimes work in isolated areas with little or no backup. This bill sends a message that it's not permissible to assault state employees and would make a perpetrator think twice before committing such an assault. Also the bill will encourage prosecution of such assaults.

**Testimony Against:** None.

**Testified:** Lynn Maier and Howard Fuss, Washington Public Employees Association; Mohammad Mostafani Nassab and James Steele, Washington State Parks; and Jim King, Citizens of Parks and Recreation.