

**SHB 1054 - H AMD 188**

By Representative Klippert

**NOT ADOPTED 02/27/2021**

1 On page 2, line 4, after "chokehold" strike "or neck restraint"

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3 On page 2, line 5, after "officer" insert "except in circumstances  
4 where use of deadly force is justifiable under chapter 9A.16 RCW"

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6 On page 2, beginning on line 6, after "(2)" strike all material  
7 through "(3)" on line 8 and insert "The criminal justice training  
8 commission shall conduct a study to determine whether the use of a  
9 lateral vascular neck restraint constitutes deadly force, as defined  
10 in RCW 9A.16.010. The criminal justice training commission shall  
11 publish its findings in a report on its website by December 1, 2021.  
12 If the criminal justice training commission determines that the use of  
13 a lateral vascular neck restraint does not constitute deadly force,  
14 then the report required under this section must include a  
15 determination as to the appropriate circumstances for use of a lateral  
16 vascular neck restraint by a peace officer.

17 (3) Any policies pertaining to the use of force adopted by law  
18 enforcement agencies must be consistent with subsection (1) of this  
19 section and the determination made by the criminal justice training  
20 commission under subsection (2) of this section.

21 (4)"

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23 On page 2, line 12, after "(b)" strike all material through "flow"  
24 on line 14 and insert "Lateral vascular neck restraint" means the use  
25 of a control technique where pressure is applied to the sides of the  
26 neck, using a combination of physiological factors to restrict blood

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1 flow to the brain, which may cause the subject to temporarily lose  
2 consciousness"  
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EFFECT: Allows a peace officer to use a chokehold in circumstances where use of deadly force is justifiable under current law (rather than prohibiting the use of a chokehold under any circumstance).

Removes the restriction against the use of neck restraints by peace officers. Instead, requires the Criminal Justice Training Commission (CJTC) to determine whether the use of a lateral vascular neck restraint constitutes deadly force. Requires the CJTC to publish its findings in a report on its website by December 1, 2021. Provides that if the CJTC determines that the use of a lateral vascular neck restraint does not constitute deadly force, then the report must include a determination as to the appropriate circumstances for use of a lateral vascular neck restraint by a peace officer. Requires use-of-force policies adopted by law enforcement agencies to be consistent with the determination made by the CJTC.

Defines "lateral vascular neck restraint" as the use of a control technique where pressure is applied to the sides of the neck, using a combination of physiological factors to restrict blood flow to the brain, which may cause the subject to temporarily lose consciousness.

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