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**SUBSTITUTE SENATE BILL 5263**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Liias, Saldaña, Wellman, and Wilson, C.)

AN ACT Relating to defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony; amending RCW 4.24.420; and creating a new section.

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

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

((~~It~~)) (1) Except in an action arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to any action for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death and the felony was a proximate cause of the injury or death. ((~~However, nothing~~))

(2) In an action arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to the action that the finder of fact has determined beyond a reasonable doubt that the person injured or killed was engaged in the commission of a class A or class B felony, the commission of which was a proximate cause of the injury or death.

(3) Nothing in this section shall affect a right of action under 42 U.S.C. Sec. 1983.

NEW SECTION. **Sec.**  This act is remedial and applies retroactively to all claims or causes of action commenced prior to or after the effective date of this section regardless of when the claim or cause of action arose.

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