

HOUSE BILL REPORT

HB 1560

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to restricting the use of the terms sheriff and sheriff's posse.

Brief Description: Restricting the use of the terms sheriff and sheriff's posse.

Sponsors: Representatives Lambert, Lovick, Ballasiotes, O'Brien, Mulliken, Sump and Schindler.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/7/01, 2/26/01 [DPS].

Brief Summary of Substitute Bill

- Prohibits any person, organization, association or entity from using the words sheriff– or sheriff's posse– without prior permission from the county sheriff's department or the Washington Association of Sheriff's and Police Chiefs (WASPC).

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Kagi, Kirby and Morell.

Minority Report: Do not pass. Signed by 1 member: Representative Cairnes.

Staff: Yvonne Walker (786-7841).

Background:

A sheriff is defined as the chief executive officer and conservator of peace of a county. The general duties of a sheriff include:

- arresting and committing to jail or prison persons who break specific laws;
- defending the county against those who endanger the public peace or safety;

- executing the process and orders of the courts of justice;
- executing warrants;
- attending the sessions of the courts of record held within the county, and obeying their lawful orders or directions; and
- keeping and preserving the peace in their respective counties.

Washington does not have a law that prohibits a person or organization from using the word sheriff– or sheriff’s posse– however, it does have a criminal impersonation law.

A person is guilty of criminal impersonation in the first degree if the person assumes a false identity and does an act in his or her assumed character with intent to defraud another or for any other unlawful purpose; or pretends to be a representative of some person or organization or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose. Criminal impersonation in the first degree is a gross misdemeanor.

A person is guilty of criminal impersonation in the second degree if the person claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer. Criminal impersonation in the second degree is a misdemeanor.

Summary of Substitute Bill:

It is prohibited for a person, for an illegal or wrongful purpose, or an association or organization to assume or use the designation sheriff– or any other title, designation, words, letters, abbreviation, sign, or card intending to indicate that he or she is in fact a county sheriff or deputy sheriff or associated with a county sheriff. Only persons, associations, or organizations which are a county sheriff, deputy sheriff, associated with a county sheriff, or authorized by the WASPC may use the designation sheriff.– In addition, the Washington Council of Police and Sheriffs (WACOPS) and the Council of Metropolitan Police and Sheriffs (COMPAS) may use the designation sheriff.–

In addition, it is prohibited for any person, in an illegal or wrongful purpose, or any group, entity, or association to use the term sheriff’s posse– or in any other way represent themselves as a sheriff’s posse– on any document, publication, brochure, pamphlet, sign, poster, or other written material or placard, including on a computer network website, bulletin board, or chat room. Only a person, group, entity, or association that has the signed written consent from the county sheriff to use the term or represent themselves as a sheriff’s posse may use the term sheriff’s posse.–

Substitute Bill Compared to Original Bill:

The WACOPS and the COMPAS are exempt from the provisions in the act that restricts the use of the term sheriff.–

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill restricts the use of the terms sheriff– or sheriff posse.– Furthermore, the bill helps to protect the county sheriffs and their departments around the state from being associated with organizations whose activities are illegal, fraudulent, or reflects poorly on some county in anyway.

The public, especially elderly persons, are often tricked into giving funds to sheriff posse organizations and other similar ones that are not associated with a sheriff or local law enforcement agency in any way. As a result all 39 sheriffs in the state voted to disown and disassociate themselves with the Washington State Sheriff's Posse Association.

Testimony Against: None.

Testified: Representative Lambert, prime sponsor; Brenda Banford, WACO; Dale Brandland, Whatcom County Sheriff; and John McCroskey, Lewis County Sheriff.