

**WASHINGTON LAW AT RCW 46.61.021 DOES NOT REQUIRE
ME TO GIVE YOU MY DATE OF BIRTH OR TO HAVE OR
SHOW ANY FORM OF PICTURE IDENTIFICATION!**

It is undisputed that RCW 46.61.021 (3) and the CrRLJ 1.1 decisional law of this state does **NOT** require me to give you my “Date of Birth,” my “Social Security Number” or to have or show you A “Drivers License,” a “State Identification Card” or any other form of PICTURE ID!

**RCW 46.61.021 Duty to obey law enforcement officer--Authority
of officer.**

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check for outstanding warrants, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself or herself, give his or her current address, and sign an acknowledgement of receipt of the notice of infraction. . . .”

It is undisputed that RCW 46.61.021 (3) is worded in the conjunctive and clearly reads that any. . . “person requested to identify himself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction.” It is undisputed that RCW 46.61.021 at subsection (3) only requires that I identify myself by giving you my **“name and address.”**

“Indeed, there is no general requirement in this country for citizens to carry any identification.” State v. Barwick, 66 Wn. App. 706 at 709, 833 P.2d 421 (July 30, 1992).

“As we understand it, the statute does not require a suspect to give the officer a driver's license or any other document. Provided that the suspect either states his name or communicates it to the officer by other means—a choice, we assume, that the suspect may make—the statute is satisfied and no violation occurs. See id., at ____, 59 P.3d, at 1206-1207.” Hiibel v. Sixth Judicial Dist. Court of Nev., 124 S.Ct. 2451 at 2457 (June 21, 2004).

It is also undisputed that RCW 46.61.021 (3) only requires me to give you my **“name and address.”** Further I cannot be charged with violating RCW 46.61.020 for not having a “drivers

license” if I don’t have one.

It is undisputed that only a “**licensee**” is required to show a “**drivers license**.”

“RCW 46.61.020 Refusal to give information to or cooperate with officer--Penalty. (Effective July 1, 2004.)

(1) It is unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his or her name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it is likewise unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his or her certificate of license registration of such vehicle, his or her insurance identification card, or his or her vehicle driver's license or to refuse to permit such officer to take any such license, card, or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle, insurance card, or his or her vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his or her authorization as such. **(2) A violation of this section is a misdemeanor. . . .”**

It is undisputed that RCW 46.61.020 is unconstitutional because it is the “**lessor but included offense**” of RCW 9A.76.020 the Obstructing Statute which was declared

unconstitutional by the Washington State Supreme Court in State v. White, which held that:

“ . . . A DETAINEES REFUSAL TO DISCLOSE HIS NAME ADDRESS, AND OTHER INFORMATION CANNOT BE THE BASIS OF AN ARREST.” State v. White, 97 Wn.2d 92, at 103, 640 P.2d 1061 (1982);

“Defendant could not be arrested for refusing to give law enforcement officer his name pursuant to a statute prohibiting obstruction of public servant in discharge of his official powers.” West’s RCWA 9A.76.020(3).–**State v. Hoffman, 664 P.2d 1259, 35 Wash. App. 13, 16, 664 P.2d 1259 (1983)**; “Portion of traffic-law-enforcement statute requiring stopped motorist to identify themselves to police officers, which required unlicensed motorist to give “**evidence of his identity**,” was unconstitutionally vague; statute gave no notice of what type of identification, other than driver’s license should suffice to avoid arrest and in failing to do so, encouraged arbitrary and discriminatory enforcement. U.S.C.A. Const. Amends. 5, 14; A.R.S. section 28-1075, subd. B.” **State v. Boudette, 791 P.2d 1063**; “We must emphasize that we do not hold that a suspect may be detained and searched merely because he either refused to identify himself or refused to produce proof of identification.” **People v. Loudermilk, 241 Cal.Rptr. 208 (1987)**; “...The defendants’ refusal to furnish identification—which they were entitled to do ...[in] a Terry stop...” –**U.S. v. Brown, 731 F.2d 1491, at 1494 (1984)**; “Probable cause is not established by failing to present identification upon request by a law enforcement officer, . . .” **Moya v. United States, 761 F.2d 322, at 325-326 (Sept. 21, 1984).**

Contact Tribal Court Lawyer Luis Ewing at (253) 226-3741 or <rcwcodebuster@comcast.net> or <rcwcodebuster@yahoo.com> or lloyd smith at (360) 289-3429 or <godspastor@gmail.com>

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