

FINAL BILL REPORT

ESB 5484

C 256 L 13
Synopsis as Enacted

Brief Description: Concerning assault in the third degree occurring in areas used in connection with court proceedings.

Sponsors: Senators Kline, Frockt, Ranker, Rolfes, Padden, Fain and Kohl-Welles; by request of Attorney General.

Senate Committee on Law & Justice
House Committee on Public Safety

Background: Generally, a person commits assault if the person: attempts, with unlawful force, to inflict bodily injury upon another; unlawfully touches another person with criminal intent; or puts another person in apprehension of harm. The crime of assault is divided into four degrees depending on the manner in which it was committed or the amount of harm caused to the victim.

Examples of assault in the third degree include, but are not limited to the following: if a person, with criminal negligence, causes bodily harm to another person using a weapon or other instrument or thing likely to produce bodily harm; with criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable pain; or with intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of themselves or another person, assaults another. Additionally, if a person assaults any of the following persons who were performing their official duties, it is an assault in the third degree:

- a transit operator, driver, mechanic, or security officer;
- a school bus driver, immediate supervisor, mechanic, or security officer;
- a firefighter or other employee of a fire department;
- a law enforcement officer or other employee of a law enforcement agency;
- a peace officer with the use of a stun gun;
- a nurse, physician, or health care provider; or
- a judicial officer, court related employee, county clerk, or county clerk employee.

Assault in the third degree is ranked at level III on the sentencing grid, punishable by a standard range of one to three months for a first offense. In specific instances, the court may exceed the standard sentencing range for an offense if statutory aggravating factors exist. An offender convicted of assault in the third degree may receive a maximum sentence of five

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years in prison, a maximum fine of \$10,000, or both imprisonment and a fine for the class C felony offense.

Summary: A person is guilty of an assault punishable as an assault in the third degree, or for a crime against persons, to be used as an aggravating factor for an exceptional sentence, when the offense specifically takes place in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. Additionally, the offense must occur during times when the courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings, and signs notifying the public about the enhanced penalties must be posted at the time the offense takes place. The administrator of the courts must develop a standard sign to notify the public of the possible enhanced penalties.

Votes on Final Passage:

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| Senate | 40 | 9 | |
| House | 83 | 10 | (House amended) |
| Senate | 35 | 9 | (Senate concurred) |

Effective: July 28, 2013.