

# SENATE BILL REPORT

## SHB 1560

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As Reported By Senate Committee On:  
Judiciary, March 27, 2001

**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:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lambert, Lovick, Ballasiotes, O'Brien, Mulliken, Sump and Schindler).

**Brief History:**

**Committee Activity:** Judiciary: 3/22/01, 3/27/01 [DP, DNP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Long, McCaslin and Zarelli.

**Minority Report:** Do not pass.

Signed by Senators Hargrove, Johnson and Kastama.

**Staff:** Aldo Melchiori (786-7439)

**Background:** 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 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.

A sheriff is defined as the chief executive officer and conservator of peace of a county and is a public servant and a law enforcement officer. There is no specific statute that prohibits a person or organization from using the word "sheriff" or "sheriff's posse."

**Summary of 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."

It is also 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."

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This protects the sheriff from association with organizations with whom they have an objection. Citizens have a right to know that a person who appears at their doorstep and represents themselves as a sheriff really is one. Telephone solicitors are sometimes representing themselves as affiliated with a sheriff when they are not.

**Testimony Against:** Delegating, to a private organization, the ability to grant permission to use words may be problematic under the First Amendment. Some of the language may be ambiguous and overbroad.

**Testified:** PRO: Representative Lambert, prime sponsor; Brenda Bamford, Washington Association of County Officials; Joe Hawe, Washington Association of Sheriffs and Police Chiefs; Bill Mahoney, Cowlitz County Sheriff; John McCroskey, Lewis County Sheriff; CON: Jerry Sheehan, ACLU (concerns).