
SENATE BILL 5927

State of Washington

68th Legislature

2024 Regular Session

By Senators Padden and Lovick

Prefiled 12/29/23.

1 AN ACT Relating to authorization of tear gas deployment by
2 sheriffs; and amending RCW 10.116.030.

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

4 **Sec. 1.** RCW 10.116.030 and 2021 c 320 s 4 are each amended to
5 read as follows:

6 (1) A law enforcement agency may not use or authorize its peace
7 officers or other employees to use tear gas unless necessary to
8 alleviate a present risk of serious harm posed by a: (a) Riot; (b)
9 barricaded subject; or (c) hostage situation.

10 (2) Prior to using tear gas as authorized under subsection (1) of
11 this section, the officer or employee shall:

12 (a) Exhaust alternatives to the use of tear gas that are
13 available and appropriate under the circumstances;

14 (b) Obtain authorization to use tear gas from a supervising
15 officer, who must determine whether the present circumstances warrant
16 the use of tear gas and whether available and appropriate
17 alternatives have been exhausted as provided under this section;

18 (c) Announce to the subject or subjects the intent to use tear
19 gas; and

20 (d) Allow sufficient time and space for the subject or subjects
21 to comply with the officer's or employee's directives.

1 (3) In the case of a riot outside of a correctional, jail, or
2 detention facility, the officer or employee may use tear gas only
3 after: (a) Receiving authorization from the highest elected official
4 of the jurisdiction in which the tear gas is to be used, and (b)
5 meeting the requirements of subsection (2) of this section.

6 (4) For the purposes of this section:

7 (a) "Barricaded subject" means an individual who is the focus of
8 a law enforcement intervention effort, has taken a position in a
9 physical location that does not allow immediate law enforcement
10 access, and is refusing law enforcement orders to exit.

11 (b) "Highest elected official" means the county executive, or
12 sheriff in those charter counties with an elective office of county
13 executive, however designated, and in the case of other counties, the
14 chair of the county legislative authority or sheriff. In the case of
15 cities and towns, it means the mayor or sheriff, regardless of
16 whether the mayor or sheriff is directly elected, selected by the
17 council or legislative body pursuant to RCW 35.18.190 or 35A.13.030,
18 or selected according to a process in an established city charter. In
19 the case of actions by the Washington state patrol, it means the
20 governor.

21 (c) "Hostage situation" means a scenario in which a person is
22 being held against his or her will by an armed, potentially armed, or
23 otherwise dangerous suspect.

24 (d) "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene
25 malononitrile (CS), and any similar chemical irritant dispersed in
26 the air for the purpose of producing temporary physical discomfort or
27 permanent injury, except "tear gas" does not include oleoresin
28 capsicum (OC).

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