
State Government Committee

ESSB 5861

Brief Description: Making it a crime to impersonate a veteran of the armed forces.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Rasmussen, T. Sheldon, Finkbeiner, Kohl-Welles, Oke, Schmidt and Shin).

Brief Summary of Engrossed Substitute Bill

- Creates a new method of committing criminal impersonation in the second degree by falsely assuming the identity of an active or retired veteran with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

Hearing Date: 2/19/04

Staff: Katie Blinn (786-7114).

Background:

A person is guilty of criminal impersonation in the *first* degree, a gross misdemeanor, if the person:

- Assumes a false identity and does something in the assumed character with the intent to defraud another or for any other unlawful purpose; or
- Pretends to be a public servant or a representative of a person or organization and does something in the assumed character with the intent to defraud another or for any other unlawful purpose.

The maximum penalty for a gross misdemeanor is one year in jail and a \$5,000 fine.

A person is guilty of criminal impersonation in the *second* degree, a simple misdemeanor, if the person:

- Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and
- Under circumstances not amounting to criminal impersonation in the first degree, does something with intent to convey the impression of acting in an official capacity that would lead a reasonable person to believe he or she is a law enforcement officer.

The maximum penalty for a simple misdemeanor is 90 days in jail and a \$1,000 fine.

Caselaw has established some guidelines on prosecutorial discretion when it comes to charging decisions. The Washington Supreme Court has consistently held that, when both a general crime and a specific crime encompass identical conduct under identical circumstances, the prosecutor has no discretion and must charge the specific crime.

Summary of Bill:

An additional method of committing criminal impersonation in the second degree is established. A person may be guilty of criminal impersonation in the second degree if the person:

- Falsely assumes the identity of an active or retired veteran of the United States armed forces with the intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on July 1, 2004.