

FINAL BILL REPORT

ESHB 2505

C 340 L 02

Synopsis as Enacted

Brief Description: Providing criminal penalties for training in furtherance of civil disorders.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Ballasiotes, Lantz, Haigh, Lovick, Ruderman, Schual-Berke, Crouse, Campbell, Delvin, Hurst, Lisk, Buck, Benson and Bush).

House Committee on Criminal Justice & Corrections
Senate Committee on Judiciary

Background:

I. Liability for the Crimes of Another

A person may be held criminally liable for the actions of another if:

- the person acts with the same kind of culpability that is sufficient for the crime and causes an innocent or irresponsible person to engage in criminal conduct;
- the person is made accountable by statute; or
- the person is an accomplice of the person committing the crime. A person is an accomplice if, with knowledge that it will promote or facilitate the commission of the crime, he or she 1) solicits, commands, encourages, or requests the other person to commit the crime or 2) aids or agrees to aid the person in committing the crime.

A person will not be held to be liable for the criminal acts of another if he or she:

- is the victim of the crime; or
- terminates his or her involvement in the crime and gives timely notice to law enforcement or makes a good faith effort to stop the crime.

II. Federal Law on Civil Disorders

Under federal law, a person is guilty of a felony if he or she "teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function." 18 U.S.C. § 238(a).

Civil disorder is defined as any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

Although the United States Supreme Court has not ruled on this law's constitutionality, several federal district courts and courts of appeal have upheld the statute. For example, the Seventh Circuit Court of Appeals has ruled that the crime's intent element narrows the crime's scope and exempts innocent and inadvertent behavior. National Mobilization Committee to End War in Viet Nam v. Foran, 411 F.2d 934 (7th Cir., 1969).

Summary:

It is a class B felony (seriousness level VII) to teach or demonstrate to another person the use, application, or making of a device or technique capable of causing significant bodily injury or death to people, knowing, having reason to know, or intending that the device or technique will be unlawfully used for use in, or in furtherance of, a civil disorder.

"Civil disorder" is defined as a "public disturbance involving acts of violence that is intended to cause an immediate danger of or, result in, significant injury to the person of any other individual."

The provisions do not apply to the actions of law enforcement officers in the lawful performance of their official duties or to firearms training, target shooting, or other firearms activity not in furtherance of a civil disorder.

Votes on Final Passage:

House 98 0
Senate 27 22 (Senate amended)
House 94 0 (House concurred)

Effective: June 13, 2002