

HOUSE BILL REPORT

HB 1309

As Passed Legislature

Title: An act relating to disarming an officer.

Brief Description: Creating the crime of disarming a law enforcement officer.

Sponsors: Representatives Mielke, Mulliken, Sterk, McMorris, Pennington, Bush, Doumit, McDonald, Boldt, Thompson, Costa and Dunn.

Brief History:

Committee Activity:

Law & Justice: 2/7/97, 2/11/97 [DP].

Floor Activity:

Passed House: 2/28/97, 95-0;

Passed House: 1/12/98, 94-0.

Senate Amended.

House Concurred.

Passed Legislature.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Bill Perry (786-7123).

Background: A person may be charged with a variety of crimes if the person assaults, murders, or attacks a police officer or corrections officer, or tries to interfere with the officer's performance of official duties. For example, a person could be charged with murder if the person shot and killed the officer, or assault in the first degree if the officer did not die. If the person commits an assault in the fourth degree, which is the least serious of the assault crimes, that crime is elevated to a class C felony when committed against an officer who is performing official duties when assaulted. A person could also be charged with obstructing a law enforcement officer under certain circumstances.

There is not a specific crime that prohibits removing or attempting to remove a firearm from an officer.

Summary of Bill: A new crime of disarming a law enforcement or corrections officer is created. A person commits this crime by knowingly removing a firearm or other weapon from an officer, or depriving the officer of the use of the weapon, when the officer is performing official duties and the person intends to interfere with those duties.

Disarming a law enforcement or corrections officer is a class C felony unless a firearm is discharged when the person removes it, in which case the offense is a class B felony.

A person who commits the crime of disarming a law enforcement or corrections officer may be charged with other applicable crimes.

The crime does not apply if the officer is engaged in criminal conduct.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment makes two changes. First, the offender must act "with intent to interfere with" the officer's performance of duties, rather than just with knowledge that the officer is performing duties. Second, the offense does not apply if the officer is engaged in any criminal activity, rather than just felonious activity, at the time of the removal of the weapon.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Disarming of a police officer creates a very dangerous situation. Current law is inadequate to deal with this problem.

Testimony Against: None.

Testified: Representative Mielke, prime sponsor; and Captain Marsh Pugh, Washington State Patrol (pro).