SENATE BILL 5566

State of Washington 69th Legislature 2025 Regular Session

By Senators McCune, Fortunato, J. Wilson, Torres, Holy, Boehnke, Dozier, Goehner, Harris, Christian, Wagoner, and King

Read first time 01/29/25. Referred to Committee on Law & Justice.

AN ACT Relating to increasing the penalty for assaulting a law enforcement officer; amending RCW 9A.36.031; reenacting and amending RCW 9.94A.515; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 Sec. 1. RCW 9A.36.031 and 2024 c 220 s 1 are each amended to 6 read as follows:

7 (1) A person is guilty of assault in the third degree if he or
8 she, under circumstances not amounting to assault in the first or
9 second degree:

10 (a) With intent to prevent or resist the execution of any lawful 11 process or mandate of any court officer or the lawful apprehension or 12 detention of himself, herself, or another person, assaults another; 13 or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

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

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

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

7 (e) Assaults a firefighter or other employee of a fire 8 department, county fire marshal's office, county fire prevention 9 bureau, or fire protection district who was performing his or her 10 official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

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(h) Assaults a peace officer with a projectile stun gun; or

(i) Assaults a nurse, physician, or health care provider who was 18 performing his or her nursing or health care duties at the time of 19 20 the assault. For purposes of this subsection: "Nurse" means a person 21 licensed under chapter 18.79 RCW; "physician" means a person licensed 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 24 emergency medical services or a person regulated under Title 18 RCW 25 and employed by, or contracting with, a hospital licensed under 26 chapter 70.41 RCW; or

(j) Assaults a judicial officer, court-related employee, county 27 clerk, or county clerk's employee, while that person is performing 28 29 his or her official duties at the time of the assault or as a result of that person's employment within the judicial system. For purposes 30 31 of this subsection, "court-related employee" includes bailiffs, court 32 reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is 33 engaged in equivalent functions; or 34

35 (k) Assaults a person located in a courtroom, jury room, judge's 36 chamber, or any waiting area or corridor immediately adjacent to a 37 courtroom, jury room, or judge's chamber. This section shall apply 38 only: (i) During the times when a courtroom, jury room, or judge's 39 chamber is being used for judicial purposes during court proceedings; 1 and (ii) if signage was posted in compliance with RCW 2.28.200 at the 2 time of the assault; or

(1) Is a licensed health care provider who implants or causes another to implant the provider's own gametes or reproductive material into a patient during an assisted reproduction procedure. For the purposes of this subsection, "gamete" means sperm, egg, or any part of a sperm or egg, and "reproductive material" means a human gamete or a human organism at any stage of development from fertilized ovum to embryo.

10 (2) ((Assault)) Except for subsection (1)(g) and (h) of this 11 section, assault in the third degree is a class C felony. For 12 subsection (1)(g) and (h) of this section, assault in the third 13 degree is a class B felony.

14 <u>(3) Notwithstanding any other provision of law, a person</u> 15 <u>convicted of assaulting a law enforcement officer in furtherance of a</u> 16 <u>riot or unlawful assembly prohibited under chapter 9A.84 RCW must be</u> 17 <u>sentenced to a minimum term of total confinement of 180 days.</u>

18 Sec. 2. RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are 19 each reenacted and amended to read as follows:

20		TABLE 2
21		CRIMES INCLUDED WITHIN EACH
22		SERIOUSNESS LEVEL
23	XVI	Aggravated Murder 1 (RCW 10.95.020)
24	XV	Homicide by abuse (RCW 9A.32.055)
25		Malicious explosion 1 (RCW
26		70.74.280(1))
27		Murder 1 (RCW 9A.32.030)
28	XIV	Murder 2 (RCW 9A.32.050)
29		Trafficking 1 (RCW 9A.40.100(1))
30	XIII	Malicious explosion 2 (RCW
31		70.74.280(2))
32		Malicious placement of an explosive 1
33		(RCW 70.74.270(1))
34	XII	Assault 1 (RCW 9A.36.011)
35		Assault of a Child 1 (RCW 9A.36.120)

1		Malicious placement of an imitation
2		device 1 (RCW 70.74.272(1)(a))
3		Promoting Commercial Sexual Abuse
4		of a Minor (RCW 9.68A.101)
5		Rape 1 (RCW 9A.44.040)
6		Rape of a Child 1 (RCW 9A.44.073)
7		Trafficking 2 (RCW 9A.40.100(3))
8	XI	Manslaughter 1 (RCW 9A.32.060)
9		Rape 2 (RCW 9A.44.050)
10		Rape of a Child 2 (RCW 9A.44.076)
11		Vehicular Homicide, by being under the
12		influence of intoxicating liquor or
13		any drug (RCW 46.61.520)
14		Vehicular Homicide, by the operation of
15		any vehicle in a reckless manner
16		(RCW 46.61.520)
17	Х	Child Molestation 1 (RCW 9A.44.083)
18		Criminal Mistreatment 1 (RCW
19		9A.42.020)
20		Indecent Liberties (with forcible
21		compulsion) (RCW
22		9A.44.100(1)(a))
23		Kidnapping 1 (RCW 9A.40.020)
24		Leading Organized Crime (RCW
25		9A.82.060(1)(a))
26		Malicious explosion 3 (RCW
27		70.74.280(3))
28		Sexually Violent Predator Escape (RCW
29		9A.76.115)
30	IX	Abandonment of Dependent Person 1
31		(RCW 9A.42.060)
32		Assault of a Child 2 (RCW 9A.36.130)
33		Explosive devices prohibited (RCW
34		70.74.180)

1		Hit and Run—Death (RCW
2		46.52.020(4)(a))
3		Homicide by Watercraft, by being under
4		the influence of intoxicating liquor
5		or any drug (RCW 79A.60.050)
6		Inciting Criminal Profiteering (RCW
7		9A.82.060(1)(b))
8		Malicious placement of an explosive 2
9		(RCW 70.74.270(2))
10		Robbery 1 (RCW 9A.56.200)
11		Sexual Exploitation (RCW 9.68A.040)
12	VIII	Arson 1 (RCW 9A.48.020)
13		Commercial Sexual Abuse of a Minor
14		(RCW 9.68A.100)
15		Homicide by Watercraft, by the
16		operation of any vessel in a reckless
17		manner (RCW 79A.60.050)
18		Manslaughter 2 (RCW 9A.32.070)
19		Promoting Prostitution 1 (RCW
20		9A.88.070)
21		Theft of Ammonia (RCW 69.55.010)
22	VII	Air bag diagnostic systems (causing
23		bodily injury or death) (RCW
24		46.37.660(2)(b))
25		Air bag replacement requirements
26		(causing bodily injury or death)
27		(RCW 46.37.660(1)(b))
28		Burglary 1 (RCW 9A.52.020)
29		Child Molestation 2 (RCW 9A.44.086)
30		Civil Disorder Training (RCW
31		9A.48.120)
32		Custodial Sexual Misconduct 1 (RCW
33		9A.44.160)

1	Dealing in depictions of minor engaged
2	in sexually explicit conduct 1
3	(RCW 9.68A.050(1))
4	Drive-by Shooting (RCW 9A.36.045)
5	False Reporting 1 (RCW
6	9A.84.040(2)(a))
7	Homicide by Watercraft, by disregard
8	for the safety of others (RCW
9	79A.60.050)
10	Indecent Liberties (without forcible
11	compulsion) (RCW 9A.44.100(1)
12	(b) and (c))
13	Introducing Contraband 1 (RCW
14	9A.76.140)
15	Malicious placement of an explosive 3
16	(RCW 70.74.270(3))
17	Manufacture or import counterfeit,
18	nonfunctional, damaged, or
19	previously deployed air bag
20	(causing bodily injury or death)
21	(RCW 46.37.650(1)(b))
22	Negligently Causing Death By Use of a
23	Signal Preemption Device (RCW
24	46.37.675)
25	Sell, install, or reinstall counterfeit,
26	nonfunctional, damaged, or
27	previously deployed airbag (RCW
28	46.37.650(2)(b))
29	Sending, bringing into state depictions
30	of minor engaged in sexually
31	explicit conduct 1 (RCW
32	9.68A.060(1))
33	Unlawful Possession of a Firearm in the
34	first degree (RCW 9.41.040(1))
35	Use of a Machine Gun or Bump-fire
36	Stock in Commission of a Felony
37	(RCW 9.41.225)

1		Vehicular Homicide, by disregard for
2		the safety of others (RCW
3		46.61.520)
4	VI	Bail Jumping with Murder 1 (RCW
5		9A.76.170(3)(a))
6		Bribery (RCW 9A.68.010)
7		Incest 1 (RCW 9A.64.020(1))
8		Intimidating a Judge (RCW 9A.72.160)
9		Intimidating a Juror/Witness (RCW
10		9A.72.110, 9A.72.130)
11		Malicious placement of an imitation
12		device 2 (RCW 70.74.272(1)(b))
13		Possession of Depictions of a Minor
14		Engaged in Sexually Explicit
15		Conduct 1 (RCW 9.68A.070(1))
16		Rape of a Child 3 (RCW 9A.44.079)
17		Theft of a Firearm (RCW 9A.56.300)
18		Theft from a Vulnerable Adult 1 (RCW
19		9A.56.400(1))
20		Unlawful Storage of Ammonia (RCW
21		69.55.020)
22	V	Abandonment of Dependent Person 2
23		(RCW 9A.42.070)
24		Advancing money or property for
25		extortionate extension of credit
26		(RCW 9A.82.030)
27		Air bag diagnostic systems (RCW
28		46.37.660(2)(c))
29		Air bag replacement requirements
30		(RCW 46.37.660(1)(c))
31		Assault 3 (of a Law Enforcement
32		Officer or Employee and Assault 3
33		of a Peace Officer with a Projectile
34		Stun Gun) (RCW 9A.36.031(1) (g)
35		<u>and (h))</u>

1	Bail Jumping with class A Felony
2	(RCW 9A.76.170(3)(b))
3	Child Molestation 3 (RCW 9A.44.089)
4	Criminal Mistreatment 2 (RCW
5	9A.42.030)
6	Custodial Sexual Misconduct 2 (RCW
7	9A.44.170)
8	Dealing in Depictions of Minor
9	Engaged in Sexually Explicit
10	Conduct 2 (RCW 9.68A.050(2))
11	Domestic Violence Court Order
12	Violation (RCW 7.105.450,
13	10.99.040, 10.99.050, 26.09.300,
14	26.26B.050, or 26.52.070)
15	Extortion 1 (RCW 9A.56.120)
16	Extortionate Extension of Credit (RCW
17	9A.82.020)
18	Extortionate Means to Collect
19	Extensions of Credit (RCW
20	9A.82.040)
21	Incest 2 (RCW 9A.64.020(2))
22	Kidnapping 2 (RCW 9A.40.030)
23	Manufacture or import counterfeit,
24	nonfunctional, damaged, or
25	previously deployed air bag (RCW
26	46.37.650(1)(c))
27	Perjury 1 (RCW 9A.72.020)
28	Persistent prison misbehavior (RCW
29	9.94.070)
30	Possession of a Stolen Firearm (RCW
31	9A.56.310)
32	Rape 3 (RCW 9A.44.060)
33	Rendering Criminal Assistance 1 (RCW
34	9A.76.070)

1		Sell, install, or reinstall counterfeit,
2		nonfunctional, damaged, or
3		previously deployed airbag (RCW
4		46.37.650(2)(c))
5		Sending, Bringing into State Depictions
6		of Minor Engaged in Sexually
7		Explicit Conduct 2 (RCW
8		9.68A.060(2))
9		Sexual Misconduct with a Minor 1
10		(RCW 9A.44.093)
11		Sexually Violating Human Remains
12		(RCW 9A.44.105)
13		Stalking (RCW 9A.46.110)
14		Taking Motor Vehicle Without
15		Permission 1 (RCW 9A.56.070)
16	IV	Arson 2 (RCW 9A.48.030)
17		Assault 2 (RCW 9A.36.021)
18		((Assault 3 (of a Peace Officer with a
19		Projectile Stun Gun) (RCW
20		9A.36.031(1)(h))))
21		Assault 4 (third domestic violence
22		offense) (RCW 9A.36.041(3))
23		Assault by Watercraft (RCW
24		79A.60.060)
25		Bribing a Witness/Bribe Received by
26		Witness (RCW 9A.72.090,
27		9A.72.100)
28		Cheating 1 (RCW 9.46.1961)
29		Commercial Bribery (RCW 9A.68.060)
30		Counterfeiting (RCW 9.16.035(4))
31		Driving While Under the Influence
32		(RCW 46.61.502(6))
33		Endangerment with a Controlled
34		Substance (RCW 9A.42.100)
35		Escape 1 (RCW 9A.76.110)

1	Hate Crime (RCW 9A.36.080)
2	Hit and Run—Injury (RCW
3	46.52.020(4)(b))
4	Hit and Run with Vessel—Injury
5	Accident (RCW 79A.60.200(3))
6	Identity Theft 1 (RCW 9.35.020(2))
7	Indecent Exposure to Person Under Age
8	14 (subsequent sex offense) (RCW
9	9A.88.010)
10	Influencing Outcome of Sporting Event
11	(RCW 9A.82.070)
12	Physical Control of a Vehicle While
13	Under the Influence (RCW
14	46.61.504(6))
15	Possession of Depictions of a Minor
16	Engaged in Sexually Explicit
17	Conduct 2 (RCW 9.68A.070(2))
18	Residential Burglary (RCW 9A.52.025)
19	Robbery 2 (RCW 9A.56.210)
20	Theft of Livestock 1 (RCW 9A.56.080)
21	Threats to Bomb (RCW 9.61.160)
22	Trafficking in Catalytic Converters 1
23	(RCW 9A.82.190)
24	Trafficking in Stolen Property 1 (RCW
25	9A.82.050)
26	Unlawful factoring of a credit card or
27	payment card transaction (RCW
28	9A.56.290(4)(b))
29	Unlawful transaction of health coverage
30	as a health care service contractor
31	(RCW 48.44.016(3))
32	Unlawful transaction of health coverage
33	as a health maintenance
34	organization (RCW 48.46.033(3))
35	Unlawful transaction of insurance
36	business (RCW 48.15.023(3))

1		Unlicensed practice as an insurance
2		professional (RCW 48.17.063(2))
3		Use of Proceeds of Criminal
4		Profiteering (RCW 9A.82.080 (1)
5		and (2))
6		Vehicle Prowling 2 (third or subsequent
7		offense) (RCW 9A.52.100(3))
8		Vehicular Assault, by being under the
9		influence of intoxicating liquor or
10		any drug, or by the operation or
11		driving of a vehicle in a reckless
12		manner (RCW 46.61.522)
13		Viewing of Depictions of a Minor
14		Engaged in Sexually Explicit
15		Conduct 1 (RCW 9.68A.075(1))
16	III	Animal Cruelty 1 (RCW 16.52.205)
17		Assault 3 (Except Assault 3 of a Law
18		Enforcement Officer or Employee
19		and a Peace Officer With a
20		Projectile Stun Gun) (RCW
21		9A.36.031 except subsection (1)(g)
22		and (h))
23		Assault of a Child 3 (RCW 9A.36.140)
24		Bail Jumping with class B or C Felony
25		(RCW 9A.76.170(3)(c))
26		Burglary 2 (RCW 9A.52.030)
27		Communication with a Minor for
28		Immoral Purposes (RCW
29		9.68A.090)
30		Criminal Gang Intimidation (RCW
31		9A.46.120)
32		Custodial Assault (RCW 9A.36.100)
33		Cyber Harassment (RCW
34		9A.90.120(2)(b))
35		Escape 2 (RCW 9A.76.120)
36		Extortion 2 (RCW 9A.56.130)

1	False Reporting 2 (RCW
2	9A.84.040(2)(b))
3	Harassment (RCW 9A.46.020)
4	Hazing (RCW 28B.10.901(2)(b))
5	Intimidating a Public Servant (RCW
6	9A.76.180)
7	Introducing Contraband 2 (RCW
8	9A.76.150)
9	Malicious Injury to Railroad Property
10	(RCW 81.60.070)
11	Manufacture of Untraceable Firearm
12	with Intent to Sell (RCW 9.41.190)
13	Manufacture or Assembly of an
14	Undetectable Firearm or
15	Untraceable Firearm (RCW
16	9.41.325)
17	Mortgage Fraud (RCW 19.144.080)
18	Negligently Causing Substantial Bodily
19	Harm By Use of a Signal
20	Preemption Device (RCW
21	46.37.674)
22	Organized Retail Theft 1 (RCW
23	9A.56.350(2))
24	Perjury 2 (RCW 9A.72.030)
25	Possession of Incendiary Device (RCW
26	9.40.120)
27	Possession of Machine Gun, Bump-Fire
28	Stock, Undetectable Firearm, or
29	Short-Barreled Shotgun or Rifle
30	(RCW 9.41.190)
31	Promoting Prostitution 2 (RCW
32	9A.88.080)
33	Retail Theft with Special Circumstances
34	1 (RCW 9A.56.360(2))
35	Securities Act violation (RCW
36	21.20.400)

1	Tampering with a Witness (RCW
2	9A.72.120)
3	Telephone Harassment (subsequent
4	conviction or threat of death)
5	(RCW 9.61.230(2))
6	Theft of Livestock 2 (RCW 9A.56.083)
7	Theft with the Intent to Resell 1 (RCW
8	9A.56.340(2))
9	Trafficking in Catalytic Converters 2
10	(RCW 9A.82.200)
11	Trafficking in Stolen Property 2 (RCW
12	9A.82.055)
13	Unlawful Hunting of Big Game 1
14	(RCW 77.15.410(3)(b))
15	Unlawful Imprisonment (RCW
16	9A.40.040)
17	Unlawful Misbranding of Fish or
18	Shellfish 1 (RCW 77.140.060(3))
19	Unlawful possession of firearm in the
20	second degree (RCW 9.41.040(2))
21	Unlawful Taking of Endangered Fish or
22	Wildlife 1 (RCW 77.15.120(3)(b))
23	Unlawful Trafficking in Fish, Shellfish,
24	or Wildlife 1 (RCW
25	77.15.260(3)(b))
26	Unlawful Use of a Nondesignated
27	Vessel (RCW 77.15.530(4))
28	Vehicular Assault, by the operation or
29	driving of a vehicle with disregard
30	for the safety of others (RCW
31	46.61.522)
32 II	Commercial Fishing Without a License
33	1 (RCW 77.15.500(3)(b))
34	Computer Trespass 1 (RCW 9A.90.040)
35	Counterfeiting (RCW 9.16.035(3))

1	Electronic Data Service Interference
2	(RCW 9A.90.060)
3	Electronic Data Tampering 1 (RCW
4	9A.90.080)
5	Electronic Data Theft (RCW
6	9A.90.100)
7	Engaging in Fish Dealing Activity
8	Unlicensed 1 (RCW 77.15.620(3))
9	Escape from Community Custody
10	(RCW 72.09.310)
11	Failure to Register as a Sex Offender
12	(second or subsequent offense)
13	(RCW 9A.44.130 prior to June 10,
14	2010, and RCW 9A.44.132)
15	Health Care False Claims (RCW
16	48.80.030)
17	Identity Theft 2 (RCW 9.35.020(3))
18	Improperly Obtaining Financial
19	Information (RCW 9.35.010)
20	Malicious Mischief 1 (RCW 9A.48.070)
21	Organized Retail Theft 2 (RCW
22	9A.56.350(3))
23	Possession of Stolen Property 1 (RCW
24	9A.56.150)
25	Possession of a Stolen Vehicle (RCW
26	9A.56.068)
27	Possession, sale, or offering for sale of
28	seven or more unmarked catalytic
29	converters (RCW 9A.82.180(5))
30	Retail Theft with Special Circumstances
31	2 (RCW 9A.56.360(3))
32	Scrap Processing, Recycling, or
33	Supplying Without a License
34	(second or subsequent offense)
35	(RCW 19.290.100)
36	Theft 1 (RCW 9A.56.030)

1	Theft of a Motor Vehicle (RCW
2	9A.56.065)
3	Theft of Rental, Leased, Lease-
4	purchased, or Loaned Property
5	(valued at \$5,000 or more) (RCW
6	9A.56.096(5)(a))
7	Theft with the Intent to Resell 2 (RCW
8	9A.56.340(3))
9	Trafficking in Insurance Claims (RCW
10	48.30A.015)
11	Unlawful factoring of a credit card or
12	payment card transaction (RCW
13	9A.56.290(4)(a))
14	Unlawful Participation of Non-Indians
15	in Indian Fishery (RCW
16	77.15.570(2))
17	Unlawful Practice of Law (RCW
18	2.48.180)
19	Unlawful Purchase or Use of a License
20	(RCW 77.15.650(3)(b))
21	Unlawful Trafficking in Fish, Shellfish,
22	or Wildlife 2 (RCW
23	77.15.260(3)(a))
24	Unlicensed Practice of a Profession or
25	Business (RCW 18.130.190(7))
26	Voyeurism 1 (RCW 9A.44.115)
27 I	Attempting to Elude a Pursuing Police
28	Vehicle (RCW 46.61.024)
29	False Verification for Welfare (RCW
30	74.08.055)
31	Forgery (RCW 9A.60.020)
32	Fraudulent Creation or Revocation of a
33	Mental Health Advance Directive
34	(RCW 9A.60.060)
35	Malicious Mischief 2 (RCW 9A.48.080)
36	Mineral Trespass (RCW 78.44.330)

1	Possession of Stolen Property 2 (RCW
2	9A.56.160)
3	Reckless Burning 1 (RCW 9A.48.040)
4	Spotlighting Big Game 1 (RCW
5	77.15.450(3)(b))
6	Suspension of Department Privileges 1
7	(RCW 77.15.670(3)(b))
8	Taking Motor Vehicle Without
9	Permission 2 (RCW 9A.56.075)
10	Theft 2 (RCW 9A.56.040)
11	Theft from a Vulnerable Adult 2 (RCW
12	9A.56.400(2))
13	Theft of Rental, Leased, Lease-
14	purchased, or Loaned Property
15	(valued at \$750 or more but less
16	than \$5,000) (RCW
17	9A.56.096(5)(b))
18	Transaction of insurance business
19	beyond the scope of licensure
20	(RCW 48.17.063)
21	Unlawful Fish and Shellfish Catch
22	Accounting (RCW 77.15.630(3)(b))
23	Unlawful Issuance of Checks or Drafts
24	(RCW 9A.56.060)
25	Unlawful Possession of Fictitious
26	Identification (RCW 9A.56.320)
27	Unlawful Possession of Instruments of
28	Financial Fraud (RCW 9A.56.320)
29	Unlawful Possession of Payment
30	Instruments (RCW 9A.56.320)
31	Unlawful Possession of a Personal
32	Identification Device (RCW
33	9A.56.320)
34	Unlawful Production of Payment
35	Instruments (RCW 9A.56.320)

1	Unlawful Releasing, Planting,
2	Possessing, or Placing Deleterious
3	Exotic Wildlife (RCW
4	77.15.250(2)(b))
5	Unlawful Trafficking in Food Stamps
6	(RCW 9.91.142)
7	Unlawful Use of Food Stamps (RCW
8	9.91.144)
9	Unlawful Use of Net to Take Fish 1
10	(RCW 77.15.580(3)(b))
11	Vehicle Prowl 1 (RCW 9A.52.095)
12	Violating Commercial Fishing Area or
13	Time 1 (RCW 77.15.550(3)(b))

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