
SENATE BILL 6119

State of Washington

68th Legislature

2024 Regular Session

By Senators Holy, Braun, Dozier, Padden, Schoesler, Short, Torres, Van De Wege, Wagoner, and J. Wilson

Read first time 01/10/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to use of force by law enforcement; and
2 reenacting and amending RCW 10.120.020.

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

4 **Sec. 1.** RCW 10.120.020 and 2022 c 80 s 3 and 2022 c 4 s 3 are
5 each reenacted and amended to read as follows:

6 (1) PHYSICAL FORCE. Except as otherwise provided under this
7 section, a peace officer may use physical force against a person to
8 the extent necessary to:

9 (a) Protect against a criminal offense when there is probable
10 cause that the person has committed, is committing, or is about to
11 commit the offense;

12 (b) Effect an arrest;

13 (c) Prevent an escape as defined under chapter 9A.76 RCW;

14 (d) Take a person into custody, transport a person for evaluation
15 or treatment, or provide other assistance under chapter 10.77, 71.05,
16 or 71.34 RCW;

17 (e) Take a minor into protective custody when authorized or
18 directed by statute;

19 (f) Execute or enforce a court order authorizing or directing a
20 peace officer to take a person into custody;

21 (g) Execute a search warrant;

1 (h) Execute or enforce an oral directive issued by a judicial
2 officer in the courtroom or a written order where the court expressly
3 authorizes a peace officer to use physical force to execute or
4 enforce the directive or order; ((~~or~~))

5 (i) Prevent a person from fleeing or stop a person who is
6 actively fleeing a lawful temporary investigative detention, provided
7 that the person has been given notice that he or she is being
8 detained and is not free to leave;

9 (j) Take a person into custody when authorized or directed by
10 statute; or

11 (k) Protect against an imminent threat of bodily injury to the
12 peace officer, another person, or the person against whom force is
13 being used.

14 (2) DEADLY FORCE. Except as otherwise provided under this
15 section, a peace officer may use deadly force against another person
16 only when necessary to protect against an immediate threat of serious
17 physical injury or death to the officer or another person. For
18 purposes of this subsection: "Immediate threat of serious physical
19 injury or death" means that, based on the totality of the
20 circumstances, it is objectively reasonable to believe that a person
21 has the present and apparent ability, opportunity, and intent to
22 immediately cause death or serious bodily injury to the peace officer
23 or another person.

24 (3) REASONABLE CARE. A peace officer shall use reasonable care
25 when determining whether to use physical force or deadly force and
26 when using any physical force or deadly force against another person.
27 To that end, a peace officer shall:

28 (a) When possible, use all de-escalation tactics that are
29 available and appropriate under the circumstances before using
30 physical force;

31 (b) When using physical force, use the least amount of physical
32 force necessary to overcome resistance under the circumstances. This
33 includes a consideration of the characteristics and conditions of a
34 person for the purposes of determining whether to use force against
35 that person and, if force is necessary, determining the appropriate
36 and least amount of force possible to effect a lawful purpose. Such
37 characteristics and conditions may include, for example, whether the
38 person: Is visibly pregnant, or states that they are pregnant; is
39 known to be a minor, objectively appears to be a minor, or states
40 that they are a minor; is known to be a vulnerable adult, or

1 objectively appears to be a vulnerable adult as defined in RCW
2 74.34.020; displays signs of mental, behavioral, or physical
3 impairments or disabilities; is experiencing perceptual or cognitive
4 impairments typically related to the use of alcohol, narcotics,
5 hallucinogens, or other drugs; is suicidal; has limited English
6 proficiency; or is in the presence of children;

7 (c) Terminate the use of physical force as soon as the necessity
8 for such force ends;

9 (d) When possible, use less lethal alternatives that are
10 available and appropriate under the circumstances before using deadly
11 force; and

12 (e) Make less lethal alternatives issued to the officer
13 reasonably available for his or her use.

14 (4) A peace officer may not use any force tactics prohibited by
15 applicable departmental policy, this chapter, or otherwise by law,
16 except to protect his or her life or the life of another person from
17 an imminent threat.

18 (5) Nothing in this section:

19 (a) Limits or restricts a peace officer's authority or
20 responsibility to perform lifesaving measures or perform community
21 caretaking functions to ensure health and safety including, but not
22 limited to, rendering medical assistance, performing welfare checks,
23 or assisting other first responders and medical professionals;

24 (b) Prevents a peace officer from responding to requests for
25 assistance or service from first responders, medical professionals,
26 behavioral health professionals, social service providers, designated
27 crisis responders, shelter or housing providers, or any member of the
28 public;

29 (c) Permits a peace officer to use physical force or deadly force
30 in a manner or under such circumstances that would violate the United
31 States Constitution or state Constitution; or

32 (d) Prevents a law enforcement agency or political subdivision of
33 this state from adopting policies or standards with additional
34 requirements for de-escalation and greater restrictions on the use of
35 physical and deadly force than provided in this section.

36 (6) (a) In civil actions arising under Title 42 U.S.C. Sec. 1983,
37 where the petitioner claims a government official's excessive use of
38 force violated his or her Fourth Amendment right to be free from
39 unreasonable seizure, when analyzing whether the use of force by law
40 enforcement was appropriate under subsection (1) of this section, the

1 reviewer shall consider the factors provided in *Graham v. Connor*, 490
2 U.S. 386, 109 s.ct. 1865 (1989) to determine if the use of force was
3 appropriate based on an objective reasonableness standard.

4 (b) Whether the officer's actions are objectively reasonable in
5 light of the totality of the circumstances, without regard to the
6 officer's underlying intent or motivation, the "reasonableness" of a
7 particular use of force must be judged from the perspective of a
8 reasonable officer on the scene, and its calculus must embody an
9 allowance for the fact that police officers are often forced to make
10 split second decisions about the amount of force necessary in a
11 particular situation.

12 (7) For the purposes of this section, "safe," "feasible,"
13 "appropriate," "necessary," "possible," "proportional," "reasonable,"
14 "available," and "imminent" must be interpreted according to an
15 objective standard which considers all the facts, circumstances, and
16 information known to the officer at the time to determine whether a
17 similarly situated reasonable officer would have determined the
18 action was safe, feasible, appropriate, necessary, possible,
19 proportional, reasonable, or imminent.

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