H-3976.1

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**HOUSE BILL 2873**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Blake, Condotta, and Goodman

AN ACT Relating to motorcycle profiling; and amending RCW 43.101.419.

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

**Sec.**  RCW 43.101.419 and 2011 c 49 s 1 are each amended to read as follows:

(1) No state or local law enforcement officer or law enforcement agency shall engage in motorcycle profiling.

(2) The criminal justice training commission shall ensure that issues related to motorcycle profiling are addressed in basic law enforcement training and offered to in-service law enforcement officers in conjunction with existing training regarding profiling.

((~~(2)~~)) (3) Local law enforcement agencies shall add a statement condemning motorcycle profiling to existing policies regarding profiling.

((~~(3)~~)) (4) Victims of motorcycle profiling are entitled to maintain a private civil cause of action in a court of competent jurisdiction against the persons or agencies who profiled them. The principle of respondant superior applies to motorcycle profiling claims. If motorcycle profiling is established, victims are entitled to enjoin further violations and recover actual damages, reasonable attorneys' fees, and costs.

(5) For the purposes of this section, "motorcycle profiling" means the illegal use of the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington state Constitution.

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