

FINAL BILL REPORT

SB 5871

C 206 L 97
Synopsis as Enacted

Brief Description: Redefining law enforcement officer to include a port district officer.

Sponsors: Senators Roach, Fairley, Patterson, McCaslin, Winsley, Sheldon, Goings and Oke.

Senate Committee on Law & Justice

House Committee on Law & Justice

Background: In actions for damages based on tort, contract, or otherwise, a counterclaim for malicious prosecution may be filed, based on the grounds that the principal action was filed with knowledge that it was false, malicious, and unfounded, or was part of a conspiracy to misuse the judicial process. In an action or counterclaim for malicious prosecution brought by a judicial officer, prosecuting attorney or law enforcement officer, liquidated damages of up to \$1000 are allowed, together with reasonable attorneys' fees and other costs. A government entity representing the prevailing judge, prosecutor or law enforcement officer may be reimbursed its attorneys' fees, but is not entitled to receive the liquidated damages.

Summary: For purposes of malicious prosecution actions or counterclaims, the term "law enforcement officer" is expanded to include the members of port district police forces.

Votes on Final Passage:

Senate	43 0
House	98 0

Effective: July 27, 1997