

SSB 5263 - S AMD 372

By Senator Pedersen

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 4.24.420 and 1987 c 212 s 901 are each amended to
4 read as follows:

5 ~~((It))~~ (1) Except in an action arising out of law enforcement
6 activities resulting in personal injury or death, it is a complete
7 defense to any action for damages for personal injury or wrongful
8 death that the person injured or killed was engaged in the commission
9 of a felony at the time of the occurrence causing the injury or death
10 and the felony was a proximate cause of the injury or death.
11 ~~((However, nothing))~~

12 (2) In an action arising out of law enforcement activities
13 resulting in personal injury or death, it is a complete defense to
14 the action that the finder of fact has determined beyond a reasonable
15 doubt that the person injured or killed was engaged in the commission
16 of a felony at the time of the occurrence causing the injury or
17 death, the commission of which was a proximate cause of the injury or
18 death.

19 (3) Nothing in this section shall affect a right of action under
20 42 U.S.C. Sec. 1983."

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21 On page 1, line 2 of the title, after "felony;" strike the
22 remainder of the title and insert "and amending RCW 4.24.420."

EFFECT: Applies the defense for any felony arising out of law enforcement actions. Removes the retroactivity application. Clarifies

a temporal element for the application of the defense arising out of law enforcement actions.

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