
Judiciary Committee

HB 2873

Title: An act relating to motorcycle profiling.

Brief Description: Addressing motorcycle profiling.

Sponsors: Representatives Blake, Condotta and Goodman.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits state or local government law enforcement officers or agencies from engaging in motorcycle profiling and establishes a civil cause of action for injunctive relief and damages for victims of motorcycle profiling.

Hearing Date: 1/31/18

Staff: Edie Adams (786-7180).

Background:

State law addresses requirements for law enforcement agencies and officers with regard to racial profiling as well as motorcycle profiling. Legislation enacted in 2002 required law enforcement agencies to adopt a written policy designed to condemn and prevent racial profiling, review existing practices to ensure that they do not enable or foster racial profiling, and provide continued training to address racial profiling issues. In addition, the legislation required that issues related to racial profiling be addressed in basic law enforcement training and offered in trainings to in-service law enforcement officers.

In 2011 legislation was enacted addressing the issue of motorcycle profiling. "Motorcycle profiling" is defined as the illegal use of the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington Constitution.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under the law, local law enforcement agencies are required to include a statement condemning motorcycle profiling in their policies regarding profiling. In addition, the Criminal Justice Training Commission must ensure that issues related to motorcycle profiling are addressed in basic law enforcement training and offered to in-service law enforcement officers in conjunction with other required training regarding profiling.

Summary of Bill:

State or local law enforcement officers or law enforcement agencies shall not engage in motorcycle profiling.

A victim of motorcycle profiling may maintain a private civil cause of action against the person or agency who engaged in the motorcycle profiling. The principle of respondeat superior applies to motorcycle profiling claims. A victim of motorcycle profiling may seek an injunction of further violations and recovery of actual damages, attorneys' fees, and costs.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.