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ENGROSSED SUBSTITUTE HOUSE BILL 2908

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State of Washington

64th Legislature

2016 Regular Session

By House Public Safety (originally sponsored by Representatives Ryu, Ortiz-Self, Walkinshaw, Stanford, and Santos)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to establishing the joint legislative task force  
2 on community policing standards for a safer Washington; creating new  
3 sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the invaluable  
6 contributions of law enforcement officers, who risk their own lives  
7 every day to protect our families and communities. We hold law  
8 enforcement to a high standard in their positions of public trust and  
9 as the guardians in our communities, and the legislature applauds  
10 their efforts to show respect and compassion to all citizens while  
11 holding individuals accountable for their criminal activity.

12 The legislature acknowledges that officers are often placed in  
13 harm's way and must make decisions quickly while under extreme  
14 stress. Although regrettable in every case, the use of deadly force  
15 may sometimes be necessary to protect the safety of others. The  
16 legislature also recognizes that both the people of this state and  
17 law enforcement officers themselves rely on and expect  
18 accountability, the failure of which damages the public trust in  
19 those who serve the public honorably and with compassion.

20 The legislature finds that the law of deadly force in Washington  
21 provides absolute protection for law enforcement in virtually all

1 instances, above and beyond that which is reasonable and justifiable.  
2 As such, the legislature finds that the law regarding use of deadly  
3 force in Washington does not reflect the expectations of law  
4 enforcement or the people of this state. The legislature also  
5 acknowledges that the current law on deadly force in Washington  
6 provides insufficient clarity for law enforcement on when deadly  
7 force is justifiable and when it is not.

8 It is the intent of the legislature to improve our deadly force  
9 law in a manner that provides clear guidance to law enforcement,  
10 respects and supports the role of law enforcement to maintain public  
11 safety, and fosters accountability and public trust.

12 NEW SECTION. **Sec. 2.** (1) A joint legislative task force on the  
13 use of deadly force in community policing is established.

14 (2) The task force is composed of members as provided in this  
15 subsection.

16 (a) The president of the senate shall appoint one member from  
17 each of the two largest caucuses of the senate.

18 (b) The speaker of the house of representatives shall appoint one  
19 member from each of the two largest caucuses of the house of  
20 representatives.

21 (c) The president of the senate and the speaker of the house of  
22 representatives jointly shall appoint members representing the  
23 following:

- 24 (i) Washington association of sheriffs and police chiefs;
- 25 (ii) Washington state patrol;
- 26 (iii) Washington council of police and sheriffs;
- 27 (iv) Criminal justice training commission;
- 28 (v) Washington association of prosecuting attorneys;
- 29 (vi) Washington association of criminal defense lawyers, public  
30 defender association, or the Washington defender association;
- 31 (vii) Washington state association of counties;
- 32 (viii) Association of Washington cities;
- 33 (ix) American civil liberties union of Washington;
- 34 (x) National association for the advancement of colored people or  
35 its designee;
- 36 (xi) Northwest immigration rights project;
- 37 (xii) Black alliance of Thurston county;
- 38 (xiii) Disability rights Washington;
- 39 (xiv) Latino civic alliance;

1 (xv) COMPAS (council of metropolitan police and sheriffs); and

2 (xvi) Two members representing liberty organizations.

3 (d) The governor shall appoint four members representing the  
4 following:

5 (i) Washington state commission on Hispanic affairs;

6 (ii) Washington state commission on Asian Pacific American  
7 affairs;

8 (iii) Washington state commission on African-American affairs;  
9 and

10 (iv) Governor's office of Indian affairs.

11 (3) The task force shall:

12 (a) Review laws, practices, and training programs regarding the  
13 use of deadly force in Washington state and other states;

14 (b) Review current policies, practices, and tools used by or  
15 otherwise available to law enforcement as an alternative to lethal  
16 uses of force, including tasers and other nonlethal weapons; and

17 (c) Review proposals and recommend modifications to the standards  
18 for justifiable homicide and criminal liability in RCW 9A.16.040 to  
19 assure adequate protection for law enforcement and the community.

20 (4) The task force may review literature and reports on the use  
21 of deadly force, and may consult with persons, organizations, and  
22 entities with interest or experience in community policing including,  
23 but not limited to, law enforcement, local governments, professional  
24 associations, community organizations, advocacy groups, and faith-  
25 based organizations.

26 (5) The legislative membership shall convene the initial meeting  
27 of the task force no later than July 1, 2016. The task force shall  
28 convene at least four meetings in 2016. The task force shall choose  
29 its cochairs from among its legislative membership, which must  
30 include one representative from the house of representatives and one  
31 senator from the senate.

32 (6) The task force shall submit a report, which may include  
33 findings and recommendations, to the governor and the appropriate  
34 committees of the legislature by December 1, 2016. A minority report  
35 must be submitted along with the task force's report if requested by  
36 any member of the task force.

37 (7) Staff support for the task force shall be provided by the  
38 senate committee services and the house office of program research.

39 (8) Legislative members of the task force are reimbursed for  
40 travel expenses in accordance with RCW 44.04.120. Nonlegislative

1 members are not entitled to be reimbursed for travel expenses if they  
2 are elected officials or are participating on behalf of an employer,  
3 governmental entity, or other organization. Any reimbursement for  
4 other nonlegislative members is subject to chapter 43.03 RCW.

5 (9) The expenses of the task force shall be paid jointly by the  
6 senate and the house of representatives. Task force expenditures are  
7 subject to approval by the senate facilities and operations committee  
8 and the house executive rules committee, or their successor  
9 committees.

10 (10) This section expires December 31, 2016.

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