**5263-S AMS PEDE S1878.2 - NOT FOR FLOOR USE**

**SSB 5263** - S AMD **372**

By Senator Pedersen

**ADOPTED 03/05/2021**

Strike everything after the enacting clause and insert the following:

**"Sec.**  RCW 4.24.420 and 1987 c 212 s 901 are each amended to read as follows:

((~~It~~)) (1) Except in an action arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to any action for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death and the felony was a proximate cause of the injury or death. ((~~However, nothing~~))

(2) In an action arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to the action that the finder of fact has determined beyond a reasonable doubt that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death, the commission of which was a proximate cause of the injury or death.

(3) Nothing in this section shall affect a right of action under 42 U.S.C. Sec. 1983."

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By Senator Pedersen

**ADOPTED 03/05/2021**

On page 1, line 2 of the title, after "felony;" strike the remainder of the title and insert "and amending RCW 4.24.420."

EFFECT: Applies the defense for any felony arising out of law enforcement actions. Removes the retroactivity application. Clarifies a temporal element for the application of the defense arising out of law enforcement actions.