SHB 2351 - H AMD **2011**
By Representative Keaton

NOT CONSIDERED 03/12/2026

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that undue interference with emergency responders working to mitigate an ongoing emergency or disaster can obstruct emergency response operations and endanger the lives and property of the residents of Washington. It is the intent of the legislature to preserve the integrity of emergency response operations and protect the rights and safety of all emergency responders acting in an official capacity.

Sec. 2. RCW 9A.76.020 and 2001 c 308 s 3 are each amended to read as follows:

(1) A person is guilty of obstructing ((~~a law enforcement officer~~)) an emergency responder if the person willfully hinders, delays, or obstructs any ((~~law enforcement officer~~)) emergency responder in the discharge of his or her official powers or duties if the emergency responder is in uniform and provides identification or documentation, or announces that he or she is an emergency responder and a reasonable person would understand based on the totality of the circumstances that he or she is an emergency responder.

(2) ((~~"Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.~~

~~(3)~~)) Obstructing ((~~a law enforcement officer~~)) an emergency responder is a gross misdemeanor.

(3) Nothing in this section shall be construed to prohibit:

(a) Activity protected under the Constitution of the United States or the Washington state Constitution; or

(b) Activity undertaken by a law enforcement officer for an authorized and lawful purpose.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Emergency responder" means:

(i) Any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer, as those terms are defined in RCW 10.93.020;

(ii) Any employee or agent of a government agency or private corporation that provides firefighting, fire response, fire control, or fire suppression services, who is responding to or engaged in an active fire or rescue incident;

(iii) Any employee or agent of a government agency or private corporation that provides emergency medical transportation, care, or services, who is responding to or engaged in an active medical emergency incident;

(iv) Any emergency worker as that term is defined in RCW 38.52.010;

(v) Any employee or agent of a government agency or private corporation who is responding to or engaged in an emergency road closure incident; or

(vi) Any emergency responder as that term is defined in RCW 24.60.010, acting in an official capacity and authorized by local officials.

(b) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer, as those terms are defined in RCW 10.93.020.

(5) It is an affirmative defense to the charge if a person establishes by a preponderance of the evidence that the person was experiencing a mental health crisis at the time of the unlawful conduct."

EFFECT:
Specifies legislative intent to protect the rights and safety of all emergency responders acting in an official capacity, and removes legislative intent to ensure due process of law.

Requires an emergency responder to provide identification or documentation for a person to be guilty of Obstructing an Emergency Responder.

Requires an emergency responder responding to a building safety emergency to be acting in an official capacity and authorized by local officials to meet the definition of an "emergency responder" for purposes of Obstructing an Emergency Responder.

Removes the prohibition created in the underlying bill that prohibits counties, cities, towns, and incident command systems from using resources to assist in the investigation or enforcement of programs that target emergency responders.

Removes the authority created in the underlying bill for the Governor or executive authority of a county, city, or town to designate an emergency operation zone, and removes associated requirements, restrictions, exceptions, consequences, and definitions.

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