

SENATE BILL REPORT

SB 5839

As Reported by Senate Committee On:
Law & Justice, February 3, 2022

Title: An act relating to creating the crime of interfering with a firefighter or emergency medical services provider.

Brief Description: Creating the crime of interfering with a firefighter or emergency medical services provider.

Sponsors: Senators Padden, Van De Wege, Wagoner and Wilson, L..

Brief History:

Committee Activity: Law & Justice: 1/31/22, 2/03/22 [DPS].

Brief Summary of First Substitute Bill

- Creates a gross misdemeanor crime of interfering with a firefighter or emergency medical services provider.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

Staff: Joe McKittrick (786-7287)

Background: Washington State has enacted various laws aimed at providing a safe and efficient working environment for law enforcement officers and first responders. For instance, a person is guilty of disorderly conduct, a misdemeanor punishable by up to 90 days in jail, a \$1,000 fine, or both, if the person intentionally obstructs vehicular or

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pedestrian traffic without lawful authority. A person is guilty of the misdemeanor crime of failure to obey if the person willfully fails to stop when requested or signaled to do so by a person reasonably identified as a law enforcement officer. A person is guilty of the misdemeanor crime of failure to disperse if the person is with a group of three or more and the conduct within that group creates a substantial risk of causing injury to any person or harm to property and the person fails to disperse when ordered to by a peace officer or other public servant.

A person is guilty of obstructing a law enforcement officer, a gross misdemeanor punishable by up to 365 days in jail, a \$5,000 fine, or both, if the person willfully, hinders, delays, or obstructs any law enforcement officer in the discharge of the officer's official powers or duties.

A person is guilty of the class C felony of malicious mischief in the second degree, punishable by up to five years in prison, a \$20,000 fine, or both, if the person creates a substantial risk of interruption or impairment of services rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state. If the person causes an interruption or impairment of services by physically damaging or tampering with an emergency vehicle, this crime is elevated to malicious mischief in the first degree punishable by up to ten years in prison, a \$20,000 fine, or both.

Summary of Bill (First Substitute): The gross misdemeanor crime of interfering with a firefighter or emergency medical service provider is created. A person commits this crime if the individual, with knowledge that another person is a firefighter or emergency medical service provider, intentionally prevents or attempts to prevent that firefighter or emergency medical service provider from performing that person's official duties.

The definition of emergency medical service provider includes emergency medical technicians, first responders, and trained advanced emergency medical technicians and paramedics.

The definition of firefighter includes a paid or volunteer firefighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, regional fire authority or fire protection district.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Includes physician's trained advanced emergency medical technicians and paramedics in the definition of emergency medical services provider.
- Includes paid or volunteer firefighters or other employees of a regional fire authority to the definition of firefighter.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: I was surprised this law is not currently on the books. Our firefighters and emergency medical service providers are out in the community providing a necessary service and to think someone would interfere with those services is reprehensible.

Far too often our firefighters and emergency service providers are obstructed and at times assaulted while attempting to render care. This type of legislation has been enacted across numerous states and provides for law enforcement intervention to allow firefighters and emergency medical service providers to do their jobs.

There are many calls firefighters respond to that are not considered emergencies that still produce a hostile environment for those firefighters. This bill would give law enforcement another tool to help firefighters work in those hostile environments.

Persons Testifying: PRO: Senator Mike Padden, Prime Sponsor; Bryan Collins, Spokane Valley Fire Department; John Cizin.

Persons Signed In To Testify But Not Testifying: No one.