
SENATE BILL 5132

State of Washington

68th Legislature

2023 Regular Session

By Senator McCune

Prefiled 01/03/23.

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

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

4 **Sec. 1.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to
5 read as follows:

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

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

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

18 (c) Assaults a school bus driver, the immediate supervisor of a
19 driver, a mechanic, or a security officer, employed by a school
20 district transportation service or a private company under contract
21 for transportation services with a school district, while the person

1 is performing his or her official duties at the time of the assault;
2 or

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

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

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

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

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

17 (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 the assault. For purposes of this subsection: "Nurse" means a person
20 licensed under chapter 18.79 RCW; "physician" means a person licensed
21 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 emergency medical services or a person regulated under Title 18 RCW
24 and employed by, or contracting with, a hospital licensed under
25 chapter 70.41 RCW; or

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

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

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

5 (3) Notwithstanding any other provision of law, a person
6 convicted of assaulting a law enforcement officer in furtherance of a
7 riot or unlawful assembly prohibited under chapter 9A.84 RCW must be
8 sentenced to a minimum term of total confinement of 180 days.

9 **Sec. 2.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to
10 read as follows:

11 TABLE 2

12 CRIMES INCLUDED WITHIN EACH
13 SERIOUSNESS LEVEL

- 14 XVI Aggravated Murder 1 (RCW 10.95.020)
- 15 XV Homicide by abuse (RCW 9A.32.055)
- 16 Malicious explosion 1 (RCW
17 70.74.280(1))
- 18 Murder 1 (RCW 9A.32.030)
- 19 XIV Murder 2 (RCW 9A.32.050)
- 20 Trafficking 1 (RCW 9A.40.100(1))
- 21 XIII Malicious explosion 2 (RCW
22 70.74.280(2))
- 23 Malicious placement of an explosive 1
24 (RCW 70.74.270(1))
- 25 XII Assault 1 (RCW 9A.36.011)
- 26 Assault of a Child 1 (RCW 9A.36.120)
- 27 Malicious placement of an imitation
28 device 1 (RCW 70.74.272(1)(a))
- 29 Promoting Commercial Sexual Abuse of
30 a Minor (RCW 9.68A.101)
- 31 Rape 1 (RCW 9A.44.040)
- 32 Rape of a Child 1 (RCW 9A.44.073)
- 33 Trafficking 2 (RCW 9A.40.100(3))
- 34 XI Manslaughter 1 (RCW 9A.32.060)

1 Rape 2 (RCW 9A.44.050)
2 Rape of a Child 2 (RCW 9A.44.076)
3 Vehicular Homicide, by being under the
4 influence of intoxicating liquor or
5 any drug (RCW 46.61.520)
6 Vehicular Homicide, by the operation of
7 any vehicle in a reckless manner
8 (RCW 46.61.520)
9 X Child Molestation 1 (RCW 9A.44.083)
10 Criminal Mistreatment 1 (RCW
11 9A.42.020)
12 Indecent Liberties (with forcible
13 compulsion) (RCW
14 9A.44.100(1)(a))
15 Kidnapping 1 (RCW 9A.40.020)
16 Leading Organized Crime (RCW
17 9A.82.060(1)(a))
18 Malicious explosion 3 (RCW
19 70.74.280(3))
20 Sexually Violent Predator Escape (RCW
21 9A.76.115)
22 IX Abandonment of Dependent Person 1
23 (RCW 9A.42.060)
24 Assault of a Child 2 (RCW 9A.36.130)
25 Explosive devices prohibited (RCW
26 70.74.180)
27 Hit and Run—Death (RCW
28 46.52.020(4)(a))
29 Homicide by Watercraft, by being under
30 the influence of intoxicating liquor
31 or any drug (RCW 79A.60.050)
32 Inciting Criminal Profiteering (RCW
33 9A.82.060(1)(b))
34 Malicious placement of an explosive 2
35 (RCW 70.74.270(2))

1 Robbery 1 (RCW 9A.56.200)
2 Sexual Exploitation (RCW 9.68A.040)
3 VIII Arson 1 (RCW 9A.48.020)
4 Commercial Sexual Abuse of a Minor
5 (RCW 9.68A.100)
6 Homicide by Watercraft, by the
7 operation of any vessel in a reckless
8 manner (RCW 79A.60.050)
9 Manslaughter 2 (RCW 9A.32.070)
10 Promoting Prostitution 1 (RCW
11 9A.88.070)
12 Theft of Ammonia (RCW 69.55.010)
13 VII Air bag diagnostic systems (causing
14 bodily injury or death) (RCW
15 46.37.660(2)(b))
16 Air bag replacement requirements
17 (causing bodily injury or death)
18 (RCW 46.37.660(1)(b))
19 Burglary 1 (RCW 9A.52.020)
20 Child Molestation 2 (RCW 9A.44.086)
21 Civil Disorder Training (RCW
22 9A.48.120)
23 Dealing in depictions of minor engaged
24 in sexually explicit conduct 1
25 (RCW 9.68A.050(1))
26 Drive-by Shooting (RCW 9A.36.045)
27 False Reporting 1 (RCW
28 9A.84.040(2)(a))
29 Homicide by Watercraft, by disregard
30 for the safety of others (RCW
31 79A.60.050)
32 Indecent Liberties (without forcible
33 compulsion) (RCW 9A.44.100(1)
34 (b) and (c))

1 Introducing Contraband 1 (RCW
2 9A.76.140)
3 Malicious placement of an explosive 3
4 (RCW 70.74.270(3))
5 Manufacture or import counterfeit,
6 nonfunctional, damaged, or
7 previously deployed air bag
8 (causing bodily injury or death)
9 (RCW 46.37.650(1)(b))
10 Negligently Causing Death By Use of a
11 Signal Preemption Device (RCW
12 46.37.675)
13 Sell, install, or reinstall counterfeit,
14 nonfunctional, damaged, or
15 previously deployed airbag (RCW
16 46.37.650(2)(b))
17 Sending, bringing into state depictions
18 of minor engaged in sexually
19 explicit conduct 1 (RCW
20 9.68A.060(1))
21 Unlawful Possession of a Firearm in the
22 first degree (RCW 9.41.040(1))
23 Use of a Machine Gun or Bump-fire
24 Stock in Commission of a Felony
25 (RCW 9.41.225)
26 Vehicular Homicide, by disregard for
27 the safety of others (RCW
28 46.61.520)
29 VI Bail Jumping with Murder 1 (RCW
30 9A.76.170(3)(a))
31 Bribery (RCW 9A.68.010)
32 Incest 1 (RCW 9A.64.020(1))
33 Intimidating a Judge (RCW 9A.72.160)
34 Intimidating a Juror/Witness (RCW
35 9A.72.110, 9A.72.130)

1 Malicious placement of an imitation
2 device 2 (RCW 70.74.272(1)(b))
3 Possession of Depictions of a Minor
4 Engaged in Sexually Explicit
5 Conduct 1 (RCW 9.68A.070(1))
6 Rape of a Child 3 (RCW 9A.44.079)
7 Theft of a Firearm (RCW 9A.56.300)
8 Theft from a Vulnerable Adult 1 (RCW
9 9A.56.400(1))
10 Unlawful Storage of Ammonia (RCW
11 69.55.020)
12 V Abandonment of Dependent Person 2
13 (RCW 9A.42.070)
14 Advancing money or property for
15 extortionate extension of credit
16 (RCW 9A.82.030)
17 Air bag diagnostic systems (RCW
18 46.37.660(2)(c))
19 Air bag replacement requirements
20 (RCW 46.37.660(1)(c))
21 Assault 3 (of a Law Enforcement
22 Officer or Employee and Assault 3
23 of a Peace Officer with a Projectile
24 Stun Gun) (RCW 9A.36.031(1) (g)
25 and (h))
26 Bail Jumping with class A Felony
27 (RCW 9A.76.170(3)(b))
28 Child Molestation 3 (RCW 9A.44.089)
29 Criminal Mistreatment 2 (RCW
30 9A.42.030)
31 Custodial Sexual Misconduct 1 (RCW
32 9A.44.160)
33 Dealing in Depictions of Minor
34 Engaged in Sexually Explicit
35 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 7.105.450,
3 10.99.040, 10.99.050, 26.09.300,
4 26.10.220, 26.26B.050, 26.50.110,
5 26.52.070, or 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit (RCW
8 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Manufacture or import counterfeit,
15 nonfunctional, damaged, or
16 previously deployed air bag (RCW
17 46.37.650(1)(c))
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1 (RCW
25 9A.76.070)
26 Sell, install, or reinstall counterfeit,
27 nonfunctional, damaged, or
28 previously deployed airbag (RCW
29 46.37.650(2)(c))
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 ((Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hate Crime (RCW 9A.36.080)
27 Hit and Run—Injury (RCW
28 46.52.020(4)(b))
29 Hit and Run with Vessel—Injury
30 Accident (RCW 79A.60.200(3))
31 Identity Theft 1 (RCW 9.35.020(2))
32 Indecent Exposure to Person Under Age
33 14 (subsequent sex offense) (RCW
34 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health coverage
19 as a health care service contractor
20 (RCW 48.44.016(3))
21 Unlawful transaction of health coverage
22 as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(2))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicle Prowling 2 (third or subsequent
32 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Law
14 Enforcement Officer or Employee
15 and a Peace Officer With a
16 Projectile Stun Gun) (RCW
17 9A.36.031 except subsection (1)(g)
18 and (h))

19 Assault of a Child 3 (RCW 9A.36.140)

20 Bail Jumping with class B or C Felony
21 (RCW 9A.76.170(3)(c))

22 Burglary 2 (RCW 9A.52.030)

23 Communication with a Minor for
24 Immoral Purposes (RCW
25 9.68A.090)

26 Criminal Gang Intimidation (RCW
27 9A.46.120)

28 Custodial Assault (RCW 9A.36.100)

29 Cyber Harassment (RCW
30 9A.90.120(2)(b))

31 Escape 2 (RCW 9A.76.120)

32 Extortion 2 (RCW 9A.56.130)

33 False Reporting 2 (RCW
34 9A.84.040(2)(b))

35 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Manufacture of Untraceable Firearm
8 with Intent to Sell (RCW 9.41.190)
9 Manufacture or Assembly of an
10 Undetectable Firearm or
11 Untraceable Firearm (RCW
12 9.41.325)
13 Mortgage Fraud (RCW 19.144.080)
14 Negligently Causing Substantial Bodily
15 Harm By Use of a Signal
16 Preemption Device (RCW
17 46.37.674)
18 Organized Retail Theft 1 (RCW
19 9A.56.350(2))
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun, Bump-Fire
24 Stock, Undetectable Firearm, or
25 Short-Barreled Shotgun or Rifle
26 (RCW 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 Retail Theft with Special Circumstances
30 1 (RCW 9A.56.360(2))
31 Securities Act violation (RCW
32 21.20.400)
33 Tampering with a Witness (RCW
34 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death) (RCW
3 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Hunting of Big Game 1 (RCW
10 77.15.410(3)(b))
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful Misbranding of Fish or
14 Shellfish 1 (RCW 77.140.060(3))
15 Unlawful possession of firearm in the
16 second degree (RCW 9.41.040(2))
17 Unlawful Taking of Endangered Fish or
18 Wildlife 1 (RCW 77.15.120(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 1 (RCW
21 77.15.260(3)(b))
22 Unlawful Use of a Nondesignated
23 Vessel (RCW 77.15.530(4))
24 Vehicular Assault, by the operation or
25 driving of a vehicle with disregard
26 for the safety of others (RCW
27 46.61.522)
28 Willful Failure to Return from Work
29 Release (RCW 72.65.070)
30 II Commercial Fishing Without a License
31 1 (RCW 77.15.500(3)(b))
32 Computer Trespass 1 (RCW 9A.90.040)
33 Counterfeiting (RCW 9.16.035(3))
34 Electronic Data Service Interference
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW
2 9A.90.080)
3 Electronic Data Theft (RCW 9A.90.100)
4 Engaging in Fish Dealing Activity
5 Unlicensed 1 (RCW 77.15.620(3))
6 Escape from Community Custody
7 (RCW 72.09.310)
8 Failure to Register as a Sex Offender
9 (second or subsequent offense)
10 (RCW 9A.44.130 prior to June 10,
11 2010, and RCW 9A.44.132)
12 Health Care False Claims (RCW
13 48.80.030)
14 Identity Theft 2 (RCW 9.35.020(3))
15 Improperly Obtaining Financial
16 Information (RCW 9.35.010)
17 Malicious Mischief 1 (RCW 9A.48.070)
18 Organized Retail Theft 2 (RCW
19 9A.56.350(3))
20 Possession of Stolen Property 1 (RCW
21 9A.56.150)
22 Possession of a Stolen Vehicle (RCW
23 9A.56.068)
24 Retail Theft with Special Circumstances
25 2 (RCW 9A.56.360(3))
26 Scrap Processing, Recycling, or
27 Supplying Without a License
28 (second or subsequent offense)
29 (RCW 19.290.100)
30 Theft 1 (RCW 9A.56.030)
31 Theft of a Motor Vehicle (RCW
32 9A.56.065)
33 Theft of Rental, Leased, Lease-
34 purchased, or Loaned Property
35 (valued at \$5,000 or more) (RCW
36 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW
2 9A.56.340(3))
3 Trafficking in Insurance Claims (RCW
4 48.30A.015)
5 Unlawful factoring of a credit card or
6 payment card transaction (RCW
7 9A.56.290(4)(a))
8 Unlawful Participation of Non-Indians
9 in Indian Fishery (RCW
10 77.15.570(2))
11 Unlawful Practice of Law (RCW
12 2.48.180)
13 Unlawful Purchase or Use of a License
14 (RCW 77.15.650(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 2 (RCW
17 77.15.260(3)(a))
18 Unlicensed Practice of a Profession or
19 Business (RCW 18.130.190(7))
20 Voyeurism 1 (RCW 9A.44.115)
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Fraudulent Creation or Revocation of a
27 Mental Health Advance Directive
28 (RCW 9A.60.060)
29 Malicious Mischief 2 (RCW 9A.48.080)
30 Mineral Trespass (RCW 78.44.330)
31 Possession of Stolen Property 2 (RCW
32 9A.56.160)
33 Reckless Burning 1 (RCW 9A.48.040)
34 Spotlighting Big Game 1 (RCW
35 77.15.450(3)(b))

1 Suspension of Department Privileges 1
2 (RCW 77.15.670(3)(b))
3 Taking Motor Vehicle Without
4 Permission 2 (RCW 9A.56.075)
5 Theft 2 (RCW 9A.56.040)
6 Theft from a Vulnerable Adult 2 (RCW
7 9A.56.400(2))
8 Theft of Rental, Leased, Lease-
9 purchased, or Loaned Property
10 (valued at \$750 or more but less
11 than \$5,000) (RCW
12 9A.56.096(5)(b))
13 Transaction of insurance business
14 beyond the scope of licensure
15 (RCW 48.17.063)
16 Unlawful Fish and Shellfish Catch
17 Accounting (RCW 77.15.630(3)(b))
18 Unlawful Issuance of Checks or Drafts
19 (RCW 9A.56.060)
20 Unlawful Possession of Fictitious
21 Identification (RCW 9A.56.320)
22 Unlawful Possession of Instruments of
23 Financial Fraud (RCW 9A.56.320)
24 Unlawful Possession of Payment
25 Instruments (RCW 9A.56.320)
26 Unlawful Possession of a Personal
27 Identification Device (RCW
28 9A.56.320)
29 Unlawful Production of Payment
30 Instruments (RCW 9A.56.320)
31 Unlawful Releasing, Planting,
32 Possessing, or Placing Deleterious
33 Exotic Wildlife (RCW
34 77.15.250(2)(b))
35 Unlawful Trafficking in Food Stamps
36 (RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW
2 9.91.144)
3 Unlawful Use of Net to Take Fish 1
4 (RCW 77.15.580(3)(b))
5 Unlawful Use of Prohibited Aquatic
6 Animal Species (RCW
7 77.15.253(3))
8 Vehicle Prowl 1 (RCW 9A.52.095)
9 Violating Commercial Fishing Area or
10 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---