

SENATE BILL REPORT

SSB 6138

AS PASSED SENATE, FEBRUARY 9, 1994

Brief Description: Changing obstructing a public servant to obstructing a law enforcement officer.

SPONSORS: Senate Committee on Law & Justice (originally sponsored by Senators A. Smith and Nelson)

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6138 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: January 26, 1994

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

The crime of obstructing a public servant is committed if a person: 1) refuses or knowingly fails to make a statement lawfully required of him to a public servant; 2) makes a knowingly false statement to a public servant; or 3) knowingly hinders, delays, or obstructs any public servant in the discharge of official duties. In 1982, the Washington Supreme Court found the first two sections of the statute unconstitutionally vague, but the statute has never been amended to reflect that decision.

SUMMARY:

The crime of obstructing a public servant is renamed obstructing a law enforcement officer. The crime is committed if a person makes a willfully untrue, misleading, or exaggerated statement to a law enforcement officer, or if a person willfully hinders, delays or obstructs a law enforcement officer in the discharge of official duties.

Law enforcement officer is defined to include officers of the Washington State Patrol, police and sheriff departments, and other public officers responsible for enforcement of criminal laws, or fire, building, zoning, and life and safety codes.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Implements long overdue revisions in the existing statute by eliminating the unconstitutional subsections and making the statute a valuable law enforcement tool.

TESTIMONY AGAINST: None

TESTIFIED: Daniel Heid, SeaTac City attorney (pro); Capt. Tim Erickson, WSP (pro)

HOUSE AMENDMENT(S):

Commission of the crime by wilfully making a false or misleading statement is limited to statements made during the course of a lawful investigation or lawful arrest. The making of "exaggerated" statements as a means of committing the crime is stricken.

The definition of "law enforcement officer" is revised to include any general authority, limited authority, or specially commissioned Washington peace officer, or federal peace officer, as well as other public officers responsible for enforcement of fire, building, zoning, and life and safety codes.

The classification of the crime is increased from a misdemeanor to a gross misdemeanor.