

SENATE BILL REPORT

ESB 5135

As Passed Senate, March 8, 2021

Title: An act relating to unlawfully summoning a police officer.

Brief Description: Concerning unlawfully summoning a police officer.

Sponsors: Senators Das, Hasegawa, Nguyen, Stanford and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/19/21, 1/21/21 [DP, DNP].

Floor Activity: Passed Senate: 3/8/21, 28-21.

Brief Summary of Engrossed Bill

- Authorizes a civil cause of action for the false summoning of a police officer with the ability to recover economic and noneconomic damages, punitive damages, and reasonable costs and attorneys' fees.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille, Kuderer and Salomon.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Staff: Shani Bauer (786-7468)

Background: A person commits the crime of false reporting when the person initiates or circulates a false report knowing it is likely to cause evacuation of a building or assembly, public inconvenience or alarm, or an emergency response. A person may be charged with

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first, second, or third degree false reporting depending on the degree of recklessness and harm caused. False reporting in the third degree is a gross misdemeanor. Emergency response includes any action to protect life, health, or property by a peace officer or law enforcement officer.

An individual who is a victim of a crime of false reporting may bring a civil action against the person who committed the offense or anyone who participated in the offense and may recover damages, including reasonable attorney fees.

Summary of Engrossed Bill: A person may bring a civil action for damages against any person who knowingly causes a law enforcement officer to arrive at a location to contact another person with the intent to:

- infringe on the other person's constitutional rights;
- unlawfully discriminate against the other person;
- cause the other person to feel harassed, humiliated, or embarrassed;
- cause the other person to be expelled from a place in which the other person is lawfully located; or
- damage the other person's reputation or financial, economic, consumer or business prospects.

A person may not be held liable if he or she summoned the police officer in good faith.

A prevailing plaintiff may recover the greater of economic and noneconomic damages; or \$250 against each defendant found liable. The court may also award punitive damages and reasonable costs and attorneys' fees.

A civil action may be maintained in a court of limited jurisdiction if the total damages claimed do not exceed the statutory limit for damages that the court of limited jurisdiction may award.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: There are numerous instances where law enforcement is called to respond where the call is fueled by bias and discrimination. This bill will help direct law enforcement resources back to public safety without resorting to criminal law.

The situations addressed by this bill are more egregious than simply a false report that

provokes an imminent response. This bill is designed to address circumstances where law enforcement is weaponized as a tool of discrimination and bias. Systemic racial targeting and the weaponizing of law enforcement against people of color are not new and capitalizes on their justifiable fear of law enforcement. Minorities are targeted in ways that can irrevocably change the course of their lives or even end their life. This bill will empower these communities with remedies to protect themselves.

Persons Testifying: PRO: Senator Mona Das, Prime Sponsor; Sakara Remmu, The Washington Black Lives Matter Alliance.

Persons Signed In To Testify But Not Testifying: No one.