

HOUSE BILL REPORT

HB 2178

As Reported By House Committee On:
Law & Justice

Title: An act relating to disarming a law enforcement officer.

Brief Description: Penalizing disarming a law enforcement officer.

Sponsors: Representatives Campbell, Smith, Robertson, Sterk, Sheahan, Hickel, McMahan, Pennington, Schoesler, Sheldon, Chappell, Carrell, Delvin, Huff, Quall, Morris, Mitchell, Thompson, Stevens and Costa.

Brief History:

Committee Activity:

Law & Justice: 1/10/96, 1/16/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Pat Shelledy (786-7149).

Background: A person may be charged with a variety of crimes if the person assaults, murders, or attacks a police officer or corrections officer, or tries to interfere with the officer's performance of official duties. For example, a person could be charged with murder if the person shot and killed the officer, or assault in the first degree if the officer did not die. If the person commits an assault in the fourth degree, which is the least serious of the assault crimes, that crime is elevated to a class C felony when committed against an officer who is performing official duties when assaulted. A person could also be charged with obstructing a law enforcement officer under certain circumstances.

There is not a specific crime that criminalizes removing or attempting to remove a firearm from an officer when the officer is performing official duties.

Summary of Substitute Bill: A new crime of disarming a law enforcement or corrections officer is created. A person commits this crime if the person knowingly removes a firearm or other weapon from a law enforcement or corrections officer, or deprives the officer of the use of the weapon, when the officer is performing official duties, does not consent to the removal, and the person has reasonable cause to know or knows that the individual is a law enforcement or corrections officer.

Disarming a law enforcement or corrections officer is a class C felony unless the firearm is discharged when the person removes the firearm, in which case the offense is a class B felony.

A person who commits the crime of disarming a law enforcement or corrections officer may be charged with other applicable crimes, such as obstructing a law enforcement officer, assault, or murder.

The crime does not apply if the officer is engaged in felonious conduct.

Substitute Bill Compared to Original Bill: Technical corrections are made.

Appropriation: None.

Fiscal Note: Requested on January 7, 1996.

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

Testimony For: A message must be sent that attempts to disarm law enforcement or corrections officers will not be tolerated. Officers are constantly trying to protect themselves from being disarmed. Prosecutors do not charge obstructing or assaults committed against officers. The statistics of injury or death of officers who are disarmed are high. A fight over control of a weapon is a life and death struggle.

Testimony Against: None.

Testified: Representative Tom Campbell, prime sponsor; and Jim Mattheis, Washington State Council of Police Officers (pro).