

SENATE BILL REPORT

HB 1309

As Reported By Senate Committee On:
Law & Justice, January 26, 1998

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: 4/1/97; 1/16/98, 2/26/98 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Kline, Long, Stevens, Thibaudeau and Zarelli.

Staff: David Johnson (786-7754)

Background: A person may be charged with a variety of crimes if the person obstructs, assaults, murders, or attacks a police officer or corrections officer, or tries to interfere with the officer's performance of official duties.

Currently, there is no specific crime against removing or attempting to remove a firearm from an officer when the officer is performing official duties.

Summary of Amended Bill: A new crime of disarming a law enforcement or corrections officer is created. A person commits this crime if with the intent to interfere with the officer's duties the person knowingly removes a firearm or other weapon from a law enforcement or corrections officer, or deprives the officer of the use of the weapon, when the officer is performing official duties, does not consent to the removal, and the person has reasonable cause to know or knows that the individual is a law enforcement or corrections officer.

Disarming a law enforcement or corrections officer is a class C felony unless the firearm is discharged when the person removes the firearm, 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 also be charged with other applicable crimes.

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

Amended Bill Compared to Original Bill: The amendment requires a person to intend to interfere with an officer. It is not a crime if the officer is acting criminally, not just feloniously.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Attempting to disarm a law enforcement officer creates a very dangerous situation and this bill deals with it appropriately.

Testimony Against: None.

Testified: Representative Mielke, prime sponsor (pro).