

FINAL BILL REPORT

HB 1309

C 252 L 98

Synopsis as Enacted

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.

House Committee on Law & Justice

Senate Committee on Law & Justice

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 the gross misdemeanor of obstructing a law enforcement officer for wilfully hindering the officer's performance of official duties.

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

Summary: 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.

Votes on Final Passage:

House 92 1
House 94 0 (House reconsidered)
Senate 44 0 (Senate amended)
House 96 0 (House concurred)

Effective: June 11, 1998