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**Early Learning & Human Services  
Committee**

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**HB 2455**

**Brief Description:** Concerning placement of certain juveniles arrested for nonfelonious domestic violence.

**Sponsors:** Representatives Roberts, Walsh, Kagi, Jinkins, Goodman, Orwall, Clibborn and Ryu.

**Brief Summary of Bill**

- Allows a police officer to take a sixteen or seventeen year old that the officer believes has committed a non-felony assault of a family or household member in the preceding four hours to a nonsecure facility that has access to family intervention services.

**Hearing Date:** 1/29/14

**Staff:** Luke Wickham (786-7146).

**Background:**

A police officer must arrest and take into custody certain individuals without a warrant when the officer has probable cause to believe that the person committed specific crimes. These specific crimes include violations of a protection order, restraining order, no-contact order or foreign protection order, and persons 16 years or older who assaulted a family or household member.

Assault.

There are four assault categories ranging from First through Fourth Degree Assault. First through Third Degree Assault are felony offenses, while Fourth Degree Assault is a gross misdemeanor. Fourth Degree Assault is defined as an assault not amounting to First Degree, Second Degree, Third Degree, or Custodial Assault. Because Washington's criminal code does

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not define assault, the courts apply a common law definition. That common law definition includes:

- an attempt, with unlawful force, to inflict bodily injury upon another;
- an unlawful touching with criminal intent; and
- putting another in apprehension of harm whether or not the actor intends to inflict or is capable of inflicting that harm.

A touching may be unlawful because it was not legally consented to nor otherwise privileged, and was either harmful or offensive.

#### Domestic Violence.

Certain crimes, including assault, are designated domestic violence crimes when committed by one family or household member against another. Family or household members include spouses, former spouses, persons who have a child in common, adults related by blood or marriage, adults who are residing together or who have resided together in the past, persons 16 years of age or older who are residing together or who have resided together in the past who have or have had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

#### **Summary of Bill:**

If an officer believes that a 16 or 17 year old has committed a non-felony assault of a family or household member in the preceding four hours, the officer may take that individual to a nonsecure facility that provides or has access to family intervention services. The officer may place this individual in that nonsecure facility if, after screening by the county juvenile detention facility, the staff at the detention facility determines that the person may be placed in such a facility.

No police officer may be held criminally or civilly liable if the officer, in good faith and without malice takes a 16 or 17 year old who they believe committed a non-felony assault to a nonsecure facility.

**Appropriation:** None.

**Fiscal Note:** Available.

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