
Community Safety Committee

HB 1220

Brief Description: Concerning appropriate response to assaults by individuals in behavioral health crisis.

Sponsors: Representatives Farivar, Macri, Reed, Obras, Doglio, Simmons, Pollet, Davis, Ormsby, Salahuddin and Hill.

Brief Summary of Bill

- Creates an exception to Assault in the third degree of a nurse, physician, or health care provider where the person assaults such an individual performing nursing or health care duties while the person is in specified behavioral health detention, pending evaluation for such detention, or receiving or seeking in-patient behavioral health treatment.

Hearing Date: 2/3/25

Staff: Lena Langer (786-7192).

Background:

Classification of Crimes.

The classification of a crime generally determines the maximum authorized term of confinement and fine for an offense, subject to certain exceptions. For example, class C felonies are typically punishable by up to five years imprisonment, up to a \$10,000 fine, or both such imprisonment and fine. For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal history. However, additional sentencing policies may further increase or decrease a

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person's sentence.

Assault in the Third Degree.

A person commits assault if he or she attempts to inflict bodily injury on another person with unlawful force, unlawfully touches another person with criminal intent, or puts another person in apprehension of harm. An assault may be classified as Assault in the first, second, third, or fourth degree, depending on the specific circumstances.

A person commits Assault in the third degree if he or she, under circumstances not amounting to Assault in the first or second degree, assaults a specific category of person or commits the assault with certain intent or criminal negligence accompanied by other specific factors. For example, Assault in the third degree includes assault against a nurse, physician, or health care provider who is performing nursing or health care duties at the time of the assault.

Nurse, physician, or health care provider includes:

- registered nurses;
- advanced registered nurse practitioners;
- nurse practitioners;
- licensed practical nurses;
- licensed physicians;
- licensed osteopathic physicians;
- a person certified to perform emergency medical services; and
- a person who is regulated under the business and professions code who is employed by, or contracting with, a licensed hospital.

Assault in the third degree is a class C felony ranked at seriousness level III.

Summary of Bill:

An exception to Assault in the third degree of a nurse, physician, or health care provider is created where the person assaults such an individual performing nursing or health care duties while:

- detained or pending an evaluation for detention for behavioral health disorders;
- detained for behavioral health treatment pursuant to the chapter for criminal insanity; or
- receiving or in the process of seeking voluntary in-patient behavioral health treatment.

Charges of Assault in the first, second, or fourth degree are not affected.

Appropriation: None.

Fiscal Note: Requested on January 28, 2025.

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