2037-S AMH HATA LEON 783

**SHB 2037** - H AMD **983**

By Representative Harris-Talley

**WITHDRAWN 02/12/2022**

 On page 2, beginning on line 12, beginning with "Therefore," strike all material through "and" on line 15 and insert "The current standard does not ban lawful temporary investigative detentions, also known as Terry stops. A peace officer maintains the authority to use physical force when there is probable cause to arrest a person for a criminal offense, regardless of whether a person is ultimately charged for the offense. Since 1990, Washington courts have held that fleeing a lawful temporary investigative detention justifies an arrest for the crime of obstructing a law enforcement officer under RCW 9A.76.020. See *State v. Hudson*, 56 Wn. App. 490 (1990). Therefore, the legislature recognizes that a peace officer can already use physical force to prevent a person from intentionally fleeing a lawful investigative detention. Further, the legislature also intends to provide the authority to use physical force"

|  |  |
| --- | --- |
|  |  EFFECT:   Modifies intent language by providing that: the current standard for use of force by peace officers does not ban lawful temporary investigative detentions, also known as Terry stops; a peace officer maintains the authority to use physical force when there is probable cause to arrest a person for a criminal offense, regardless of whether a person is ultimately charged for the offense; since 1990, Washington courts have held that fleeing a lawful temporary investigative detention may warrant an arrest for the crime of obstructing a law enforcement officer under RCW 9A.76.020; and the Legislature, therefore, recognizes that a peace officer can already use physical force to prevent a person from intentionally fleeing a lawful investigative detention. |

**--- END ---**