

HB 1475 - S AMD 254
By Senator Hasegawa

NOT ADOPTED 04/11/2017

1 On page 1, at the beginning of line 6, insert "(1)"

2 On page 1, line 12, after "property." insert the following:
3 "(2)"

4 On page 1, line 18, after "faith." insert the following:

5 "(3)(a) A designated officer shall not be held criminally liable
6 for using deadly force with a good faith belief that such act is
7 justifiable pursuant to this section. For purposes of this section,
8 "good faith" is whether a reasonable officer of the commission
9 designated with police power pursuant to RCW 9.46.210, relying upon
10 the facts and circumstances known by the officer at the time of the
11 incident, would have used deadly force.

12 (b) Homicide or the use of deadly force is justifiable in the
13 following cases:

14 (i) When a designated officer is acting in obedience to the
15 judgment of a competent court;

16 (ii) When necessarily used by a designated officer to overcome
17 actual resistance to the execution of the legal process, mandate, or
18 order of a court or officer, or in the discharge of a legal duty; or

19 (iii) When necessarily used by a designated officer or person
20 acting under the officer's command and in the officer's aid to arrest
21 or apprehend a person who the officer reasonably believes has
22 committed, has attempted to commit, is committing, or is attempting
23 to commit a felony.

24 (c) In considering whether to use deadly force under (b)(iii) of
25 this subsection, to arrest or apprehend any person for the commission
26 of any crime, the designated officer must have probable cause to
27 believe that the suspect, if not apprehended, poses a threat of
28 serious physical harm to the officer or a threat of serious physical
29 harm to others. Among the circumstances that may be considered by
30 designated officers as a threat of serious physical harm are the
31 following:

1 (i) The suspect threatens a designated officer with a weapon or
2 displays a weapon in a manner that could reasonably be construed as
3 threatening; or

4 (ii) There is probable cause to believe that the suspect has
5 committed any crime involving the infliction or threatened infliction
6 of serious physical harm.

7 Under these circumstances, deadly force may also be used if
8 necessary to prevent escape from the officer, where, if feasible,
9 some warning is given."

EFFECT: Provides that a designated officer shall not be held
criminally liable for using deadly force with a good faith belief
that the act is justifiable. Defines the term "good faith." Provides
cases where deadly force is justifiable.

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