CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2165

69th Legislature
2026 Regular Session

Passed by the House March 9, 2026
Yeas 66 Nays 29

Speaker of the House of Representatives

Passed by the Senate March 3, 2026
Yeas 30 Nays 18

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2165** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2165

AS AMENDED BY THE SENATE

Passed Legislature - 2026 Regular Session

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.

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

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

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

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

(a) Under circumstances not amounting to criminal impersonation in the first degree, the person claims to be a peace officer or creates an impression that the person is a peace officer, and does an act with intent to convey the impression that he or she is acting in an official capacity, such as using a vehicle, wearing an article of clothing, or possessing or displaying an item bearing an insignia of a law enforcement agency; and

(b) A reasonable person would believe the person is a peace officer.

(2) False identification as a peace officer is a gross misdemeanor.

(3) It is a defense to prosecution under this section that the person identified as a peace officer by an item bearing an insignia

of a law enforcement agency was commissioned by the 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.

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

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

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

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

(5) Nothing in this section shall 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 Washington state Constitution or the United States Constitution.

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

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

(8) For purposes of this section, "federal peace officer" means 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 the laws of the United States.

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

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

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

~~(ii) Under circumstances not amounting to criminal impersonation in the first degree, 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;~~

~~(b)~~)) 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

((~~(c)~~)) (b)(i) 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

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

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

(3) Nothing in subsection (1)((~~(c)~~)) (b) of this section shall be construed to prohibit the distribution of visual representations or audio recordings 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 Washington state Constitution or the United States Constitution.

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

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

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

(c) A telecommunications network or broadband provider.

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