

FINAL BILL REPORT

ESB 5135

C 330 L 21
Synopsis as Enacted

Brief Description: Concerning unlawfully summoning a police officer.

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

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

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 attorneys' fees.

Summary: 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 person may not be held liable if they summoned the police officer in good faith.

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.

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.

Votes on Final Passage:

Senate	28	21
House	58	40

Effective: July 25, 2021