
HOUSE BILL 1541

State of Washington

57th Legislature

2001 Regular Session

By Representatives Carrell, Lambert, Cairnes, Van Luven, Reardon, Santos, Veloria and Morris

Read first time 01/29/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to defenses in civil actions; amending RCW
2 4.24.420; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that a person who is
5 injured as a result of engaging in criminal activity should not be
6 entitled to recover damages for that injury if the criminal activity
7 was an actual cause of the injury and the circumstances of the injury
8 warrant preclusion of liability as a matter of social policy and common
9 sense. The law provides a complete defense against a personal injury
10 action if the injured person was engaged in a felony at the time of the
11 injury. The legislature intends to extend this policy to situations
12 involving gross misdemeanor and misdemeanor crimes.

13 **Sec. 2.** RCW 4.24.420 and 1987 c 212 s 901 are each amended to read
14 as follows:

15 It is a complete defense to any action for damages for personal
16 injury or wrongful death that the person injured or killed was engaged
17 in the commission of a felony, a gross misdemeanor, or a misdemeanor at
18 the time of the occurrence causing the injury or death and the felony,

1 the gross misdemeanor, or the misdemeanor was a proximate cause of the
2 injury or death. However, nothing in this section shall affect a right
3 of action under 42 U.S.C. Sec. 1983, nor shall anything in this section
4 affect a right of action under the common law doctrine of attractive
5 nuisance when the only offense committed or intended to be committed is
6 trespass.

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