

50 State Survey Criminal Laws Protecting Health Professionals Updated January 2014

Alabama	Hawaii	Michigan	North Carolina	Utah
Alaska	Idaho	Minnesota	North Dakota	Vermont
Arizona	Illinois	Mississippi	Ohio	Virginia
Arkansas	Indiana	Missouri	Oklahoma	Washington
California	Iowa	Montana	Oregon	West Virginia
Colorado	Kansas	Nebraska	Pennsylvania	Wisconsin
Connecticut	Kentucky	Nevada	Rhode Island	Wyoming
Delaware	Louisiana	New Hampshire	South Carolina	
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**50 State Survey Criminal Laws
Protecting Health Professionals
Updated May 2013**

State	Statute	Relevant Text	Status
<p style="text-align: center;">Alabama</p> <p>Back To Top</p>	<p>AL Code § 13A-6-21</p>	<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 longterm 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>	<p>Effective 2006</p>
<p style="text-align: center;">Alaska</p> <p>Back To Top</p>	<p>AK Statute Sec. § 12.55.135</p>	<p>A defendant convicted of assault in the fourth degree or harassment in the first degree who knowingly directed the conduct constituting an offense at:</p> <p>Emergency medical technician or medical professional</p> <p>"medical professional" means a nurse, nurse aid, or nurse practitioner</p>	<p>Effective</p>

<p>Arizona</p> <p>Back To Top</p>	AZ Revised Statute §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. This does not apply if the person who commits the assault is seriously mentally ill, as defined in section 36-550, or is afflicted with Alzheimer's disease or related dementia	Effective
<p>Arkansas</p> <p>Back To Top</p>	AR Code §5-13-202	<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>	Effective
	<p>House Bill 1026</p> <p>Introduced by: Rep. B. Wilkins</p>	<p>Aggravated assault is a class C Felony; Assault in the first degree is a class D felony; Assault in the second degree is a class A misdemeanor; Assault in the third degree is a class B misdemeanor if the victim is:</p> <p>While performing medical treatment or emergency medical services or while in the course of other employment relating to his or her medical training:</p> <p>A person certified as an emergency medical services personnel; a licensed or certified health care professional; or any health care provider</p>	Died in House Committee at Adjournment

<p data-bbox="110 947 245 978">California</p> <p data-bbox="79 1356 269 1388">Back To Top</p>	<p data-bbox="334 926 545 999">CA Penal Code § 241, § 243</p>	<p data-bbox="581 54 1287 447">When an assault is committed against the person of an emergency medical technician engaged in the performance of his or her duties, or a 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 nurse engaged in rendering emergency medical care, the assault is one year, or by both that fine and imprisonment.</p> <p data-bbox="581 499 1287 1010">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 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 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 \$2,000, by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.</p> <p data-bbox="581 1020 1287 1570">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 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 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 one year, or by both imprisonment in the state prison for 16 months, or two or three years.</p>	<p data-bbox="1378 947 1490 978">Effective</p>
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<p>Colorado</p> <p>Back To Top</p>	<p>CO Revised Statute § 18-1.3-501</p> <p>CO Revised Statute § 18-3-204</p>	<p>If a defendant is convicted of assault in the third degree under section 18-3-204 and the victim is a peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties, notwithstanding subsection (1) of this section, the court shall sentence the defendant to a term of imprisonment greater than the maximum sentence but no more than twice the maximum sentence authorized for the same crime when the victim is not a peace officer, emergency medical service provider, emergency medical care provider, or firefighter engaged in the performance of his or her duties.</p> <p>A person commits the crime of assault in the third degree if:</p> <p>(a) The person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon; or</p> <p>(b) The person, with intent to infect, injure, harm, harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causes the other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or toxic, caustic, or hazardous material by any means, including throwing, tossing, or expelling the fluid or material.</p>	<p>Effective</p> <p>Effective</p>
<p>Connecticut</p> <p>Back To Top</p>	<p>CT Revised Statutes § Sec. 53a-167c</p>	<p>Assault of public safety, emergency medical, public transit or health care personnel is a class C felony. If any person who is confined in an institution or facility of the Department of Correction is sentenced to a term of imprisonment for assault of an employee of the Department of Correction under this section, such term shall run consecutively to the term for which the person was serving at the time of the assault. In any prosecution under this section involving assault of a health care employee, as defined in section 19a-490q, it shall be a defense that the defendant is a person with a disability as described in subdivision (13), (15) or (20) of section 46a-51 and the defendant's conduct was a clear and direct manifestation of the disability.</p>	<p>Effective</p>

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<p>Delaware</p> <p>Back To Top</p>	<p>DE Code 11, § 612</p>	<p>A person is guilty of assault in the second degree (class D felony) when: The person intentionally causes physical injury to an emergency medical technician. It shall be a class C felony if the person recklessly or intentionally causes physical injury by means of an electronic control device.</p>	<p>Effective 2010</p>
	<p>DE Code 11, § 613</p>	<p>A person is guilty of assault in the first degree (class B felony) when intentionally causes serious physical injury to a medical technician.</p>	<p>Effective 210</p>
<p>District of Columbia</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>Florida</p> <p>Back To Top</p>	<p>FL Statute §784.07</p>	<p>Assault or battery of emergency medical care providers results in reclassification of the crime: (a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree. (b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. (c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. (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” includes emergency medical technician and registered nurse, or any person authorized by an emergency medical service licensed under Chapter 401 who is engaged in the performance of his or her duties.</p>	<p>Effective</p>
<p>Georgia</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

<p style="text-align: center;">Hawaii</p> <p>Back To Top</p>	<p style="text-align: center;">HI Revised Statutes § 707-711</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. Assault in the second degree is a class C felony.</p>	<p style="text-align: center;">Effective</p>
	<p style="text-align: center;">HI Revised Statutes § 707-712.7</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> <p>(a) Intentionally, knowingly, or recklessly causes serious or substantial bodily injury to an emergency worker; or (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>	<p style="text-align: center;">Effective</p>
<p style="text-align: center;">Idaho</p> <p>Back To Top</p>	<p style="text-align: center;">ID CODE § 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>	<p style="text-align: center;">Effective</p>

	<p>720 IL Statutes § 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 -- intermediate, emergency medical technician -- 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 from performing his official duties, or in retaliation for the emergency medical technician -- ambulance, emergency medical technician -- intermediate, emergency medical technician 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>Effective</p>
<p>Illinois</p> <p>Back To Top</p>	<p>720 IL Statutes § 5/12-4</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>	<p>Effective</p>

<p style="text-align: center;">Indiana</p>	<p style="text-align: center;">IN Code § 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 style="text-align: right;">The</p> <p>offense is a Class D felony if it results in bodily injury to a person who is a health care provider while the health care provider is engaged in the execution of the health care provider's official duty.</p>	<p style="text-align: center;">Effective</p>
<p style="text-align: center;">Iowa</p> <p style="background-color: #ccccff; padding: 2px;">Back To Top</p>	<p style="text-align: center;">IA Code § 708.3A</p>	<p>A person who commits an assault against a health care provider with the intent to inflict a serious injury or uses a dangerous weapon on the health care provider is guilty of a class D felony.</p> <p>A person who commits an assault against a health care provider who knows that the person against whom the assault is committed is a health care provider is guilty of a class D felony.</p> <p>Any other assault committed against a health care provider by a person who knows that the person against whom the assault is committed is a health care provider is a serious misdemeanor.</p>	<p style="text-align: center;">Effective</p>

	<p>KS Statute § 21-3444</p>	<p>Unlawful interference with an emergency medical services attendant.</p> <p>(a) Unlawful interference with an emergency medical services attendant is knowingly and intentionally interfering with, molesting or assaulting, any attendant while engaged in the performance of such attendant's duties, or knowingly and intentionally obstructing, interfering with or impeding the efforts of any attendant to reach the location of an emergency.</p> <p>(b) “Attendant” means a first responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator or a mobile intensive care technician certified pursuant to this act.</p> <p>(c) Unlawful interference with an emergency medical services attendant is a class B person misdemeanor.</p>	<p>Effective</p>
<p>Kansas</p> <p>Back To Top</p>	<p>KS Statute § 21-3448</p>	<p>Battery against a mental health employee.</p> <p>(a) Battery against a mental health employee is a battery, as defined in K.S.A. 21-3412, and amendments thereto, committed against a mental health employee by a person in the custody of the secretary of social and rehabilitation services, while such employee is engaged in the performance of such employee's duty.</p> <p>(b) Battery against a mental health employee is a severity level 7, person felony.</p> <p>(c) As used in this section “mental health employee” means an employee of the department of social and rehabilitation services working at Learned state hospital, Osawatomie state hospital and Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.</p>	<p>Effective</p>

<p>Kentucky</p>	<p>KY. Revised Statute § 508.025</p>	<p>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, if the event occurs while personnel are performing job-related duties.</p> <p>Assault in the third degree is a Class D felony</p>	<p>Effective</p>
<p>Louisiana</p> <p>Back To Top</p>	<p>LA Revised Statute § 14:332</p>	<p>Interference with medical treatment</p> <p>A) Interference with medical treatment is the intentional and willful interference with a nurse, nurse's aide, emergency medical technician, or other medical or hospital personnel in the performance of their duties relating to the care and treatment of patients in any hospital, clinic, other medical facility, or at the scene of a medical emergency.</p> <p>B.) Whoever violates the provisions of this Section shall be fined not less than one hundred dollars or more than two hundred and fifty dollars upon conviction of a first offense, and not less than two hundred fifty dollars or more than five hundred dollars or ten days in jail or both upon conviction of any subsequent offense.</p>	<p>Effective</p>
<p>Maine</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>Maryland</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

	<p>MA LAWS CH. 265 § 131</p>	<p>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.</p>	<p>Effective</p>
<p>Massachusetts</p> <p>Back To Top</p>	<p>HB 1508</p>	<p>An Act to authorize the arrest for assault and battery on a public employee Any officer authorized to make arrests may arrest without a warrant any person who he has probable cause to believe has committed the 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 and may keep said person in custody for not more than twenty-four hours, or until the next sitting of the court, during which period the officer shall seek the issuance of a complaint and request a bail determination.</p>	<p>Referred to Committee on Judiciary 1/22/13</p>

<p>Michigan</p> <p>Back To Top</p>	<p>MI Compiled Laws § 750.81d</p>	<p>"Person" means any of the following: Any emergency medical service personnel. (1) 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.</p> <p>(2) 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 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>Effective</p>
<p>Minnesota</p>	<p>MN Statute § 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: physician, nurse, or other person providing health care services in a hospital emergency department.</p>	<p>Effective</p>

<p>Mississippi</p>	<p>MS Code 97-3-7 §</p>	<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>	<p>Effective</p>
<p>Missouri</p> <p>Back To Top</p>	<p>MO Revised Statute § 565.081</p>	<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>Effective</p>

<p>Missouri</p> <p>Back To Top</p>	<p>MO Revised Statute § 565.082</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 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 in the second degree 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>Effective</p>
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<p>Missouri</p> <p>Back To Top</p>	<p>MO Revised Statute § 565.083</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 without the consent of the emergency personnel.</p> <p>Assault of emergency personnel in the third degree is a class A misdemeanor.</p>	<p>Effective</p>
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<p data-bbox="115 930 237 961">Montana</p> <p data-bbox="82 1255 272 1287">Back To Top</p>	<p data-bbox="370 890 509 961">MT CODE § 45-5-214</p>	<p data-bbox="581 54 1292 730">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 data-bbox="581 907 1292 1058">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 data-bbox="581 1108 1292 1180">“Bodily fluid” means any bodily secretion, including but not limited to feces, urine, blood, and saliva.</p> <p data-bbox="581 1230 1292 1583">“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 data-bbox="581 1650 1292 1801">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.</p>	<p data-bbox="1377 930 1490 961">Effective</p>
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<p>Montana</p>	<p>MT House Bill NO. 269 by K. Swanson</p>	<p>Assault on a health care provider or emergency responder -- penalty -- definitions</p> <p>(1) A person commits the offense of assault on a health care provider or emergency responder if, while a health care provider or emergency responder is performing professional duties, the person:</p> <p>(a) purposely or knowingly causes bodily injury to the health care provider or emergency responder</p> <p>(b) negligently causes bodily injury to the health care provider or emergency responder with a weapon;</p> <p>(c) purposely or knowingly causes the health care provider or emergency responder reasonable apprehension of bodily injury.</p> <p>(2) A person convicted of assault on a health care provider or emergency responder shall be fined an amount not to exceed \$50,000 or be imprisoned for a term not to exceed 10 years, or both.</p>	<p>Died in Standing Committee</p>
<p>Nebraska</p> <p>Back To Top</p>	<p>NE Revised Statute § 28-930</p>	<p>A person commits the offense of assault on a health care professional in the second degree, if he or she, intentionally or knowingly or recklessly causes bodily injury with a dangerous instrument to a health care professional while on duty at a hospital or health clinic. Assault on a health care professional in the second degree shall be a class II felony.</p>	<p>Effective</p>
	<p>NE Revised Statute § 28-931</p>	<p>A person commits the offense of assault on a health care professional in the third degree, if he or she, intentionally, knowingly, or recklessly causes bodily injury to a health care professional while on duty at a hospital or health clinic. Assault on a health care professional in the third degree shall be a class IIIA felony.</p>	<p>Effective</p>

<p style="text-align: center;">Nevada</p> <p style="text-align: center;">Back To Top</p>	<p style="text-align: center;">NV Revised Statute § 200.471</p>	<p>A person convicted of an assault shall be punished:</p> <p>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>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 style="text-align: center;">Effective</p>
<p style="text-align: center;">New Hampshire</p> <p style="text-align: center;">Back To Top</p>	<p style="text-align: center;">NH House Bill 217</p>	<p>Extended Imprisonment; Assault on a Health Care Provider. Amend RSA 651:6, I(g) to read as follows:</p> <p>(g) Has knowingly committed or attempted to commit any of the crimes defined in RSA 631 where he or she knows the victim was, at the time of the commission of the crime, a law enforcement officer, a paid firefighter, volunteer firefighter, on-call firefighter, [or] licensed emergency medical care provider as defined in RSA 153-A:2, V, or any person who is a direct provider of health care including a physician, nurse, physician’s assistant, or ancillary personnel employed by or under the supervision of a physician, or any other person whose primary function is to provide health care to another individual acting in the line of duty</p>	<p style="text-align: center;">Referred to Criminal Justice and Public Safety Committee; Hearing held 1/29/13</p>

<p>New Mexico</p> <p>Back To Top</p>	<p>NM Statute § 30-3-9.2</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: (1) an attempt to commit a battery upon the person of a health care worker who is in the lawful discharge of the health care worker's duties; or</p> <p>Whoever commits assault upon a health care worker is guilty of a misdemeanor</p>	<p>Effective</p>
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<p data-bbox="94 961 256 995">New Mexico</p> <p data-bbox="89 1178 279 1215">Back To Top</p>	<p data-bbox="321 947 558 1016">NM Statute § 30-3-9.2 (Cont.)</p>	<p data-bbox="581 79 1287 273">(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 data-bbox="581 281 1247 352">Whoever commits assault upon a health care worker is guilty of a misdemeanor.</p> <p data-bbox="581 401 1276 472">C. Aggravated assault upon a health care worker consists of:</p> <p data-bbox="581 522 1279 634">(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 data-bbox="581 680 1258 793">(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 data-bbox="581 842 1266 913">Whoever commits aggravated assault upon a health care worker is guilty of a third degree felony.</p>	<p data-bbox="1378 963 1490 995">Effective</p>
		<p data-bbox="581 1136 1279 1407">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. Whoever commits assault with intent to commit a violent felony upon a health care worker is guilty of a second degree felony.</p> <p data-bbox="581 1455 1271 1648">E. Battery upon a health care worker is the 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 data-bbox="581 1696 1248 1768">Whoever commits battery upon a health care worker is guilty of a fourth degree felony.</p>	

<p>New Mexico</p> <p>Back To Top</p>	<p>NM Statute § 30-3-9.2 (Cont.)</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.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. 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>Effective</p>
<p>New Jersey</p> <p>Back To Top</p>	<p>NJ Revised Statutes § 2C:12-1</p>	<p>A person is guilty of aggravated assault if he commits a simple assault upon: 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. 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>	<p>Effective</p>

<p style="text-align: center;">New York</p>	<p style="text-align: center;">NY Penal Code § 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>	<p style="text-align: center;">Effective</p>
<p style="text-align: center;">New York</p> <p>Back To Top</p>	<p style="text-align: center;">NY AB 6079 by A. Lentol</p>	<p>A person is guilty of reckless assault upon an emergency medical service paramedic or technician when he or she recklessly causes physical injury to an emergency medical service paramedic or technician while performing their duty, irrespective of whether such assault results in impairment of physical condition or substantial pain.</p> <p>Reckless Assault upon an emergency medical paramedic or technician is a class E felony.</p>	<p style="text-align: center;">Referred to Codes</p>

<p>North Carolina</p> <p>Back To Top</p>	<p>NC General Statute § 14-34.6</p>	<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. (2) A medical responder. (3) An emergency department nurse. (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>	<p>Effective</p>
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<p>North Dakota</p> <p>Back To Top</p>	<p>ND Century Code § 12.1-17-01</p>	<p>1. A person is guilty of simple assault if that person:</p> <p>a. Willfully causes bodily injury to another human being; or</p> <p>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.</p> <p>The offense is 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.</p>	<p>Effective</p>
<p>Ohio</p> <p>Back To Top</p>	<p>OH Revised Code § 2903.13</p>	<p>If the victim of the offense is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital whom the offender knows or has reasonable cause to know is a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital, if the victim is engaged in the performance of the victim's duties, and if the hospital offers de-escalation or crisis intervention training for such professionals, workers, or officers, assault is one of the following:</p> <p>(a) Except as otherwise provided in division (C)(7)(b) of this section, assault committed in the specified circumstances is a misdemeanor of the first degree. Notwithstanding the fine specified in division (A)(2)(b) of section 2929.28 of the Revised Code for a misdemeanor of the first degree, in sentencing the offender under this division and if the court decides to impose a fine, the court may impose upon the offender a fine of not more than five thousand dollars.</p> <p>(b) If the offender previously has been convicted of or pleaded guilty to one or more assault or homicide offenses committed against hospital personnel, assault committed in the specified circumstances is a felony of the fifth degree.</p>	<p>Effective</p>

<p style="text-align: center;">Oklahoma</p> <p>Back To Top</p>	<p>OK Statute Title 21 § 650.3</p>	<p>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 (\$500.00), or by both such fine and imprisonment.</p>	<p>Effective</p>
	<p>OK Statute Title 21 § 650.4</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 felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, 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>Effective</p>
	<p>OK Statute Title 21 § 650.5</p>	<p>Aggravated assault and battery or assault with firearm or other dangerous weapon upon emergency medical technician or other emergency medical care provider - Penalty.</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 imprisonment.</p>	<p>Effective</p>

<p style="text-align: center;">Oregon</p> <p>Back To Top</p>	<p>OR Revised Statute §163.165</p>	<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 services provider, as defined in ORS 682.025, while the emergency medical services provider is performing official duties.</p> <p>Assault in the third degree is a Class C felony.</p>	<p>Effective</p>
	<p>OR Revised Statute §163.213</p>	<p>A person commits the crime of unlawful use of an electrical stun gun, tear gas or mace in the first degree if the person knowingly discharges or causes to be discharged any electrical stun gun, tear gas weapon, mace, tear gas, pepper mace or any similar deleterious agent against another person, knowing the other person to be a peace officer, corrections officer, parole and probation officer, firefighter or emergency medical services provider and while the other person is acting in the course of official duty.</p> <p>Unlawful use of an electrical stun gun, tear gas or mace in the first degree is a Class C felony.</p>	<p>Effective</p>

<p style="text-align: center;">Pennsylvania</p> <p style="text-align: center;">Back To Top</p>	<p style="text-align: center;">PA Consolidated Statutes Title 18 § 2702</p>	<p>A person is guilty of aggravated assault if he:</p> <p>(1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;</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>(4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon;</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</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 (1) and (2) is a felony of the first degree. Aggravated assault under subsection (3), (4), (6) and (7) is a felony of the second degree.</p>	<p style="text-align: center;">Effective</p>
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<p>Rhode Island</p> <p>Back To Top</p>	<p>RI General Laws §16-3-635</p>	<p>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.</p>	<p>Effective</p>
<p>South Carolina</p>	<p>N/A</p>	<p>Increased penalties for assault on emergency medical providers was repealed by 2010 Act No. 273, Section 7.A</p>	<p>Effective June 2010</p>
<p>South Dakota</p>	<p>SD CODIFIED LAWS § 22-11-6</p>	<p>Any person who, by using or threatening to use violence, force, or physical interference to intentionally obstruct emergency management personnel acting under color of authority, is guilty of obstructing an emergency medical technician. Obstructing a emergency medical technician is a Class 1 misdemeanor.</p>	<p>Effective</p>
<p>Tennessee</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

<p style="text-align: center;">Texas</p> <p style="text-align: center;">Back To Top</p>	<p style="text-align: center;">TX PENAL CODE § 22.01</p>	<p>(a) A person commits an offense if the person:</p> <p>(1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;</p> <p>(2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or</p> <p>(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.</p> <p>(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:</p> <p>***</p> <p>(5) a person the actor knows is emergency services personnel while the person is providing emergency services.</p> <p>***</p> <p>(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 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 style="text-align: center;">Effective</p>
	<p style="text-align: center;">TX HB 705</p>	<p>Amends Texas Penal Code to raise assault against "emergency room personnel" to a felony of the third degree</p>	<p style="text-align: center;">Effective 9/1/13</p>

<p style="text-align: center;">Utah</p> <p>Back To Top</p>	<p style="text-align: center;">UT CODE § 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 style="text-align: center;">Effective</p>
<p style="text-align: center;">Vermont</p> <p>Back To Top</p>	<p style="text-align: center;">VT Statute Title 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>(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>(c) In imposing a sentence under this section, the court shall take into consideration whether the defendant was a patient at the time of the offense and had a psychiatric illness, the symptoms of which were exacerbated by the surrounding circumstances, irrespective of whether the illness constituted an affirmative defense to the charge.</p>	<p style="text-align: center;">Effective</p>

<p style="text-align: center;">Virginia</p> <p style="text-align: center;">Back To Top</p>	<p style="text-align: center;">VA CODE § 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>It 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>“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>Effective</p>
	<p style="text-align: center;">VA CODE § 18.2-57</p>	<p>Any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is 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 guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.</p>	<p>Effective</p>

<p>Washington</p> <p>Back To Top</p>	<p>Revised Code WA § 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.</p> <p>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>
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<p>West Virginia</p> <p>Back To Top</p>	<p>WV 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>(b) Malicious assault. 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. 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>Effective</p>
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<p>West Virginia</p> <p>Back To Top</p>	<p>WV CODE § 61-2-10B Cont...</p>	<p>(d) Battery. 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 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. 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>Effective</p>
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<p>Wisconsin</p> <p>Back To Top</p>	<p>WI Statute § 940.20</p>	<p>(7) BATTERY TO EMERGENCY MEDICAL CARE PROVIDERS. *** (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 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.</p>	<p>Effective</p>
<p>Wyoming</p>	<p>WY SF 114</p>	<p>(c) Aggravated assault and battery against a health care provider, as defined in W.S. 1-1-130(b)(i), who is engaged in providing health care services is a felony punishable by imprisonment for not more than twelve (12) years, a fine not more than five thousand dollars (\$5,000.00), or both.</p>	<p>Approved by Senate but failed to get out of House before legislature adjourned</p>