

SENATE BILL REPORT

SB 6011

As Reported by Senate Committee On:
Law & Justice, January 22, 2014

Title: An act relating to random assaults.

Brief Description: Increasing penalties for random assaults.

Sponsors: Senators Padden, Pearson, Hewitt, Brown and O'Ban.

Brief History:

Committee Activity: Law & Justice: 1/15/14, 1/22/14 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille, Pearson and Roach.

Minority Report: Do not pass.

Signed by Senator Kline, Ranking Member.

Staff: Kelly Walsh (786-7755)

Background: A national trend has emerged that is commonly referred to in media reports as the knockout game. Generally, a group of people will walk by or behind a random person on the street and one of the individuals in the group will strike the person in the head with force sufficient to cause the person to lose consciousness with one hit. Dozens of these attacks have been carried out nationwide in recent months, including in Washington State.

The term assault is defined in common law as: (1) intentionally and unlawfully touching another; (2) intentionally attempting with unlawful force to inflict bodily injury upon another; or (3) intentionally placing another in reasonable fear of physical harm.

A person commits the crime of assault in the first degree if that person, with intent to inflict great bodily harm: (1) assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; (2) administers, exposes, or transmits to or causes to be taken by another, poison, the human immunodeficiency virus (HIV), or any other destructive or noxious substance; or (3) assaults another and inflicts great bodily harm.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Assault in the first degree is a class A felony ranked at level 12 with a standard range of 93-123 months for a first offense.

A person commits the crime of assault in the second degree that person, under circumstances not amounting to assault in the first degree: (1) intentionally assaults another, recklessly inflicting substantial bodily harm; (2) intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; (3) assaults another with a deadly weapon; (4) with intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; (5) with intent to commit a felony, assaults another; (6) knowingly inflicts bodily harm which by design causes such pain or agony as to be equivalent to that produced by torture; or (7) assaults another by strangulation or suffocation. Assault in the second degree is a class B felony ranked at level 4 with a standard range of three to nine months for a first offense.

A person commits the crime of assault in the third degree if that person, under circumstances not amounting to assault in the first or second degree: (1) assaults another with intent to prevent or resist the execution of any lawful process or mandate of a court officer, or the lawful apprehension or detention of himself, herself, or another person; (2) assaults a transit worker; (3) assaults a school transportation employee; (4) with criminal negligence, causes bodily harm to another person by means of a weapon or instrument likely to produce bodily harm; (5) assaults a firefighter or fire department employee; (6) with criminal negligence, causes bodily harm accompanied by substantial pain causing considerable suffering; (7) assaults a law enforcement officer or police department employee; (8) assaults a peace officer with a projectile stun gun; (9) assaults a nurse, physician, or health care worker; (10) assaults a judicial officer or court-related employee; or (11) assaults a person located in a courtroom, jury room, judge's chamber, or waiting area adjacent to such a room during a time when the room is being used for judicial purposes during court proceedings and proper signage is displayed. Assault in the third degree is a class C felony ranked at a level 3—with the exception of assault of a peace officer with a projectile stun gun, which is ranked at level 4—with a standard range of one to three months for a first offense.

A person commits the crime of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree or custodial assault, that person assaults another. Assault in the fourth degree is a gross misdemeanor with a maximum permissible sentence of 364 days in jail and a \$5,000 fine.

Summary of Bill: A person is guilty of assault in the third degree if that person, under circumstances not amounting to assault in the first or second degree, assaults another person randomly without any prior physical or verbal contact in a public place.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This type of crime occurs in our state and we need a mechanism in place that speaks to the elements that prosecutors would have to prove in a court case. These are dangerous crimes that will continue to increase. This is a horrible crime and it is moving across the nation. This bill is appropriately narrow to address the situation. The narrow language will limit costs. This bill positions Washington State to address this growing phenomenon and send a message to criminals. A person who commits this crime should not face a simple assault charge, but should face a felony charge. People are being severely injured. Crimes are elevated to higher degrees many times in statute based upon who the victim is and this situation should not be any different. In these cases we have a victim who does not see it coming. Often these victims are elderly and wake up in the hospital without any warning or even knowledge of what happened. This bill will deter people from committing this type of crime because it will result in a felony charge.

Persons Testifying: PRO: Larry Haskell, Spokane County Deputy Prosecuting Attorney; Don Pierce, WA Assn. of Sheriffs and Police Chiefs.