

Senate Judiciary committee
HB 1121 03/21/2023

Please vote for a Do Not Pass.

Our simple assault statute is already quite unjust. This bill expands the injustice.

Recently the legislature, in an effort to show support for special vocational classes, such as "Frontline workers" and law enforcement, created a specially severe penalty for simple assault to those special vocations.

Simple assault is when "bodily injury" occurs. Century code defines bodily injury as, "any impairment of physical condition, including physical pain." Yes, even a hard slap on the wrist is bodily injury by definition.

Currently if one does this to most people it is a class B misdemeanor, maximum of 30 days in jail. But do it to a special vocational class, and you're looking at 5 years in jail.

"Regular" Assault is when substantial bodily injury occurs, defined as, "a substantial temporary disfigurement, loss, or impairment of the function of any bodily member or organ."

This is a Class A misdemeanor (class C felony if done to a child under 12), 1 year in jail.

Aggravated assault is for serious bodily injury, defined as, "bodily injury that creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, permanent loss or impairment of the function of any bodily member or organ, a bone fracture, or impediment of air flow or blood flow to the brain or lungs."

This is a Class C felony, again 5 years in jail.

Please put this into perspective.

Slap up a Dairy Queen worker and you may get 30 days in jail. Slap up an E.R. doctor, or police officer, and you may get 5 years in jail. This is patently unjust.

If one beats the living hell out of another human being, bringing them nearly to death, they are looking at the same penalty as for simply slapping a volunteer firefighter.

Please tell me in what world this makes sense. There must be a better way to show support for these professions than blindly vote for for every bill that is so-called Pro-this or Pro-that.

HB1121 wants to expand the special professions to include anyone working at any kind of health care facility.

So, slap a janitor at a medical clinic; get 5 years in jail. Slap the same janitor at his other job at an office building; get 30 days in jail.

Why in the world stop there. ER docs are special. So are firefighters and police officers. So are nurses.Aren't teachers? Who isn't special? Where does this end?

Also, let me remind this very committee that just a few weeks ago, you voted for presumed mandatory minimums for this exact crime. So now EVERYBODY gets to go to jail.

Lastly, I ask that when you hear stories of terrible assaults, consider whether they are the simple assaults this bill deals with or if they are the more serious Assaults or Aggravated Assaults.

The BEST thing to do would be to amend this bill to remove ALL of the special vocations from the current simple assault statute, and correct a very obvious error made a few years ago.