

FINAL BILL REPORT

HB 1794

C 238 L 11
Synopsis as Enacted

Brief Description: Adding court-related employees to the assault in the third degree statute.

Sponsors: Representatives Ladenburg, Klippert and Kelley; by request of Board For Judicial Administration.

House Committee on Public Safety & Emergency Preparedness
House Committee on General Government Appropriations & Oversight
Senate Committee on Judiciary

Background:

Generally, a person commits Assault if he or she: (a) attempts, with unlawful force, to inflict bodily injury upon another; (b) unlawfully touches another person with criminal intent; or (c) puts another person in apprehension of harm.

The crime is divided into four degrees depending on the manner in which it was committed or the amount of harm caused to the victim. For instance, an assault that would normally be considered Assault in the fourth degree (a gross misdemeanor offense) may be elevated to Assault in the third degree (a seriousness level III, class C felony offense) 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 assaults against transit operators, school bus drivers, law enforcement officers, and health care providers.

An offender convicted of Assault in the third degree may receive a maximum sentence of five years in prison, a maximum fine of \$10,000, or both imprisonment and a fine for the class C felony offense. Assault in the fourth degree is a gross misdemeanor offense punishable by a sentence of up to one year in jail or a maximum fine of \$5,000, or both imprisonment and a fine.

Summary:

An assault that would normally be Assault in the fourth degree may be elevated to Assault in the third degree, if the assault offense was committed against a judicial officer, court-related employee, county clerk, or county clerk's employee, who was performing his or her official

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duties at the time of the assault or as a result of that person's employment with the judicial system.

A "court-related employee" includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is engaged in equivalent functions.

Votes on Final Passage:

House	97	0
Senate	46	0

Effective: July 22, 2011