

SENATE BILL REPORT

SB 5871

As Passed Senate, March 19, 1997

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.

Brief History:

Committee Activity: Law & Justice: 3/3/97 [DP].

Passed Senate, 3/19/97, 43-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Staff: Mal Murphy (786-7412)

Background: In actions for damages based on tort, contract, or otherwise, a counterclaim for malicious prosecution may be filed, based on the grounds that the principal action was filed with knowledge that it was false, malicious, and unfounded, or was part of a conspiracy to misuse the judicial process. In an action or counterclaim for malicious prosecution brought by a judicial officer, prosecuting attorney or law enforcement officer, liquidated damages of up to \$1000 are allowed, together with reasonable attorneys' fees and other costs. A government entity representing the prevailing judge, prosecutor or law enforcement officer may be reimbursed its attorneys' fees, but is not entitled to receive the liquidated damages.

Summary of Bill: For purposes of malicious prosecution actions or counterclaims, the term "law enforcement officer" is expanded to include the members of port district police forces.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is needed to give the Port of Seattle Police Department the benefit of the current law. The bill has broad support.

Testimony Against: None.

Testified: Tony Anderson, Port of Seattle Police Department (pro); Mike Ryherd, Joint Council of Teamsters (pro).