

SENATE BILL REPORT

HB 1635

As of February 8, 2024

Title: An act relating to limiting liability arising from the use of trained police dogs.

Brief Description: Limiting liability arising from the use of trained police dogs.

Sponsors: Representatives Mosbrucker, Walsh and Eslick.

Brief History: Passed House: 1/31/24, 97-0.

Committee Activity: Law & Justice: 2/15/24.

Brief Summary of Bill

- Requires the Criminal Justice Training Commission to develop model standards for the training and certification of canine teams to detect fentanyl by December 1, 2024.
- Provides certain entities and their employees immunity from civil damages arising from the use of a canine to detect fentanyl, subject to specific conditions, beginning January 1, 2025.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ryan Giannini (786-7285)

Background: In 2021, the Legislature required the Criminal Justice Training Commission (CJTC) to convene a work group to develop a model policy for the training and use of canine teams. Canine teams working in Washington must be certified according to the CJTC's adopted standards, including knowledge of and compliance with the CJTC's model policy.

Performance standards for certification vary depending on the canine team's intended use. For example, narcotics detection teams are subject to specific evaluations and performance

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testing with their assigned duty canine, including testing whether the canine is able to specifically pinpoint the odors of heroin, cocaine, and methamphetamine.

A law enforcement officer who has successfully completed training in police dog handling as prescribed by the CJTC and uses a police dog in the line of duty in good faith is immune from civil action for damages arising out of such use of the police dog. A police dog is a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

Summary of Bill: By December 1, 2024, the CJTC must develop model standards for the training and certification of canine teams to detect fentanyl.

Beginning January 1, 2025, a state or local government, law enforcement agency, or any employee of a state or local government or law enforcement agency is immune from civil damages arising from the use of a canine to detect fentanyl if:

- the canine is trained and certified pursuant to the CJTC's model standards;
- the canine is being handled by a peace officer acting within the scope of their employment or duties; and
- the damages do not arise from gross negligence or willful or wanton misconduct.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.