
ENGROSSED SUBSTITUTE HOUSE BILL 2165

State of Washington

69th Legislature

2026 Regular Session

By House Community Safety (originally sponsored by 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)

READ FIRST TIME 01/27/26.

1 AN ACT Relating to false identification as a peace officer;
2 amending RCW 9A.60.045; adding a new section to chapter 9A.60 RCW;
3 and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.60
6 RCW to read as follows:

7 (1) A person is guilty of false identification as a peace officer
8 if the person:

9 (a)(i) Makes, provides to another person, or possesses a card,
10 document, badge, insignia, shoulder emblem, or other item, including
11 a vehicle, bearing an insignia of a law enforcement agency that
12 identifies the person as a peace officer; and

13 (ii) The person who makes, provides, or possesses the item
14 bearing the insignia knows that the person so identified by the item
15 is not commissioned as a peace officer as indicated on the item;

16 (b) Intentionally or knowingly misrepresents an object, including
17 a vehicle, as property belonging to a law enforcement agency; or

18 (c) Claims to be a peace officer or creates an impression that
19 the person is a peace officer under circumstances not amounting to
20 criminal impersonation in the first degree, and a reasonable person
21 would believe the person is a peace officer.

1 (2) For purposes of this section, intentionally or knowingly
2 misrepresenting an object as property belonging to a law enforcement
3 agency includes intentionally or knowingly displaying an item bearing
4 an insignia of a law enforcement agency in a manner that would lead a
5 reasonable person to interpret the item as property belonging to a
6 law enforcement agency.

7 (3) False identification as a peace officer is a gross
8 misdemeanor.

9 (4) It is a defense to prosecution under this section that the
10 person identified as a peace officer by an item bearing an insignia
11 of a law enforcement agency was commissioned by the agency in that
12 capacity when the item was issued to them by the agency, and the
13 person is still authorized by the agency's policies to display or use
14 the item for the purpose for which it is being displayed or used.

15 (5) (a) Nothing in this section shall be construed to prohibit the
16 possession of an item bearing an insignia of a law enforcement agency
17 by any of the following persons, to the extent authorized by the
18 agency's policies:

19 (i) Any person who inherits or receives an item bearing the
20 agency's insignia that originally belonged to a deceased person who
21 was commissioned by the agency as a peace officer, where the person
22 inherits or receives the item as part of a ceremony or to otherwise
23 commemorate or honor the deceased person's service as a peace
24 officer; or

25 (ii) Any person who was commissioned by the agency as a peace
26 officer and has kept an item bearing the agency's insignia after
27 retirement from the agency.

28 (b) For the purposes of (a)(ii) of this subsection, a retired
29 peace officer is presumed to be authorized by a law enforcement
30 agency to keep an item bearing the agency's insignia if the agency's
31 policies do not specifically prohibit the retired peace officer from
32 keeping the item and the agency does not request that the item be
33 returned.

34 (6) Nothing in this section shall be construed to prohibit the
35 depiction of law enforcement for matters of cultural, historical,
36 political, religious, educational, newsworthy, or public interest
37 including, but not limited to, use in works of art, commentary,
38 satire, and parody protected by the Washington state Constitution or
39 the United States Constitution.

1 (7) For purposes of this section, "peace officer" includes any
2 "general authority Washington peace officer," "limited authority
3 Washington peace officer," "reserve officer," and "specially
4 commissioned Washington peace officer" as those terms are defined in
5 RCW 10.93.020, and any federal peace officer.

6 (8) For purposes of this section, an "item bearing an insignia of
7 a law enforcement agency" includes an item that contains the word
8 "police," "sheriff," "constable," "marshal," or "trooper," or the
9 title of an agency of the federal government employing federal peace
10 officers.

11 (9) For purposes of this section, "federal peace officer" means
12 any employee or agent of the United States government who has the
13 authority to carry firearms and make warrantless arrests and whose
14 duties involve the enforcement of the laws of the United States.

15 **Sec. 2.** RCW 9A.60.045 and 2025 c 51 s 2 are each amended to read
16 as follows:

17 (1) A person is guilty of criminal impersonation in the second
18 degree if the person:

19 ~~(a) ((i) Claims to be a law enforcement officer or creates an~~
20 ~~impression that he or she is a law enforcement officer; and~~

21 ~~(ii) Under circumstances not amounting to criminal impersonation~~
22 ~~in the first degree, does an act with intent to convey the impression~~
23 ~~that he or she is acting in an official capacity and a reasonable~~
24 ~~person would believe the person is a law enforcement officer;~~

25 ~~(b))~~ Falsely assumes the identity of a veteran or active duty
26 member of the armed forces of the United States with intent to
27 defraud for the purpose of personal gain or to facilitate any
28 unlawful activity; or

29 ~~((e))~~ (b)(i) Knowingly distributes a forged digital likeness of
30 another person as a genuine visual representation or audio recording
31 with intent to defraud, harass, threaten, or intimidate another or
32 for any other unlawful purpose; and

33 (ii) Knows or reasonably should know that the forged digital
34 likeness is not genuine.

35 (2) Criminal impersonation in the second degree is a gross
36 misdemeanor.

37 (3) Nothing in subsection (1) ~~((e))~~ (b) of this section shall be
38 construed to prohibit the distribution of visual representations or
39 audio recordings for matters of cultural, historical, political,

1 religious, educational, newsworthy, or public interest including, but
2 not limited to, use in works of art, commentary, satire, and parody
3 protected by the Washington state Constitution or the United States
4 Constitution.

5 (4) Nothing in subsection (1) (~~(e)~~) (b) of this section shall be
6 construed to impose liability upon the following entities solely as a
7 result of content provided by another person:

8 (a) An interactive computer service, as defined in Title 47
9 U.S.C. Sec. 230(f)(2);

10 (b) A mobile telecommunications service provider, as defined in
11 RCW 82.04.065; or

12 (c) A telecommunications network or broadband provider.

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