5263-S.E AMH ABBA BUR 039

**ESSB 5263** - H AMD **564**

By Representative Abbarno

**NOT ADOPTED 04/08/2021**

 On page 1, line 14, after "(2)" strike "In" and insert "Except as provided in subsection (3) of this section, in"

 On page 1, after line 20, insert the following:

 "(3) In an action arising out of law enforcement activities resulting in personal injury or death, if the person injured or killed was armed with a dangerous weapon, it is a complete defense to the action that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death and the felony was a proximate cause of the injury or death.

 (4) For purposes of this section, "dangerous weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury."

 Renumber the remaining subsections consecutively and correct any internal references accordingly.

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|  |  EFFECT:   Limits the heightened "beyond a reasonable doubt" standard for proving the elements of the felony bar affirmative defense such that the heightened standard will not apply when the person injured or killed was armed with a dangerous weapon. |

**--- END ---**