

SENATE BILL REPORT

SHB 2178

As Reported By Senate Committee On:
Law & Justice, February 22, 1996

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

Brief Description: Penalizing disarming a law enforcement officer.

Sponsors: House Committee on Law & Justice (originally sponsored by 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: 2/20/96, 2/22/96 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin and Quigley.

Staff: Martin Lovinger (786-7443)

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 Amended 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.

Amended Bill Compared to Substitute Bill: The striking amendment clarifies that the defendant must intend to interfere with the performance of the officer's duties.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: It is good policy to make attempting to disarm a law enforcement officer a separate crime. This bill is long overdue. It makes a felony out of very serious and dangerous behavior.

Testimony Against: The bill should also make it not a crime to disarm a law enforcement officer if the law enforcement officer is committing a misdemeanor or if the intent is not to interfere with the performance of an officer's duties.

Testified: Rep. Campbell, prime sponsor (pro); Jim Mattheis, WA State Council of Police Officers (pro); Merton Cooper, Port Orchard (con).