

SENATE BILL REPORT

SB 5092

As Passed Senate, January 30, 1998

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

Brief Description: Penalizing disarming a law enforcement officer.

Sponsors: Senators Roach, Swecker, Zarelli, Schow, Hochstatter, Bauer, McCaslin, Oke and Long.

Brief History:

Committee Activity: Law & Justice: 1/20/97, 1/21/97 [DP].
Passed Senate, 2/19/97, 47-0.
Passed Senate, 1/30/98, 48-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Jacobsen, Long, McCaslin and Stevens.

Staff: David Johnson (786-7754)

Background: A person may be charged with a variety of crimes if the person obstructs, assaults, murders, or attacks a police officer or corrections officer, or tries to interfere with the officer's performance of official duties.

Currently, there is no specific crime against removing or attempting to remove a firearm from an officer when the officer is performing official duties.

Summary of Bill: A new crime of disarming a law enforcement or corrections officer is created. A person commits this crime if with the intent to interfere with the officer's duties 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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There have been unfortunate incidents in which a person tried to disarm a police officer. This bill will be an additional deterrent to such actions. This bill clarifies that even an attempt to disarm an officer is a crime with strong penalties.

Testimony Against: None.

Testified: Marsh Pugh, Washington State Patrol (pro).