
**Criminal Justice & Corrections
Committee**

HB 1664

Brief Description: Making it a most serious offense to assault a peace officer.

Sponsors: Representatives Lovick, Delvin, Simpson, O'Brien, Bush and McCoy.

Brief Summary of Bill

- Makes it a "strike" to commit third degree assault against a law enforcement officer.

Hearing Date: 2/19/03

Staff: Jim Morishima (786-7191).

Background:

I. Assault

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 law enforcement officer or other public employee of a law enforcement agency 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, firefighters, and health care providers.

II. Persistent Offenders

Under the "three strikes" law, persistent offenders are sentenced to life without the possibility of parole. A persistent offender is an offender sentenced to more than two "most serious offenses" (sometimes called "strikes"). Most serious offenses include any class A felony (including assault in the first degree), assault in the second degree, extortion in the first degree, and manslaughter in the second degree.

Summary of Bill:

Third degree assault upon a law enforcement officer or employee of a law enforcement agency is included in the definition of "most serious offense;" (i.e., the offense is made a "strike" under the "three strikes" law).

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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