Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Technology, Economic Development, & Veterans Committee

HB 2351

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 Summary of 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.

Hearing Date: 1/16/26

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

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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 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, and certain public officers;
- 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; and
- an emergency responder.

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

By January 1, 2027, counties, cities, and towns, including law enforcement, must take certain actions relating to information about an emergency responder's immigration status, citizenship status, or place of birth. These entities must review, modify, and publish policies to limit the request for, collection of, disclosure of, or condition of services for an emergency responder. Counties, cities, towns, and incident command systems, including law enforcement, are not prohibited from collecting, using, or disclosing information that is needed to comply with other

laws, court orders, or duties. Compliance with these requirements must be complete by January 1, 2028.

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, and information about the designation must be provided to all local, state, and federal law enforcement agencies that may operate within the zone. The notice 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 incident commander, emergency management authority, or designated administrator about the nature and scope of the officer's activities while in the zone prior to entering the zone or as soon as practicable after an incident command team is established;
- obtain a judicial warrant and provide a copy of the warrant to the incident command team, 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. An "incident command team" is defined to mean the leadership of an incident command system. 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 must 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.

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.

Appropriation: None.

Fiscal Note: Requested on January 9, 2026.

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