



WYOMING LEGISLATIVE SERVICE OFFICE

Research Memorandum

OTHER STATES' LAWS PROHIBITING VIOLENCE AGAINST MEDICAL PROFESSIONALS

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by

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This memorandum provides an overview of statutes addressing violence against healthcare workers in seven states (Alaska, Colorado, Idaho, Nebraska, Oklahoma, Utah, and Wisconsin) and the penalties offenders may receive upon assaulting or harassing healthcare professionals. The seven states surveyed in this memorandum vary in: (1) whether the criminal provision specific to healthcare workers provides a sentence enhancement if the victim is a healthcare provider; and (2) whether the state considers violence against healthcare workers a separate misdemeanor or felony offense and the severity of punishment. Alaska and Colorado classify violence against medical professionals as a misdemeanor, while Nebraska, Oklahoma, and Wisconsin consider assault of a medical professional a felony. Nebraska provides the harshest potential penalty with a minimum of five years in prison for an assault in the first degree, while Alaska has the least severe potential punishment with a minimum prison sentence of 60 days if the defendant causes bodily injury. In Utah, violence against medical professionals may be a misdemeanor or a felony, depending upon the gravity of the offense. The text of laws for each state is provided in the appendices.

ALASKA: Alaska Statutes provide that an individual who knowingly assaults or harasses a medical professional¹ or an emergency medical technician, paramedic, ambulance attendant, or other emergency responder conducting his professional duties is guilty of an assault in the fourth degree or harassment in the first degree,² both Class A misdemeanors.³ Alaska law establishes a minimum prison term of 30 days if the defendant placed the victim in fear of imminent physical injury by words or other conduct, and a minimum sentence of 60 days if the defendant recklessly caused physical injury or engaged in offensive physical contact.⁴

¹ Alaska Stat. §12.55.135 defines a medical professional as a person who is an advanced practice registered nurse, anesthesiologist, chiropractor, dental hygienist, dentist, nurse, nurse aide, mental health counselor, osteopath, physician, physician assistant, psychiatrist, psychological associate, psychologist, radiologist, surgeon, or x-ray technician, or who holds a substantially similar position.

² Alaska Stat. § 12.55.135(d)(1)

³ Alaska Stat. § 11.41.230 and Alaska Stat. § 11.61.118

⁴ Alaska Stat. § 12.55.135(d)(1)(A) and Alaska Stat. § 11.41.230(a)(1)

COLORADO: Colorado law provides both a sentence enhancement if the victim is a particular type of medical provider and a specific assault offense where the victim is a particular type of medical provider. If a person commits an assault in the third degree on an emergency medical service provider⁵ or an emergency medical care provider⁶ performing his duties, the offender shall be sentenced to a term of imprisonment greater than the maximum sentence for other assaults in the third degree, but not more than twice the maximum sentence authorized for the crime.⁷ Under Colorado law, assault in the third degree is a Class 1 misdemeanor, punishable by a maximum imprisonment sentence of 364 days, not more than a \$1,000 fine, or both.⁸ A person commits assault in the third degree in Colorado when: (1) the offender knowingly or recklessly causes bodily injury to another person⁹ (the general assault offense) or (2) the offender causes a person that the offender knows or reasonably should know is an emergency medical service provider or emergency medical care provider to come into contact with blood or other bodily fluids with the intent to harass, annoy, alarm, or threaten the provider.¹⁰

IDAHO: Idaho specifies the offense of battery against healthcare workers.¹¹ Idaho law provides that any person who commits battery against any person licensed, certified, or registered by the State of Idaho to provide healthcare or an employee of a hospital, medical clinic, or medical practice while the person is engaged in performing medical duties is subject to imprisonment not to exceed three years.¹² Idaho defines battery as willful and unlawful use of force or violence upon a person; actual, intentional, and unlawful touching or striking of another person; or unlawfully and intentionally causing bodily harm to an individual.¹³

NEBRASKA: Under Nebraska law, assaulting a healthcare professional may be an assault in the first, second, or third degree.¹⁴ Nebraska Statutes establish that a person is committing an assault in the first degree if that person intentionally or knowingly causes serious bodily injury to an

⁵ While the Colorado Statutes do not provide a definition of emergency medical service providers, Colorado regulation defines an emergency medical service provider as an individual who holds a valid emergency medical service provider certificate issued by the Department of Health and includes emergency medical technicians, emergency medical technician intermediate and paramedic. Colo Reg. § 6-1015-3.

⁶ C.R.S. 18-3-201 defines an emergency medical care provider as a doctor, intern, nurse, nurse's aide, physician assistant, ambulance attendant or operator, air ambulance pilot, paramedic, or any other member of a hospital or health care facility staff or security force who is involved in providing emergency medical care at a hospital or health care facility, or in an air ambulance or ambulance.

⁷ C.R.S. 18-1.3-501(1.5) (a)

⁸ C.R.S. 18-1.3-501(a.5)

⁹ C.R.S. 18-3-204(1)(a)

¹⁰ C.R.S. 18-3-204(1)(b)

¹¹ The Idaho Code does not provide a statutory definition of healthcare workers.

¹² Idaho Code § 18-915C

¹³ Idaho Code § 18-903

¹⁴ R.R.S. Neb. § 28-929.01(1) defines an emergency care provider as an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, a community paramedic, a critical care paramedic, or a paramedic.

emergency care provider¹⁵ or a healthcare professional¹⁶ while the victim is on duty.¹⁷ The assault in the first degree against a healthcare provider is considered a Class ID felony, punishable by a maximum of fifty years in prison and a mandatory minimum of three years' imprisonment.¹⁸ Generally, first-degree assault is between one and fifty years' imprisonment. A person commits an assault in the second degree against a healthcare provider if the person causes intentional or reckless bodily injury to an emergency care provider or healthcare professional with a dangerous instrument.¹⁹ A second-degree assault on an emergency responder or healthcare professional is considered a Class II felony, punishable by a maximum of fifty years in prison and a mandatory minimum of one year imprisonment.²⁰ A person commits an assault in the third degree against a healthcare provider if the person intentionally or recklessly causes bodily injury to an emergency responder or healthcare professional.²¹ An assault in the third degree is considered a Class IIIA felony, punishable by a maximum of three years in prison or a \$10,000 fine, or both.²² Nebraska laws require hospitals and other medical facilities to post a sign at their facilities stating that assaulting a medical professional is a serious crime that may be punishable as a felony.²³

OKLAHOMA: The 2020 Medical Care Provider Protection Act provides that any person committing an assault or battery upon a medical provider²⁴ performing medical care is guilty of a felony subject to imprisonment not to exceed two years, a fine not to exceed \$1,000, or both.²⁵ A person who commits aggravated assault and battery, or assault with a firearm or deadly weapon, against a medical care provider without justification and with intent to do bodily harm is guilty of a felony punishable by a prison term of two-to-five years, a fine up to \$1,000, or both.²⁶ The Act also requires all hospitals, clinics, and ambulance services to display signs at their facilities stating that assaulting a medical professional on duty is a serious crime.²⁷ Further, the Act requires each hospital, health clinic, and ambulance service to report all assaults against medical professionals to the state's department of health.²⁸

¹⁵ R.R.S. Neb. § 28-929.01(2) defines healthcare professionals as a physician or other healthcare practitioners who are licensed, certified, or registered to perform specified health services consistent with state law who practice at a hospital or a health clinic.

¹⁶ R.R.S. Neb. § 28-929, R.R.S. Neb. § 28-930, and R.R.S. Neb. § 28-931

¹⁷ R.R.S. Neb. § 28-929

¹⁸ R.R.S. Neb. § 28-308 and R.R.S. Neb. § 28-105

¹⁹ R.R.S. Neb. § 28-930

²⁰ R.R.S. Neb. § 28-930 and R.R.S. Neb. § 28-105

²¹ R.R.S. Neb. § 28-931

²² R.R.S. Neb. § 28-931 and R.R.S. Neb. § 28-105

²³ R.R.S. Neb. § 28-929.02

²⁴ 21 Okl. St. § 650.4(B) provides a list of healthcare providers, which includes doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, pharmacists, and nursing students.

²⁵ 21 Okl. St. § 650.4(A)

²⁶ 21 Okl. St. § 650.5(A).

²⁷ 63 Okl. St. § 1-114.3

²⁸ Ibid.

UTAH: The Utah Criminal Code provides that a person assaulting or threatening with violence a healthcare provider²⁹ or emergency medical service worker³⁰ is guilty of a Class A misdemeanor if the person committing the assault or threat of violence knew the victim was a healthcare provider or a medical service worker and the provider or worker was performing emergency or lifesaving duties.³¹ A Class A misdemeanor may be punished with a jail term of up to 364 days, a fine up to \$2,500, or both.³² But if the victim sustains substantial bodily injuries and the person committing the assault or threat of violence acts intentionally or knowingly, the assault is considered a third-degree felony,³³ punishable by a jail sentence of up to five years, a fine up to \$5,000, or both.³⁴

WISCONSIN: Recently enacted Wisconsin law provides that a person intentionally causing bodily harm or the threatening of violence against a person working in a healthcare facility,³⁵ or a healthcare provider³⁶ of violence is guilty of a Class H felony if the person committing the offense knew the victim was a healthcare provider or worked at a healthcare facility, or that the victim was acting in his official capacity.³⁷ Wisconsin law specifies that committing the offense against a family member of a healthcare provider or a person who works at a healthcare facility is also a Class H felony.³⁸ In Wisconsin, a Class H felony is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.³⁹ The Wisconsin law became effective in March 2022.

If you have any further questions, please do not hesitate to contact LSO Research and Evaluation at 777-7881.

²⁹ Utah Code Ann. § 78B-3-403 provides a list of healthcare providers, which includes registered nurses, physicians, physician assistants, pharmacists, social workers, and physical therapist assistants.

³⁰ Utah Code Ann §26-8a-302 provides a list of emergency medical service workers, which includes paramedics, medical directors, emergency medical service instructors, behavioral emergency services technicians, and advanced behavioral emergency services technicians.

³¹ Utah Code Ann. § 76-5-102.7(1)

³² Utah Code Ann. §§ 76-3-204 & 76-3-301.

³³ Utah Code Ann. § 76-5-102.7(2)

³⁴ Utah Code Ann. §§ 76-3-203 & 76-3-301.

³⁵ Wis. Stat. §940.204 defines a healthcare facility as a hospital, clinic, pharmacy, an adult day care center, an adult family home, a community-based residential facility, a residential care apartment complex, a nursing home, a mental health or substance use disorder facility, or an ambulatory surgical center.

³⁶ Wis. Stat. §146.81 provides a list of healthcare providers, which includes nurses, physician assistants, social workers, psychologists, pharmacists, and physicians. Wisconsin 940.204 specifies that healthcare providers also include a radiographer, a limited X-ray machine operator, or a driver of an ambulance.

³⁷ Wis. Stat. § 940.204(2) and (3)

³⁸ Wis. Stat. § 940.204(2) and (3)

³⁹ Wis. Stat. § 939.50(3)(h)