HOUSE BILL REPORT
HB 2351

As Reported by House Committee On:
Technology, Economic Development, & Veterans

Title: An act relating to protecting emergency responders and emergency response operations in Washington.

Brief Description: Protecting emergency responders and emergency response operations in Washington.

Sponsors: Representatives Parshley, Ryu, Wylie, Lekanoff, Mena, Stearns, Callan, Reed, Cortes, Nance, Zahn, Taylor, Doglio, Ormsby, Reeves, Macri, Fosse, Salahuddin, Thai, Pollet and Donaghy.

Brief History:
Committee Activity:
Technology, Economic Development, & Veterans: 1/16/26, 1/27/26 [DPS].

Brief Summary of Substitute Bill

- Prohibits counties, cities, towns, incident command systems, and law enforcement from using resources to assist in enforcement actions that target an emergency responder based on the responder's protected status.
- Allows the Governor or a county, city, or town to designate an "emergency operation zone," and conditions law enforcement officer activity within a designated zone.
- Modifies the crime of obstructing a law enforcement officer to include emergency responders, and adds an affirmative defense.

HOUSE COMMITTEE ON TECHNOLOGY, ECONOMIC DEVELOPMENT, & VETERANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.

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.

Signed by 8 members: Representatives Ryu, Chair; Kloba, Vice Chair; Cortes, Donaghy, Paul, Shavers, Simmons and Thomas.

Minority Report: Do not pass. Signed by 5 members: Representatives Barnard, Ranking Minority Member; Keaton, Penner, Volz and Waters.

Staff: Martha Wehling (786-7067).

Background:

Incident Command System.
The Washington Military Department (MIL), under the direction of the Adjutant General, administers the state's comprehensive program of emergency management. "Emergency management" is defined to include the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters. As part of his emergency management duties, the Adjutant General is responsible for developing and maintaining the Comprehensive Emergency Management Plan (CEMP) for the state. The CEMP must specify the use of the incident command system for multiagency or multijurisdictional operations.

Local Government Emergency Management.
Each county, city, and town is required to either establish or join a local organization for emergency management and submit a Local Comprehensive Emergency Management Plan (Local CEMP) to the MIL's Emergency Management Division. The Local CEMPs are coordinated with the CEMP and reviewed pursuant to a designated schedule. The MIL rules specify the Local CEMP elements, timeline for review and updates, operational capability testing, and communication plan requirements. Local organizations may collaborate through a mutual aid or interlocal agreement.

Entering Public or Private Land to Suppress or Control a Wildland Fire.
A person may access public or private land to suppress a wildland fire, but must meet certain conditions for the access to be lawful, including notifying emergency personnel prior to entering the land or within a reasonable time. A person's access is limited to the minimum necessary activity reasonably required to extinguish or control the wildland fire.

Alien Offenders.
An individual in the custody of the Department of Corrections and subject to an order of deportation may be transferred to the custody of the Immigration and Customs Enforcement Division of the United States Department of Homeland Security for deportation prior to the expiration of the individual's confinement term. There are numerous conditions and requirements related to an individual in this status.

Obstruction of a Law Enforcement Officer.

The crime of obstructing a law enforcement officer is a gross misdemeanor. A person commits the offense when the person willfully hinders, delays, or obstructs an officer in the discharge of his or her official duties. Law enforcement officer is defined to include officers who apprehend persons committing infractions or crimes.

Reasonable Identification of a Uniformed Peace Officer.
All law enforcement agencies are required to adopt policies and procedures to ensure that uniformed peace officers must be reasonably identifiable while on duty and performing their official duties. "Reasonably identifiable" means that the "officer's uniform clearly displays the officer's name or other information that members of the public can see and the agency can use to identify the peace officer." A "peace officer" includes general authority, limited authority, and specially commissioned peace officers, and employees of jails, correctional, or detention facilities.

Definitions.
Definitions are provided in statutes, including "emergency or disaster," "emergency responder," "emergency worker," "incident command system," and "violent offense." Whether an individual is considered an emergency responder or worker is context specific, and depends on the triggering event and entity responding.

There are multiple definitions for law enforcement officers that are based on the scope of authority of the officer. A "federal peace officer" is "any employee or agent of the United States 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." A "general authority Washington peace officer" enforces criminal laws. A "limited authority Washington peace officer" enforces laws in limited subject areas. A "specially commissioned Washington peace officer" is commissioned by a general authority law enforcement agency to enforce some or all of the criminal laws, and may include reserve, Oregon, or Idaho officers.

Summary of Substitute Bill:

Prohibition on Assistance with an Enforcement Action Against an Emergency Responder.
Counties, cities, towns, and incident command systems, including law enforcement, are prohibited from using resources to assist in the investigation or enforcement of any law or policy that targets an emergency responder based on certain protected characteristics, including immigration or citizenship status. The prohibition does not apply to alien offenders or programs that provide a person with services or benefits.

An "emergency responder" is defined as:

- a general authority, limited authority, specially commissioned, or federal peace officer;

- an employee or agent providing firefighting and similar duties for an active fire or rescue incident;
- an employee or agent providing emergency medical transportation, care, or services for an active medical emergency incident;
- an emergency worker;
- an employee or agent responding to an emergency road closure incident; and
- an emergency responder.

A "law enforcement officer" is an emergency responder, and includes general authority, limited authority, specially commissioned, and federal peace officers.

Counties, cities, towns, and incident command systems, including law enforcement, are not prohibited from collecting, using, or disclosing information about an emergency responder that is needed to comply with other laws, court orders, or duties. Information that is required to maintain funding is subject to policies, grants, waivers, or requirements in effect prior to April 15, 2026. This requirement applies after January 1, 2027, to cities, towns, and incident command systems, including law enforcement.

Designation of Emergency Operation Zones and Conditions on Law Enforcement Officer Activity Within Zones.
The Governor and the executive authority of a county, city, or town may designate an area within an ongoing emergency or disaster as an "emergency operation zone." The designation must include a time period that is less than 30 days, and may include threatened areas, staging areas, and a buffer zone. The designation must be published on the designating entity's website. Notification of the designation must include the statement, "INTERFERENCE WITH EMERGENCY RESPONDERS WITHIN AN EMERGENCY OPERATION ZONE IS RESTRICTED BY STATE LAW."

After an emergency operation zone is designated, any law enforcement officer who enters the zone to target an emergency responder must:
- visually display identification while in the zone, including the officer's agency and a unique identification number;
- notify the designating authority about the nature and scope of the officer's activities while in the zone prior to entering the zone;
- obtain a judicial warrant and provide a copy of the warrant to the designating authority, if requested; and
- refrain from disrupting emergency operations or interfering with emergency responders, except for conduct authorized by the judicial warrant.

There are certain exclusions from the above requirements, including activity outside of an emergency operation zone, activity by an undercover officer, or when the officer has probable cause that the emergency responder committed a violent offense.

"Emergency responder" has the same definition as provided above. A "law enforcement

officer" is defined to include any employee, agent, officer, or contractor of any local, state, or federal government, who enforces local, state, or federal law, and who is authorized to search, seize, detain, or arrest any person.

A violation may be reported to the Attorney General, but there is no criminal or civil liability for a violation. The Attorney General has discretion whether to notify certain elected and appointed state and federal authorities, publish a report on his website, or notify affected individuals and organizations, including legal advocacy organizations. The Attorney General is required to notify the federal Attorney General and the federal Inspector General when a federal officer or agent detains or arrests an emergency responder or disrupts emergency response.

Obstruction of an Emergency Responder.
The crime of Obstructing an Emergency Responder is a gross misdemeanor when the emergency responder is in uniform, announces his or her position, or the responder's status is understandable in the circumstances. "Emergency responder" has the same definition as provided above. 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.

Activity protected under the federal or state constitutions, or activity taken by a law enforcement officer for an authorized and lawful purpose, is not obstruction of an emergency responder.

Substitute Bill Compared to Original Bill:

Compared to the original bill, the substitute bill:

- creates an affirmative defense for the crime of Obstructing an Emergency Responder due to a mental health crisis;
- adds certain Washington State Department of Transportation workers to the definition of emergency responders;
- removes public officers from the definition of emergency responders;
- removes the requirement that cities, towns, counties, and law enforcement review policies related to the collection and dissemination of information related to an emergency responder's protected status;
- limits county, city, town, incident command system, and law enforcement's use of an emergency responder's information to compliance with policies in effect prior to April 15, 2026;
- removes the January 1, 2027, implementation date for counties;
- removes the requirement that an entity designating an emergency operation zone notify law enforcement;
- requires law enforcement to notify the designating entity of activity in an emergency operation zone rather than notify the incident command system; and
- changes reporting of certain violations to the Attorney General to discretionary rather

than mandatory.

Appropriation: None.

Fiscal Note: Requested on January 9, 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) Counties and firefighters brought this request because the coordination required in an emergency response is huge. People need to know that when they call 911, first responders can get to them without delay or intimidation, and the responders need to know that they have control over the scene. Responders and the public are at risk when access is obstructed in a fire or emergency.

In a large-scale emergency, unified incident command is used for a reason. It is clear and commonsense that in an active emergency situation, safety comes first, and we need to protect emergency responders and first responders. Ambiguity is dangerous in the state. The bill is grounded in lived experience, from the activities of ICE in an active wildfire operation. A failure of coordination disrupted incident command, allowing a fire to expand and resulting in increased suppression costs. This is not a political, but an operational, reality.

This is not about suppressing speech, protestors, or impeding law enforcement. Life safety comes first, followed by property protection. This principle is recognized internationally, where interference with medics is unacceptable. When personnel are pulled away from critical work, we tell emergency workers they are not safe even when they are saving others.

There are no new programs and no significant impact from this approach. It will not stop federal enforcement from doing their job. It is a common sense set of rules and regulations that can be enforced to keep people safe. The state needs coordination, not confrontation.

(Opposed) None.

(Other) There may be some unintended consequences, such as imposing criminal liability for obstruction caused by people driven by acute mental illness. Their behavior could be caused by psychosis. It may be hard for the public to know someone is an emergency responder, and alternative ways to identify the emergency responder should be included.

There is no known example of a single incident of obstruction that has happened by state or

local law enforcement, but it has happened with federal law enforcement. It is likely that federal law enforcement will ignore these requirements, which means the requirements will only apply to state and local law enforcement. It may also create the potential situation where federal law enforcement is taking action, Washington officers are not, and an armed confrontation arises between federal and Washington officers. When state officers step back, it undermines public trust, and that should be avoided.

Reviewing all policies places an immense administrative burden on cities and towns.

Persons Testifying: (In support) Representative Lisa Parshley, prime sponsor; Wayne Fournier, Thurston County Board of Commissioners; Jani Hitchen, Pierce County Council District 6; Cristina Gonzalez Torres, Latino Community Fund of WA; Noah Skartvedt; Heidi Eisenhour, Jefferson County Commissioner; and Commissioner Carolina Mejia.

(Other) Ramona Brandes, Washington Defender Association and Washington Association of Criminal Defense Lawyers; Derrick Nunnally, Association of Washington Cities; and James McMahan, WA Assoc Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.