HOUSE BILL REPORT
HB 2165

As Reported by House Committee On:
Community Safety

Title: An act relating to false identification as a peace officer.

Brief Description: Concerning false identification as a peace officer.

Sponsors: Representatives Obras, Farivar, Ryu, Parshley, Kloba, Ramel, Simmons, Peterson, Berry, Salahuddin, Tharinger, Rule, Reed, Leavitt, Lekanoff, Mena, Scott, Santos, Cortes, Zahn, Callan, Nance, Street, Wylie, Duerr, Thomas, Taylor, Stonier, Gregerson, Ormsby, Berg, Reeves, Thai, Macri, Fosse, Hill, Davis, Pollet, Donaghy and Bernbaum; by request of Governor Ferguson.

Brief History:
Committee Activity:
Community Safety: 1/13/26, 1/22/26 [DPS].

Brief Summary of Substitute Bill

- Establishes the gross misdemeanor offense of False Identification as a Peace Officer and specifies three means by which a person commits the offense.
- Eliminates one of the means by which a person commits Criminal Impersonation in the second degree related to impersonating a law enforcement officer.

HOUSE COMMITTEE ON COMMUNITY SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Burnett, Davis, Farivar, Fosse and Obras.

Minority Report: Without recommendation. Signed by 1 member: Representative

---

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Graham, Ranking Minority Member.

Staff: Corey Patton (786-7388).

Background:

Impersonation of Law Enforcement.
State law prohibits certain conduct related to fraud and criminal impersonation, including the impersonation of law enforcement officers. For example, a person commits Criminal Impersonation in the first degree if the person:

- assumes a false identity and does an act in his or her assumed character with intent to defraud another or for any other unlawful purpose; or
- pretends to be a representative of some person or organization or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose.

A person instead commits Criminal Impersonation in the second degree if the person:

- claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer and does an act with intent to convey the impression that he or she is acting in an official capacity, and a reasonable person would believe the person is a law enforcement officer;
- falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity; or
- knowingly distributes a forged digital likeness of another person as a genuine visual representation or audio recording with intent to defraud, harass, threaten, or intimidate another or for any other unlawful purpose, and knows or reasonably should know that the forged digital likeness is not genuine.

Criminal Impersonation in the first degree is a class C felony, punishable by a maximum penalty of five years imprisonment, a $10,000 fine, or both. Criminal Impersonation in the second degree is a gross misdemeanor, punishable by a maximum penalty of 364 days in jail, a $5,000 fine, or both.

Definitions.
Varying statutory definitions for law enforcement agencies and peace officers may apply depending on the specific context. For example, the Mutual Aid Peace Officers Power Act distinguishes between different types of agencies and officers based on authority, jurisdiction, and employment.

A "general authority Washington law enforcement agency" is any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of the state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or

violating the traffic or criminal laws in general. The Washington State Patrol and the Department of Fish and Wildlife are both general authority Washington law enforcement agencies. A "general authority Washington peace officer" is any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state generally.

A "limited authority Washington law enforcement agency" is any agency, political subdivision, or unit of local government of the state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas. Examples of limited authority Washington law enforcement agencies include, but are not limited to, the Department of Natural Resources, the Department of Social and Health Services, and the Office of the Insurance Commissioner. A "limited authority Washington peace officer" is any full-time, fully compensated officer of a limited authority law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible.

A "specially commissioned Washington peace officer" is any officer who is commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state, including certain reserve peace officers, and peace officers duly commissioned by Oregon, Idaho, or a unit of local government of either of those states.

A "reserve officer" is any person who does not serve as a regularly employed, fully compensated peace officer of this state, but who, when called by an agency into active service, is fully commissioned on the same basis as regularly employed, fully compensated officers to enforce the criminal laws of the state.

A "federal peace officer" is any employee or agent of the federal government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

Summary of Substitute Bill:

False Identification as a Peace Officer.
The offense of False Identification as a Peace Officer is established as a gross misdemeanor. A person commits the offense if the person:

- makes, provides to another person, or possesses a card, document, badge, insignia, shoulder emblem, or other item, including a vehicle, bearing an insignia of a law enforcement agency that identifies the person as a peace officer, knowing that the person so identified by the item is not commissioned as a peace officer;
- intentionally or knowingly misrepresents an object, including a vehicle, as property

belonging to a law enforcement agency; or
- claims to be a peace officer or creates an impression that the person is a peace officer under circumstances not amounting to Criminal Impersonation in the first degree, and a reasonable person would believe the person is a peace officer.

The following definitions, clarifications, and defense apply for purposes of the offense:
- A "peace officer" is any general authority, limited authority, or specially commissioned Washington peace officer, reserve officer, or federal peace officer.
- An item that contains the word "police," "sheriff," "constable," "marshal," or "trooper," or the title of a federal government agency employing federal peace officers, constitutes an item bearing an insignia of a law enforcement agency.
- Intentionally or knowingly displaying an item bearing an insignia of a law enforcement agency in a manner that would lead a reasonable person to interpret the item as property belonging to a law enforcement agency constitutes intentional or knowing misrepresentation of an object.
- It is a defense that the person identified by an item as a peace officer was commissioned by a law enforcement agency in that capacity when the item was issued to them by the agency, and the person is still authorized by the agency's policies to display or use the item for the purpose for which it is being displayed or used.

The criminalization of conduct constituting False Identification as a Peace Officer may not be construed to prohibit the depiction of law enforcement for matters of cultural, historical, political, religious, educational, newsworthy, or public interest, including, but not limited to, use in works of art, commentary, satire, and parody protected by the state or federal constitutions.

Criminal Impersonation in the Second Degree.
The means by which a person commits Criminal Impersonation in the second degree that specifically involves impersonating a law enforcement officer is eliminated. The two remaining means of committing the offense, related to impersonating the armed forces or knowingly distributing a forged digital likeness, are not affected.

Substitute Bill Compared to Original Bill:

The substitute bill: (1) expands the means by which a person commits False Identification as a Peace Officer to include when a person claims to be a peace officer or creates an impression that the person is a peace officer under circumstances not amounting to Criminal Impersonation in the first degree, and a reasonable person would believe the person is a peace officer; (2) eliminates the defense involving items that identify a person as an honorary peace officer or reserve officer, or a member of a posse; (3) specifies that it is a defense that a person identified by an item as a peace officer was commissioned by a law enforcement agency in that capacity when the person was issued the item, and the person is still authorized by the agency's policies to display or use the item for certain purposes; (4)

specifies that the term "peace officer" includes any general authority, limited authority, or specially commissioned Washington peace officer, reserve officer, and federal peace officer; and (5) eliminates one of the means of committing Criminal Impersonation in the second degree that specifically involves impersonating a law enforcement officer.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 22, 2026.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Under current law, a person could drive a vehicle or wear a uniform that makes the person appear to be an officer without any consequences. There is no crime being committed unless the person actively intends to impersonate law enforcement and takes some further action. This presents a safety risk, which has played out in other states where people have impersonated law enforcement and used those false identities to commit crimes. Current law also only covers state law enforcement and certain federal officers, rather than all federal agencies that enforce the law. This bill makes it a crime to impersonate any federal or state officer, ensuring that people walking around in law enforcement gear are real officers. This bill is also clear that non-realistic costumes are permitted for things like Halloween, satire, and parody.

(Opposed) None.

(Other) This bill is an important public safety measure. However, there is a question of whether the definition of federal peace officer in the bill includes federal immigration enforcement. Ambiguity might lead to confusion or litigation later on. A brief clarification should be added stating that federal agencies tasked with enforcement are included in the scope of the new offense. Conduct addressed by this bill may already be included in other offenses under current law.

Persons Testifying: (In support) Representative Edwin Obras, prime sponsor; and Nathan Olson, Governor's Office.

(Other) Anthony Mixer, Citizen Volunteer Lobbyist.

Persons Signed In To Testify But Not Testifying: None.