**1475 AMS HASE S2661.1 - NOT FOR FLOOR USE**

**HB 1475** - S AMD **254**

By Senator Hasegawa

**NOT ADOPTED 04/11/2017**

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

On page 1, line 12, after "property." insert the following:

"(2)"

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

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

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

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

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

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

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

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

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

Under these circumstances, deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, 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.