

**As part of HCA, Inc.'s dedication and commitment to ensuring a safe and caring healthy work environment, we are proud to share with ENA a state survey of all the statutes for workplace violence and criminal laws that address the penalty for assaulting a healthcare worker as of August 6, 2009.**

## **50 State Survey Criminal Laws Protecting Health Professionals**

STATE	STATUTE	RELEVANT TEXT FROM APPLICABLE STATUTES	STATUS
<b>ALABAMA</b>	ALA. CODE § 13A-6-21	<p>Assault in the second degree is a Class C felony.</p> <p>A person commits the crime of assault in the second degree if the person:</p> <p>With intent to cause physical injury to a health care worker, including a nurse, physician, technician, or any other person employed by or practicing at a hospital as defined in § 22-21-20; a county or district health department; a long-term care facility; or a physician's office, clinic, or outpatient treatment facility during the course of or as a result of the performance of the duties of the health care worker or other person employed by or practicing at the hospital; the county or district health department; any health care facility owned or operated by the State of Alabama; the long-term care facility; or the physician's office, clinic, or outpatient treatment facility; he or she causes physical injury to any person.</p> <p>This subdivision shall not apply to assaults by patients who are impaired by medication or to assaults on home health care workers while they are in private residences.</p>	Effective
<b>ALASKA</b>	N/A	N/A	N/A
<b>ARIZONA</b>	ARIZ.REV. STAT. § 13-1204	A person commits aggravated assault if the person commits assault, and the person committing the assault knows or has reason to know that the victim is a licensed or certified health care practitioner.	Effective

<p style="text-align: center;"><b>ARKANSAS</b></p>	<p style="text-align: center;">ARK. CODE ANN. § 5-13-202</p>	<p>A person commits battery in the second degree if the person knowingly, without legal justification, causes physical injury to a person he or she knows to be, while performing medical treatment or emergency medical services or while in the course of other employment relating to his or her medical training, (i) a physician; (ii) a person certified as an emergency medical technician; (iii) a licensed or certified health care professional; or any other health care provider.</p> <p>Battery in the second degree is a Class D felony.</p>	<p style="text-align: center;">Effective</p>
<p style="text-align: center;"><b>CALIFORNIA</b></p>	<p style="text-align: center;">CAL PEN. CODE § 241, § 243</p>	<p>When an assault is committed against the person of an emergency medical technician or mobile intensive care paramedic engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is an emergency medical technician, mobile intensive care paramedic, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, the assault is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in the county jail not exceeding one year, or by both the fine and imprisonment.</p> <p>When a battery is committed against the person of an emergency medical technician engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is an emergency medical technician, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding</p>	<p style="text-align: center;">Effective</p>

		<p>one year, or by both that fine and imprisonment.</p> <p>When a battery is committed against an emergency medical technician engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is an emergency medical technician, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, and an injury is inflicted on that victim, the battery is punishable by a fine of not more than two thousand dollars (\$2,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment in the state prison for 16 months, or two or three years.</p>	
<b>COLORADO</b> PENDING LEGISLATION	H.B. 1120	Makes it a second degree assault when a person with the intent to infect, injure, harm, harass, annoy, threaten, or alarm an emergency medical technician causes that person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material.	Signed into law 5/21/2009
<b>CONNECTICUT</b>	N/A	N/A	N/A
<b>DELAWARE</b>	DEL. CODE. ANN. TIT. 11, § 612	<p>A person is guilty of assault in the second degree when the person intentionally causes physical injury to the operator of an ambulance, a rescue squad member, licensed practical nurse, registered nurse, paramedic, licensed medical doctor or any other person while such person is rendering emergency care.</p> <p>Assault in the second degree is a Class D felony.</p>	Effective
<b>DISTRICT OF COLUMBIA</b>	N/A	N/A	N/A
<b>FLORIDA</b>	FLA. STAT. § 784.07	<p>Assault or battery of emergency medical care providers results in reclassification of the crime:</p> <p>(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the</p>	Effective

		<p>first degree.</p> <p>(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.</p> <p>(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.</p> <p>(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.</p> <p>“Emergency medical care provider” means an ambulance driver, emergency medical technician, paramedic, registered nurse, physician as defined in § 401.23, medical director as defined in § 401.23, or any person authorized by an emergency medical service licensed under Chapter 401 who is engaged in the performance of his or her duties. The term “emergency medical care provider” also includes physicians, employees, agents, or volunteers of hospitals as defined in Chapter 395, who are employed, under contract, or otherwise authorized by a hospital to perform duties directly associated with the care and treatment rendered by the hospital’s emergency department or the security thereof.</p>	
<b>GEORGIA</b>	N/A	N/A	N/A
<b>HAWAII</b>	<p>HAWAII REV. STAT. § 707-711</p> <p>HAWAII REV. STAT. § 707-712.7</p>	<p>A person commits the offense of assault in the second degree if the person intentionally or knowingly causes bodily injury to any emergency medical services personnel who is engaged in the performance of duty.</p> <p>(1) A person commits the offense of assault against an emergency worker if the person, during the time of a civil defense emergency proclaimed by the governor pursuant to Chapter 128, within the area covered by the civil defense emergency or during the period of disaster relief under Chapter 127:</p>	Effective

		<p>(a) Intentionally, knowingly, or recklessly causes serious or substantial bodily injury to an emergency worker; or</p> <p>(b) Intentionally, knowingly, or recklessly causes bodily injury to an emergency worker with a dangerous instrument.</p> <p>(2) Assault against an emergency worker is a class B felony.</p>	
<b>IDAHO</b>	<p>IDAHO CODE ANN. § 18-915</p>	<p>The punishment for any person who commits a crime upon an emergency medical technician certified by the department of health and welfare, emergency medical technician-ambulance certified by the department of health and welfare, advanced emergency medical technician and EMT-paramedic certified by the state board of medicine shall be as follows:</p> <p>(a) For committing battery with intent to commit a serious felony the punishment shall be imprisonment in the state prison not to exceed twenty-five (25) years.</p> <p>(b) For committing any other crime in this chapter the punishment shall be doubled that provided in the respective section.</p>	Effective
<b>ILLINOIS</b>	<p>720 ILL. COMP. STAT. 5/12-2</p>	<p>A person commits an aggravated assault, when, in committing an assault, he:</p> <p>Knows the individual assaulted to be an emergency medical technician -- ambulance, emergency medical technician -- intermediate, emergency medical technician -- paramedic, ambulance driver or other medical assistance or first aid personnel engaged in the execution of any of his official duties, or to prevent the emergency medical technician -- ambulance, emergency medical technician -- intermediate, emergency medical technician -- paramedic, ambulance driver, or other medical assistance or first aid personnel from performing his official</p>	Effective

	<p>720 ILL. COMP. STAT. 5/12-4</p>	<p>duties, or in retaliation for the emergency medical technician -- ambulance, emergency medical technician -- intermediate, emergency medical technician -- paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official duties.</p> <p>Aggravated assault is a Class A misdemeanor if a firearm was not used in the commission of the assault. If a firearm was used, aggravated assault is a Class 4 felony.</p> <p>In committing a battery, a person commits aggravated battery if he:</p> <p>Knows the individual harmed to be an emergency medical technician -- ambulance, emergency medical technician -- intermediate, emergency medical technician -- paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician -- ambulance, emergency medical technician -- intermediate, emergency medical technician -- paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital personnel from performing official duties, or in retaliation for performing official duties.</p> <p>Aggravated battery is a Class 3 felony.</p>	
INDIANA	<p>IND. CODE ANN. § 35-42-2-1</p>	<p>A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor.</p> <p>However, the offense is a Class D felony if it results in bodily injury to a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty.</p>	Effective
IOWA	N/A	N/A	N/A



		neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.	
<b>KENTUCKY</b>	KY. REV. STAT. ANN. § 508.025	A person is guilty of assault in the third degree when the actor recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A, if the event occurs while personnel are performing job-related duties  Assault in the third degree is a Class D felony.	Effective
<b>LOUISIANA</b>	N/A	N/A	N/A
<b>MAINE</b>	N/A	N/A	N/A
<b>MARYLAND</b>	N/A	N/A	N/A
<b>MASSACHUSETTS</b>	MASS. ANN. LAWS CH. 265 § 13I	Whoever commits an assault or assault and battery on an emergency medical technician, an ambulance operator, or an ambulance attendant, while said technician, operator or attendant is treating or transporting, in the line of duty, a person, shall be punished by imprisonment in the house of correction for not less than ninety days nor more than two and one-half years, or by a fine of not less than five hundred nor more than five thousand dollars, or both.	Effective
<b>MICHIGAN</b>	MICH. COMP. LAWS SERV. § 750.81d	"Person" means any of the following: Any emergency medical service personnel described in section 20950 of the public health code.  (1) Except as provided in subsections (2), (3), and (4), an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.  (2) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers	Effective

		<p>a person who the individual knows or has reason to know is performing his or her duties causing a bodily injury requiring medical attention or medical care to that person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.</p> <p>(3) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties causing a serious impairment of a body function of that person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.</p> <p>(4) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties causing the death of that person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.</p> <p>(5) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.</p> <p>(6) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction.</p>	
<p><b>MINNESOTA</b></p>	<p>MINN. STAT. ANN. § 609.2231</p>	<p>Whoever assaults any of the following persons and inflicts demonstrable bodily harm is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both:</p> <p>(1) a member of a municipal or volunteer fire department or emergency medical services personnel unit in the performance of the member's duties; or</p>	<p>Effective</p>

		(2) a physician, nurse, or other person providing health care services in a hospital emergency department.	
<b>MISSISSIPPI</b>	MISS. CODE ANN. § 97-3-7	<p>A person convicted of simple assault on emergency medical personnel or public health personnel acting within the scope of his duty, office or employment shall be punished by a fine of not more than One Thousand Dollars (\$ 1,000.00) or by imprisonment for not more than five (5) years, or both.</p> <p>A person convicted of aggravated assault on emergency medical personnel or public health personnel acting within the scope of his duty, office or employment shall be punished by a fine of not more than Five Thousand Dollars (\$ 5,000.00) or by imprisonment for not more than thirty (30) years, or both.</p>	Effective
<b>MISSOURI</b>	MO. ANN. STAT. § 565.081, § 565.082, § 565.083	<p>As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician.</p> <p>A person commits the crime of assault of emergency personnel in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to emergency personnel.</p> <p>Assault of emergency personnel in the first degree is a class A felony.</p> <p>A person commits the crime of assault of emergency personnel in the second degree if such person:</p> <p>(1) Knowingly causes or attempts to cause physical injury to emergency personnel by means of a deadly weapon or dangerous instrument;</p> <p>(2) Knowingly causes or attempts to cause physical injury to emergency personnel by</p>	Effective

		<p>means other than a deadly weapon or dangerous instrument;</p> <p>(3) Recklessly causes serious physical injury to emergency personnel; or</p> <p>(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal negligence to cause physical injury emergency personnel;</p> <p>(5) Acts with criminal negligence to cause physical injury to emergency personnel by means of a deadly weapon or dangerous instrument;</p> <p>(6) Purposely or recklessly places emergency personnel in apprehension of immediate serious physical injury; or</p> <p>(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to emergency personnel.</p> <p>Assault of emergency personnel is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony.</p> <p>A person commits the crime of assault of emergency personnel in the third degree if:</p> <p>(1) Such person recklessly causes physical injury to emergency personnel;</p> <p>(2) Such person purposely places emergency personnel in apprehension of immediate physical injury;</p> <p>(3) Such person knowingly causes or attempts to cause physical contact with emergency personnel</p>	
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		<p>without the consent of the emergency personnel.</p> <p>Assault of emergency personnel in the third degree is a class A misdemeanor.</p>	
<p><b>MONTANA</b></p>	<p>MONT. CODE ANN. § 45-5-214</p>	<p>A person commits the offense of assault with a bodily fluid if the person purposely causes one of the person’s bodily fluids to make physical contact with a health care provider, including a health care provider performing emergency services, while the health care provider is acting in the course and scope of the health care provider’s profession and occupation: (i) during or after an arrest for a criminal offense; (ii) while the person is incarcerated in or being transported to or from a state prison, a county, city, or regional jail or detention facility, or a health care facility; or (iii) if the person is a minor, while the youth is detained in or being transported to or from a county, city, or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, health care facility, or shelter care facility.</p> <p>A person commits the offense of assault with a bodily fluid if the person purposely causes one of the person’s bodily fluids to make physical contact with an emergency responder.</p> <p>“Bodily fluid” means any bodily secretion, including but not limited to feces, urine, blood, and saliva.</p> <p>“Emergency responder” means a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency medical technician, emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith renders emergency care or assistance at a crime scene or the scene of an emergency or accident.</p>	<p>Effective</p>

		A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed \$ 1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both.	
<b>NEBRASKA</b>	N/A	N/A	N/A
<b>NEVADA</b>	NEV. REV. STAT. ANN. § 200.471	<p>A person convicted of an assault shall be punished:</p> <p>***</p> <p>(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon a provider of health care who is performing his duty, and the person charged knew or should have known that the victim was a provider of health care, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.</p> <p>(d) If the assault is committed upon a provider of health care who is performing his duty and the probationer, prisoner or parolee charged knew or should have known that the victim was a provider of health care, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.</p> <p>"Provider of health care" means a physician, a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an</p>	Effective

		osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern and an emergency medical technician.	
<b>NEW HAMPSHIRE</b>	N/A	N/A	N/A
<b>NEW MEXICO</b>	N.M. STAT. ANN. § 30-3-9.2	<p>A. As used in this section:</p> <p>(1) "health facility" means a public or private hospital, outpatient facility, diagnostic and treatment center, rehabilitation center or infirmary. "Health facility" also includes those facilities that, by federal regulation, must be licensed by the state to obtain or maintain full or partial, permanent or temporary federal funding, but "health facility" does not include a skilled nursing facility, a nursing facility or other long-term residential care facility;</p> <p>(2) "health care worker" means an employee of a health facility or a licensed emergency medical technician; and</p> <p>(3) "in the lawful discharge of the health care worker's duties" means engaged in the performance of the duties of a health care worker.</p> <p>B. Assault upon a health care worker consists of:</p> <p>(1) an attempt to commit a battery upon the</p>	Effective

		<p>person of a health care worker who is in the lawful discharge of the health care worker's duties; or</p> <p>(2) any unlawful act, threat or menacing conduct that causes a health care worker who is in the lawful discharge of the health care worker's duties to reasonably believe that the health care worker is in danger of receiving an immediate battery.</p> <p>Whoever commits assault upon a health care worker is guilty of a misdemeanor.</p> <p>C. Aggravated assault upon a health care worker consists of:</p> <p>(1) unlawfully assaulting or striking at a health care worker with a weapon while the health care worker is in the lawful discharge of the health care worker's duties; or</p> <p>(2) willfully and intentionally assaulting a health care worker who is in the lawful discharge of the health care worker's duties with intent to commit any felony.</p> <p>Whoever commits aggravated assault upon a health care worker is guilty of a third degree felony.</p> <p>D. Assault with intent to commit a violent felony upon a health care worker consists of assaulting a health care worker who is in the lawful discharge of the health care worker's duties with intent to kill the health care worker.</p> <p>Whoever commits assault with intent to commit a violent felony upon a health care worker is guilty of a second degree felony.</p> <p>E. Battery upon a health care worker is the</p>	
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		<p>unlawful, intentional touching or application of force to the person of a health care worker who is in the lawful discharge of the health care worker's duties, when done in a rude, insolent or angry manner.</p> <p>Whoever commits battery upon a health care worker is guilty of a fourth degree felony.</p> <p>F. Aggravated battery upon a health care worker consists of the unlawful touching or application of force to the person of a health care worker with intent to injure that health care worker while the health care worker is in the lawful discharge of the health care worker's duties.</p> <p>Whoever commits aggravated battery upon a health care worker, inflicting an injury to the health care worker that is not likely to cause death or great bodily harm but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, is guilty of a fourth degree felony.</p> <p>Whoever commits aggravated battery upon a health care worker, inflicting great bodily harm or does so with a deadly weapon or in any manner whereby great bodily harm or death can be inflicted, is guilty of a third degree felony.</p> <p>G. A person who assists or is assisted by one or more other persons to commit a battery upon a health care worker who is in the lawful discharge of the health care worker's duties is guilty of a fourth degree felony.</p>	
<p><b>NEW JERSEY</b></p>	<p>N.J. REV. STAT. § 2C:12-1</p>	<p>A person is guilty of aggravated assault if he commits a simple assault upon:</p> <p>Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services.</p>	<p>Effective</p>

		<p>Aggravated assault under this circumstance is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree.</p>	
<b>NEW YORK</b>	<p>NY CLS PENAL § 120.05, 120.08</p>	<p>A person is guilty of assault in the second degree when:</p> <p>With intent to prevent an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the lawful activity of such paramedic, technician, he or she causes physical injury to such paramedic, technician or medical or related personnel in a hospital emergency department.</p> <p>Assault in the second degree is a class D felony.</p> <p>A person is guilty of assault on an emergency medical services professional when, with intent to prevent an emergency medical service paramedic or emergency medical service technician, from performing a lawful duty, he causes serious physical injury to such paramedic or technician.</p> <p>Assault on an emergency medical services professional is a class C felony.</p>	Effective
<b>NEW YORK</b> PENDING LEGISLATION	<p>A.B. 3103, S.B. 4018</p> <p>A.B. 8081</p>	<p>ASSEMBLY BILL: Adds registered nurse and license practical nurse to assault of emergency medical professionals and provides for class C and D felonies for physical injury to them.</p> <p>Amends definition of assault in the second degree to add nursing professionals.</p>	Pending

	S.B. 4007	Enhances the criminal penalties for assaulting a medical doctor, nurse or nurse's aid while in the performance of their duties; elevates it to assault in the second degree, a class D felony.	
<b>NORTH CAROLINA</b>	N.C. GEN. STAT. § 14-34.6	<p>(a) A person is guilty of a Class A1 misdemeanor if the person commits an assault or an affray on any of the following persons who are discharging or attempting to discharge their official duties:</p> <p>(1) An emergency medical technician.</p> <p>(2) A medical responder.</p> <p>(3) An emergency department nurse.</p> <p>(4) An emergency department physician.</p> <p>Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a Class I felony if the person violates subsection (a) of this section and (i) inflicts serious bodily injury or (ii) uses a deadly weapon other than a firearm.</p> <p>Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a Class F felony if the person violates subsection (a) of this section and uses a firearm.</p>	Effective
<b>NORTH CAROLINA PENDING LEGISLATION</b>	S.B. 1036	Makes the criminal offense of simple assault a felony rather than a misdemeanor when the simple assault is committed against a law enforcement officer, a firefighter, or emergency personnel and to increase the penalty for assault against certain emergency personnel if the	Pending

		assault is with a deadly weapon or inflicts serious bodily injury.	
<b>NORTH DAKOTA</b>	N.D. CENT. CODE § 12.1-17-01	<p>1. A person is guilty of simple assault if that person:</p> <ul style="list-style-type: none"> <li>a. Willfully causes bodily injury to another human being; or</li> <li>b. Negligently causes bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.</li> </ul> <p>2. The offense is:</p> <ul style="list-style-type: none"> <li>a. A class C felony when the victim is a member of an emergency medical services personnel unit or emergency department worker in the performance of the member's duties.</li> </ul>	Effective
<b>OHIO</b>	OHIO REV. CODE ANN. § 2903.13	<p>If the victim of the offense is a person performing emergency medical service, while in the performance of their official duties, assault is a felony of the fourth degree.</p> <p>"Emergency medical service" means any of the services described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of the Revised Code that are performed by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and paramedics.</p> <p>"Emergency medical service" includes such services performed before or during any transport of a patient, including transports between hospitals and transports to and from helicopters.</p>	Effective
<b>OKLAHOMA</b>	OKLA. STAT. TIT 21, § 650.3	Every person who willfully delays, obstructs or in any way interferes with an emergency medical technician or other emergency medical care provider in the performance of or attempt to perform emergency medical care and treatment or in going to or returning from the scene of a medical emergency, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not to exceed Five Hundred Dollars (\$	Effective

	<p>OKLA. STAT. TIT 21, § 650.4</p> <p>OKLA. STAT. TIT 21, § 650.5</p>	<p>500.00), or by both such fine and imprisonment.</p> <p>Assault and battery upon emergency medical care providers:</p> <p>A. Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery or assault and battery upon the person of an emergency medical care provider who is performing medical care duties, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$ 1,000.00), or by both such fine and imprisonment.</p> <p>B. As used in this section, "emergency medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, and members of a hospital security force.</p> <p>Aggravated assault and battery or assault with firearm or other dangerous weapon upon emergency medical technician or other emergency medical care provider:</p> <p>Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other deadly weapon upon the person of an emergency medical technician or other emergency medical care provider, upon conviction, is guilty of a felony punishable by imprisonment in a state correctional institution for not more than one (1) year, or by a fine not to exceed One Thousand Dollars (\$ 1,000.00), or by both such fine and</p>	
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		imprisonment.	
<b>OREGON</b>	OR. REV. STAT. § 682.025	<p>A person commits the crime of assault in the third degree if the person intentionally, knowingly or recklessly causes physical injury to an emergency medical technician or paramedic, while the technician or paramedic is performing official duties.</p> <p>Assault in the third degree is a Class C felony. When a person is convicted of violating subsection (1)(i) of this section, in addition to any other sentence it may impose, the court shall impose a term of incarceration in a state correction facility.</p> <p>"Emergency medical technician" or "EMT" means a person who has received formal training in prehospital and emergency care, and is state certified to attend any person who is ill or injured or who has a disability.</p>	Effective
<b>PENNSYLVANIA</b>	18 PA. CONS. STAT. § 2702	<p>A person is guilty of aggravated assault if he: ***</p> <p>(2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to any of the officers, agents, employees or other persons enumerated in subsection (c) or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty;</p> <p>(3) attempts to cause or intentionally or knowingly causes bodily injury to any of the officers, agents, employees or other persons enumerated in subsection (c), in the performance of duty; ***</p> <p>(6) attempts by physical menace to put any of the officers, agents, employees or other persons enumerated in subsection (c), while in the performance of duty, in fear of imminent serious bodily injury; or</p> <p>(7) uses tear or noxious gas as defined in</p>	Effective

		<p>section 2708(b) (relating to use of tear or noxious gas in labor disputes) or uses an electric or electronic incapacitation device against any officer, employee or other person enumerated in subsection (c) while acting in the scope of his employment.</p> <p>The officers, agents, employees and other persons referred to include emergency medical services personnel. The term includes, but is not limited to, doctors, residents, interns, registered nurses, licensed practical nurses, nurse aides, ambulance attendants and operators, paramedics, emergency medical technicians and members of a hospital security force while working within the scope of their employment.</p> <p>Aggravated assault under subsection (2) is a felony of the first degree. Aggravated assault under subsections (3), (6) and (7) is a felony of the second degree.</p>	
<b>RHODE ISLAND</b>	R.I. GEN. LAWS § 11-5-16	Any person who shall knowingly and willfully assault a health care provider and/or emergency medical services personnel while that provider is engaged in providing health care services shall be deemed to have committed a felony, and may be imprisoned no more than three (3) years and fined not more than fifteen hundred dollars (\$ 1,500), or both.	Effective
<b>SOUTH CAROLINA</b>	S.C. CODE ANN. § 16-3-635	<p>(A) As used in this section:</p> <p>(1) "Emergency medical service provider" means an individual or employee of a health care provider who provides medical or health care services in the course of his employment or training which includes, but is not limited to, emergency physicians, nurses, emergency medical technicians, paramedics, members of rescue squads, and anyone directed by these individuals.</p> <p>***</p> <p>(B) A person is guilty of the misdemeanor of</p>	Effective

		<p>assault and battery upon an emergency medical service provider, firefighter, or home healthcare worker and, upon conviction, must be fined not more than one thousand dollars or imprisoned not less than two months nor more than three years, or both, if he knowingly or wilfully resists or obstructs a person listed in subsection (A), or commits an assault on a person listed in subsection (A), in the lawful discharge of that person's official duties and the resistance, obstruction, or assault is unaccompanied by any of the circumstances of aggravation listed in subsection (C).</p> <p>A person sentenced under this section for a second or subsequent offense shall not have his sentence suspended to less than six months' imprisonment nor shall the person be eligible for parole until after service of six months.</p> <p>(C) A person is guilty of the felony of assault and battery of a high and aggravated nature upon an emergency medical service provider, firefighter, or home healthcare worker and, upon conviction, must be fined not less than one thousand dollars nor more than ten thousand dollars or imprisoned not less than one year nor more than ten years, or both, if he knowingly or wilfully resists or obstructs a person listed in subsection (A), or commits an assault on a person listed in subsection (A), in the lawful discharge of that person's official duties and the resistance, obstruction, or assault is accompanied by at least one of the following circumstances of aggravation:</p> <ul style="list-style-type: none"><li>(1) physical injury to a person listed in subsection (A);</li><li>(2) the use of a deadly weapon;</li><li>(3) great disparity in the physical conditions of the parties;</li><li>(4) great disparity in the ages of the parties;</li></ul>	
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		(5) great disparity in the sizes of the parties; or  (6) indecent liberties with a female.	
<b>SOUTH DAKOTA</b>	S.D. CODIFIED LAWS § 22-18- 26.1	Assault with bodily fluids against law enforcement officer or first responder :  Any person who, with the intent to assault, throws, smears, spits, or causes human blood, vomit, saliva, mucus, semen, excrement, urine, or human waste to come in contact with any other person, is guilty of a Class 1 misdemeanor.	Effective
<b>TENNESSEE</b>	N/A	N/A	N/A
<b>TEXAS</b>	TEX. PENAL CODE § 22.01	(a) A person commits an offense if the person: (1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse; (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.  (b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against: *** (5) a person the actor knows is emergency services personnel while the person is providing emergency services. ***  (d) For purposes of Subsection (b), the actor is presumed to have known the person assaulted was a public servant, a security officer, or emergency services personnel if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant or status as a security officer or	Effective

		<p>emergency services personnel.</p> <p>"Emergency medical personnel" means: (A) emergency care attendant; (B) emergency medical technicians; (C) emergency medical technicians-intermediate; (D) emergency medical technicians--paramedic; or (E) licensed paramedic.</p>	
<p><b>TEXAS</b> PENDING LEGISLATION</p>	<p>H.B. 958</p> <p>H.B. 2630</p>	<p>Amends penal code to add aggravated assault of emergency services personnel; imposing a criminal penalty.</p> <p>Enhances penalties for assault of a health care services provider or a mental health services provider.</p>	<p>Pending</p>
<p><b>UTAH</b></p>	<p>UTAH CODE ANN. § 76-5- 102.7</p>	<p>(1) A person who assaults a health care provider or emergency medical service worker is guilty of a class A misdemeanor if:</p> <p>(a) the person knew that the victim was a health care provider or emergency medical service worker; and</p> <p>(b) the health care provider or emergency medical service worker was performing emergency or life saving duties within the scope of his authority at the time of the assault.</p>	<p>Effective</p>
<p><b>VERMONT</b></p>	<p>VT. STAT. ANN. TIT 13 § 1028</p>	<p>(a) A person convicted of a simple or aggravated assault against a law enforcement officer, firefighter, emergency room personnel, or member of emergency services personnel as defined in subdivision 2651(6) of Title 24 while the officer, firefighter, or emergency medical personnel member is performing a lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, shall:</p> <p>(1) For the first offense, be imprisoned not more than one year;</p> <p>(2) For the second offense and subsequent offenses, be imprisoned not more than ten years.</p>	<p>Effective</p>

		<p>(b) (1) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with a law enforcement officer while the officer is performing a lawful duty.</p> <p>(2) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$ 1,000.00, or both.</p>	
<p><b>VERMONT</b> PENDING LEGISLATION</p>	<p>H.B. 223</p> <p>S.B. 52</p>	<p>Enhances the penalties for assault of a health care worker.</p> <p>Increases the penalty for assault of a nurse so that the offense is a felony rather than a misdemeanor.</p>	<p>Pending</p>
<p><b>VIRGINIA</b></p>	<p>VA. CODE ANN. § 18.2-51.1</p>	<p>If any person maliciously causes bodily injury to another by any means including the means set out in § 18.2-52, with intent to maim, disfigure, disable or kill, and knowing or having reason to know that such other person is an emergency medical services personnel, as defined in § 32.1-111.1 engaged in the performance of his public duties as emergency medical services personnel, such person shall be guilty of a felony punishable by imprisonment for a period of not less than five years nor more than 30 years and, subject to subsection (g) of § 18.2-10, a fine of not more than \$ 100,000. Upon conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of two years.</p> <p>If any person unlawfully, but not maliciously, with the intent aforesaid, causes bodily injury to another by any means, knowing or having reason to know such other person is emergency medical services personnel, engaged in the performance of his public duties as emergency medical services personnel, he shall be guilty of a Class 6 felony, and upon conviction, the sentence of such person shall include a mandatory minimum term of imprisonment of one year.</p>	<p>Effective</p>

		<p>“Emergency medical services personnel” means persons responsible for the direct provision of emergency medical services in a given medical emergency including all persons who could be described as attendants, attendants-in-charge, or operators.</p>	
<p><b>VIRGINIA</b> PENDING LEGISLATION</p>	<p>H.B. 2436</p>	<p>Provides that the punishment for assault and battery upon a physician, physician's assistant, nurse, or nurse practitioner while engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is a Class 6 felony, with a mandatory minimum punishment of six months incarceration.</p>	<p>Pending</p>
<p><b>WASHINGTON</b></p>	<p>REV. CODE WASH. (ARCW) § 9A.36.031</p>	<p>A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:</p> <p>Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person 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 person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW.</p> <p>Assault in the third degree is a class C felony.</p>	<p>Effective</p>
<p><b>WEST VIRGINIA</b></p>	<p>W. VA. CODE § 61- 2-10B</p>	<p>(a) "Health care worker" means any nurse, nurse practitioner, physician, physician assistant or technician practicing at, and all persons employed by or under contract to a hospital, county or district health department, long-term care facility, physician's office, clinic or outpatient treatment facility.</p>	<p>Effective</p>

		<p>(b) Malicious assault.</p> <p>Any person who maliciously shoots, stabs, cuts or wounds or by any means causes bodily injury with intent to maim, disfigure, disable or kill a government representative or health care worker acting in his or her official capacity, and the person committing the malicious assault knows or has reason to know that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than three nor more than fifteen years.</p> <p>(c) Unlawful assault.</p> <p>Any person who unlawfully but not maliciously shoots, stabs, cuts or wounds or by any means causes a government representative or health care worker acting in his or her official capacity bodily injury with intent to maim, disfigure, disable or kill him or her and the person committing the unlawful assault knows or has reason to know that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than two nor more than five years.</p> <p>(d) Battery.</p> <p>Any person who unlawfully, knowingly and intentionally makes physical contact of an insulting or provoking nature with a government representative or health care worker acting in his or her official capacity, or unlawfully and intentionally causes physical harm to that person acting in such capacity, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail not less than one month nor more than twelve months or both fined and confined. If any person commits a second such offense, he or she is guilty of a felony and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year nor more than three years, or both fined and imprisoned. Any person who commits</p>	
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		<p>a third violation of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 or imprisoned in a state correctional facility not less than two years nor more than five years, or both fined and imprisoned.</p> <p>(e) Assault.</p> <p>Any person who unlawfully attempts to commit a violent injury to the person of a government representative or health care worker acting in his or her official capacity, or unlawfully commits an act which places that person acting in his or her official capacity in reasonable apprehension of immediately receiving a violent injury, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than twenty-four hours nor more than six months, fined not more than two hundred dollars, or both fined and confined.</p>	
<p><b>WEST VIRGINIA</b> PENDING LEGISLATION</p>	<p>H.B. 2566</p> <p>S.B. 629</p> <p>S.B. 681</p>	<p>Expands the applicability of increased penalties for battery, malicious assault and unlawful assault; provides that increased penalties apply to any officer or employee of the state or a political subdivision thereof, including a person under contract with a state agency or political subdivision and any health care worker.</p> <p>Increases penalties for crimes against government and health care workers.</p> <p>Increases penalties for crimes against government and health care workers.</p>	<p>Pending</p>
<p><b>WISCONSIN</b></p>	<p>WIS. STAT. § 940.20</p>	<p>***</p> <p>(7) BATTERY TO EMERGENCY MEDICAL CARE PROVIDERS.</p> <p>***</p> <p>(b) Whoever intentionally causes bodily harm to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver who is acting in an official capacity and who the person knows or has</p>	

		reason to know is an emergency department worker, an emergency medical technician, a first responder or an ambulance driver, by an act done without the consent of the person so injured, is guilty of a Class H felony.	
<b>WYOMING</b>	N/A	N/A	N/A