

# SENATE BILL REPORT

## SB 5135

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As of January 17, 2021

**Title:** An act relating to unlawfully summoning a police officer.

**Brief Description:** Concerning unlawfully summoning a police officer.

**Sponsors:** Senators Das, Hasegawa, Nguyen, Stanford and Wilson, C..

**Brief History:**

**Committee Activity:** Law & Justice: 1/19/21.

**Brief Summary of Bill**

- Authorizes a civil cause of action for the false summoning of a police officer with the ability to recover economic and noneconomic damages, punitive damages, and reasonable costs and attorneys' fees.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Shani Bauer (786-7468)

**Background:** A person commits the crime of false reporting when the person initiates or circulates a false report knowing it is likely to cause evacuation of a building or assembly, public inconvenience or alarm, or an emergency response. A person may be charged with first, second, or third degree false reporting depending on the degree of recklessness and harm caused. False reporting in the third degree is a gross misdemeanor. Emergency response includes any action to protect life, health, or property by a peace officer or law enforcement officer.

An individual who is a victim of a crime of false reporting may bring a civil action against the person who committed the offense or anyone who participated in the offense and may recover damages, including reasonable attorney fees.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** A person may bring a civil action for damages against any person who knowingly causes a law enforcement officer to arrive at a location to contact another person with the intent to:

- infringe on the other person's constitutional rights;
- unlawfully discriminate against the other person;
- cause the other person to feel harassed, humiliated, or embarrassed;
- cause the other person to be expelled from a place in which the other person is lawfully located; or
- damage the other person's reputation or financial, economic, consumer or business prospects.

A prevailing plaintiff may recover the greater of economic and noneconomic damages; or \$250 against each defendant found liable. The court may also award punitive damages and reasonable costs and attorneys' fees.

A civil action may be maintained in a court of limited jurisdiction if the total damages claimed do not exceed the statutory limit for damages that the court of limited jurisdiction may award.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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