

HOUSE BILL ANALYSIS

SB 5871

Title: An act relating to the definition of law enforcement officer.

Brief Description: Redefining law enforcement officer to include a port district officer.

Sponsors: Senators Roach, Fairley, Patterson, McCaslin, Winsley, Sheldon, Goings and Oke.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: A person who is sued in a civil action may bring a claim or counterclaim against the suing party for malicious prosecution if the action was instituted with knowledge that it is false, unfounded, malicious, and without probable cause, or that the action was filed with knowledge that it is false and unfounded and as a part of a conspiracy to misuse the judicial process.

If a judicial officer, prosecuting attorney, or law enforcement officer prevails on a claim of malicious prosecution that arises out of that person's performance of his or her public duty, the officer or prosecuting attorney may be allowed an additional \$1,000 as liquidated damages, reasonable attorneys' fees, and other costs of suit. "Law enforcement officer" is defined as a member of the state patrol, a sheriff or deputy sheriff, or a member of the police force of a city, town, university, or state college, or a wildlife agent or ex officio wildlife agent.

Port districts are local governments authorized to administer the harbors, rail, air transfer and terminal facilities, and industrial and commercial developments of the county. Port districts are authorized to appoint police officers with full police powers to enforce all federal, state, and local laws or ordinances on port-owned property.

Summary of Bill: The definition of "law enforcement officer" for the purposes of the malicious prosecution statute is amended to include a member of the police force of a port district.

Fiscal Note: Not requested.

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

Office of Program Research