
HOUSE BILL 1893

State of Washington

69th Legislature

2025 Regular Session

By Representatives Graham, Chase, Walsh, and Schmidt

Read first time 02/07/25. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to the establishment of liability standards for
2 superior, district, and municipal court judges; amending RCW
3 4.92.070, 4.92.075, and 4.96.041; adding a new chapter to Title 7
4 RCW; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** (1) Any person injured by an individual
7 who was previously arrested for a violent offense, and subsequently
8 released from custody before trial for such offense as a result of a
9 superior, district, or municipal court judge declining to impose
10 reasonable bail as a condition of release, has a cause of action
11 against such judge if: (a) The individual caused the injury after
12 being released from custody; and (b) the judge failed to adequately
13 consider the risk of public harm that could result from the
14 individual's release before trial.

15 (2) For the purposes of this section, "violent offense" has the
16 same meaning as defined in RCW 9.94A.030.

17 (3) For the purposes of this section, adequate consideration
18 requires:

19 (a) A written and published assessment that analyzes:

20 (i) All known evidence about the individual's alleged violent
21 offense, criminal record, and risk of engaging in further violence;

1 (ii) The vulnerability of anyone the individual has previously
2 victimized or is likely to victimize in the future; and

3 (iii) The adequacy of alternatives to pretrial detention for
4 mitigating the risk the individual may cause harm to others if he or
5 she is released before trial; and

6 (b) Consideration of all relevant and reasonably available
7 evidence, including public records, and the testimony of law
8 enforcement officials and experts and crime victims and crime victim
9 advocates.

10 (4) For the purposes of this section, whether the bail imposed
11 was reasonable is a question of fact and requires consideration of
12 the totality of the circumstances known to the judge who imposed the
13 bail.

14 (5) No form of judicial immunity may be raised as an immunity or
15 defense to any action brought under this section, including without
16 limitation any immunity or defense premised on the argument that a
17 judge has absolute immunity from suits in tort that arise from acts
18 performed within their judicial capacity or jurisdiction, or that
19 immunity is warranted or necessary to protect the administration of
20 justice or independent and impartial decision making.

21 (6) In an action brought under this section, the court shall
22 award to a prevailing plaintiff actual damages as determined by the
23 trier of fact, and shall make an award of at least nominal damages.
24 The court may also award to a prevailing plaintiff costs and
25 reasonable attorneys' fees. The court may grant declaratory and
26 injunctive relief as it deems appropriate.

27 (7) (a) Except as provided in (b) of this subsection, nothing in
28 this section is intended to limit the right of an elected or
29 appointed official to have a legal defense provided at the expense of
30 the state or a political subdivision of the state, or to have any
31 judgment under this section satisfied by the state or a political
32 subdivision of the state under chapter 4.92 or 4.96 RCW.

33 (b) Whenever a claim is brought under this section, if the trier
34 of fact finds by clear and convincing evidence that the defendant
35 intentionally, knowingly, or recklessly disregarded the risk of
36 public harm when the defendant declined to impose reasonable bail,
37 then:

38 (i) The defendant shall be personally liable for all costs of
39 defense and judgment;

1 (ii) The state and any political subdivision of the state must
2 not pay any of the defendant's subsequent costs of defense or
3 judgment; and

4 (iii) Any costs of defense the state or any political subdivision
5 of the state has previously paid must be repaid by the defendant
6 within one year of entry of judgment.

7 (8) A cause of action under this section must be commenced within
8 three years after the cause of action accrues. For the purpose of
9 this section, a cause of action accrues when the plaintiff discovers,
10 or in the reasonable exercise of diligence should discover, the
11 elements of the cause of action.

12 (9) This section must be liberally construed to effect its
13 beneficial and remedial purposes.

14 (10) Nothing in this section affects any other common law or
15 statutory right of action available to a plaintiff.

16 (11) This section applies only to causes of action arising on or
17 after the effective date of this section.

18 **Sec. 2.** RCW 4.92.070 and 1999 c 163 s 5 are each amended to read
19 as follows:

20 (~~11~~) Except as provided in section 1(7) of this act, if the
21 attorney general shall find that said officer, employee, or
22 volunteer's acts or omissions were, or were purported to be in good
23 faith, within the scope of that person's official duties, or, in the
24 case of a foster parent, that the occurrence arose from the good
25 faith provision of foster care services, said request shall be
26 granted, in which event the necessary expenses of the defense of said
27 action or proceeding relating to a state officer, employee, or
28 volunteer shall be paid as provided in RCW 4.92.130. In the case of a
29 foster parent, necessary expenses of the defense shall be paid from
30 the appropriations made for the support of the department to which
31 such foster parent is attached. In such cases the attorney general
32 shall appear and defend such officer, employee, volunteer, or foster
33 parent, who shall assist and cooperate in the defense of such suit.
34 However, the attorney general may not represent or provide private
35 representation for a foster parent in an action or proceeding brought
36 by the department of social and health services against that foster
37 parent.

1 **Sec. 3.** RCW 4.92.075 and 1989 c 413 s 2 are each amended to read
2 as follows:

3 (~~When~~) Except as provided in section 1(7) of this act, when a
4 state officer, employee, or volunteer has been represented by the
5 attorney general pursuant to RCW 4.92.070, and the body presiding
6 over the action or proceeding has found that the officer, employee,
7 or volunteer was acting within the scope of his or her official
8 duties, and a judgment has been entered against the officer,
9 employee, or volunteer pursuant to chapter 4.92 RCW or 42 U.S.C. Sec.
10 1981 et seq., thereafter the judgment creditor shall seek
11 satisfaction only from the state, and the judgment shall not become a
12 lien upon any property of such officer, employee, or volunteer.

13 **Sec. 4.** RCW 4.96.041 and 1993 c 449 s 4 are each amended to read
14 as follows:

15 (1) Whenever an action or proceeding for damages is brought
16 against any past or present officer, employee, or volunteer of a
17 local governmental entity of this state, arising from acts or
18 omissions while performing or in good faith purporting to perform his
19 or her official duties, such officer, employee, or volunteer may
20 request the local governmental entity to authorize the defense of the
21 action or proceeding at the expense of the local governmental entity.

22 (2) If the legislative authority of the local governmental
23 entity, or the local governmental entity using a procedure created by
24 ordinance or resolution, finds that the acts or omissions of the
25 officer, employee, or volunteer were, or in good faith purported to
26 be, within the scope of his or her official duties, the request shall
27 be granted. (~~If~~) Except as provided in section 1(7) of this act, if
28 the request is granted, the necessary expenses of defending the
29 action or proceeding shall be paid by the local governmental entity.

30 (~~Any~~) Except as provided in section 1(7) of this act, any monetary
31 judgment against the officer, employee, or volunteer shall be paid on
32 approval of the legislative authority of the local governmental
33 entity or by a procedure for approval created by ordinance or
34 resolution.

35 (3) The necessary expenses of defending an elective officer of
36 the local governmental entity in a judicial hearing to determine the
37 sufficiency of a recall charge as provided in RCW (~~(29.82.023)~~)
38 29A.56.140 shall be paid by the local governmental entity if the
39 officer requests such defense and approval is granted by both the

1 legislative authority of the local governmental entity and the
2 attorney representing the local governmental entity. The expenses
3 paid by the local governmental entity may include costs associated
4 with an appeal of the decision rendered by the superior court
5 concerning the sufficiency of the recall charge.

6 (4) (~~When~~) Except as provided in section 1(7) of this act, when
7 an officer, employee, or volunteer of the local governmental entity
8 has been represented at the expense of the local governmental entity
9 under subsection (1) of this section and the court hearing the action
10 has found that the officer, employee, or volunteer was acting within
11 the scope of his or her official duties, and a judgment has been
12 entered against the officer, employee, or volunteer under chapter
13 4.96 RCW or 42 U.S.C. Sec. 1981 et seq., thereafter the judgment
14 creditor shall seek satisfaction for nonpunitive damages only from
15 the local governmental entity, and judgment for nonpunitive damages
16 shall not become a lien upon any property of such officer, employee,
17 or volunteer. The legislative authority of a local governmental
18 entity may, pursuant to a procedure created by ordinance or
19 resolution, agree to pay an award for punitive damages.

20 NEW SECTION. **Sec. 5.** Section 1 of this act constitutes a new
21 chapter in Title 7 RCW.

22 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2026.

23 NEW SECTION. **Sec. 7.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

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