

CERTIFICATION OF ENROLLMENT

SENATE BILL 6188

Chapter 265, Laws of 2018

65th Legislature
2018 Regular Session

LAW ENFORCEMENT AGENCY DISCIPLINARY ACTIONS--POTENTIAL IMPEACHMENT
LIST

EFFECTIVE DATE: June 7, 2018

Passed by the Senate February 9, 2018
Yeas 41 Nays 6

CYRUS HABIB

President of the Senate

Passed by the House March 2, 2018
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 23, 2018 9:42 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6188** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 26, 2018

**Secretary of State
State of Washington**

SENATE BILL 6188

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By Senators Dhingra, O'Ban, Wilson, Van De Wege, and Kuderer

Read first time 01/10/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to fairness in disciplinary actions of peace
2 officers who appear on a prosecuting attorney's potential impeachment
3 list; adding a new section to chapter 10.93 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The United States supreme court has
7 consistently found that prosecutors have the duty to disclose
8 potentially exculpatory evidence to defense attorneys prior to trial.
9 Some of the information that is being disclosed about government
10 witnesses, often law enforcement officers, has not been substantiated
11 or proven to any degree. This act prohibits a law enforcement agency
12 from taking punitive action against a peace officer solely because
13 the officer's name was placed on a potential impeachment list. This
14 act specifically does not prohibit a law enforcement agency from
15 taking punitive or personnel action against a peace officer based on
16 the underlying acts or omissions for which that officer's name was
17 placed on the list.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.93
19 RCW to read as follows:

1 A disciplinary action or any other adverse personnel action may
2 not be undertaken by a law enforcement agency against a peace officer
3 solely because that officer's name has been placed on a list
4 maintained by a prosecuting attorney's office of recurring witnesses
5 for whom there is known potential impeachment information, or that
6 the officer's name may otherwise be subject to disclosure pursuant to
7 *Brady v. Maryland*, 373 U.S. 83 (1963). This section does not prohibit
8 a law enforcement agency from taking disciplinary action or any other
9 adverse personnel action against a peace officer based on the
10 underlying acts or omissions for which that officer's name was placed
11 on a prosecutor-maintained list, or may otherwise be subject to
12 disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), if the
13 actions taken by the law enforcement agency otherwise conform to the
14 rules and procedures adopted by the law enforcement agency as
15 determined through collective bargaining.

Passed by the Senate February 9, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 23, 2018.

Filed in Office of Secretary of State March 26, 2018.

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