

**SENATE BILL REPORT**

**SB 6138**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, JANUARY 26, 1994**

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

**SPONSORS:** 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 Mahoney (786-7717)

**Hearing Dates:** January 26, 1994

**BACKGROUND:**

The current language of Washington State's obstructing a public servant statute has been reviewed by the courts on several occasions. The results of those cases have been to find the first two subsections of the statute unconstitutional, leaving only the third subsection of the statute as valid law.

There have been no revisions to the statutory language since the case decision that invalidated subsections (1) and (2) of the current statute. In case opinions dealing with the current construction of the obstructing a public servant statute, the Washington Supreme Court and the appellate court have given guidance as to what revisions could be made to clarify the existing statute.

**SUMMARY:**

The original bill was not considered.

**EFFECT OF PROPOSED SUBSTITUTE:**

The obstructing a public servant statute is revised to clarify the language of the statute, to change the term "public servant" to "law enforcement" officer, and to delete the unconstitutional portions of the existing statute.

**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)