

2 **SSB 6138 - H COMM AMD ADOPTED 03/03/94**  
3 By Committee on Judiciary

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 9A.76.020 and 1975 1st ex.s. c 260 s 9A.76.020 are  
8 each amended to read as follows:

9 (~~Every person who, (1) without lawful excuse shall refuse or  
10 knowingly fail to make or furnish any statement, report, or information  
11 lawfully required of him by a public servant, or (2) in any such  
12 statement or report shall make any knowingly untrue statement to a  
13 public servant, or (3) shall knowingly hinder, delay, or obstruct any  
14 public servant in the discharge of his official powers or duties; shall  
15 be guilty of a misdemeanor.~~)

16 (1) A person is guilty of obstructing a law enforcement officer if  
17 the person:

18 (a) Willfully makes a false or misleading statement to a law  
19 enforcement officer who has detained the person during the course of a  
20 lawful investigation or lawful arrest; or

21 (b) Willfully hinders, delays, or obstructs any law enforcement  
22 officer in the discharge of his or her official powers or duties.

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

28 (3) Obstructing a law enforcement officer is a gross misdemeanor."

29 EFFECT: The provision is rewritten: (1) To address issues of the  
30 constitutional validity of "stop and identify statutes" that were not  
31 previously considered by our state supreme court; (2) to delete the  
32 provision which provided that a person could be charged with  
33 obstructing if the person made an "exaggerated" statement to a law  
34 enforcement officer; (3) to correct what appeared to be a grammatical  
35 error which had a substantive impact; (4) to redefine "law enforcement  
36 officer" to include a broader variety of law enforcement officers,

1 including reserve officers, so the definition would not be overly  
2 restrictive; and (5) to increase the penalty from a misdemeanor to a  
3 gross misdemeanor.

--- END ---