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**HOUSE BILL 1054**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist, and Harris-Talley

AN ACT Relating to establishing requirements for tactics and equipment used by peace officers; amending RCW 10.31.040, 43.101.225, and 43.101.226; adding a new section to chapter 43.101 RCW; and adding a new chapter to Title 10 RCW.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" as defined in RCW 10.93.020, the state liquor and cannabis board, the state department of corrections, and any state or local agency providing or otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities.

(2) "Peace officer" includes "law enforcement personnel" and "correctional personnel," as defined in RCW 43.101.010, employed or commissioned by a law enforcement agency, as defined in this section.

NEW SECTION. **Sec.**  (1) A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer.

(2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(3) For the purposes of this section:

(a) "Chokehold" refers to any tactic in which direct pressure is applied to a person's trachea or windpipe or any other tactic intended to restrict another person's airway.

(b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

NEW SECTION. **Sec.**  (1) A peace officer may not use an unleashed police dog for the purpose of arresting or apprehending another person.

(2) A law enforcement agency authorizing the use of police dogs shall adopt policies consistent with this section.

NEW SECTION. **Sec.**  (1) A law enforcement agency may not purchase, acquire, use, or authorize its peace officers or other employees to use tear gas for any purpose.

(2) For the purposes of this section, "tear gas" refers to chloracetophenone (CN), O-chlorobenzylidene malonotrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

NEW SECTION. **Sec.**  (1) A law enforcement agency may not acquire or use any military equipment. Any law enforcement agency in possession of military equipment as of the effective date of this section shall return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022.

(2) For the purposes of this section, "military equipment" means firearms and ammunition of .50 caliber or greater, machine guns, silencers, armored vehicles, armed or armored helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, mine resistant ambush protected vehicles, long range acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, grenade launchers, missiles, directed energy systems, and electromagnetic spectrum weapons.

(3) This section does not prohibit a law enforcement agency from participating in a federal military equipment surplus program, provided that any equipment acquired through the program does not constitute military equipment. This may include, for example: Medical supplies; hospital and health care equipment; office supplies, furniture, and equipment; school supplies; warehousing equipment; unarmed vehicles and vessels; scientific equipment; and protective gear and weather gear.

NEW SECTION. **Sec.**  A uniformed peace officer may not intentionally cover, conceal, or obscure the number or other identifying information on his or her badge while on duty.

**Sec.**  RCW 10.31.040 and 2010 c 8 s 1030 are each amended to read as follows:

(1) To make an arrest in criminal actions, the officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other ((~~inclosure [enclosure]~~)) enclosure, if, after notice of his or her office and purpose, he or she be refused admittance.

(2) An officer may not seek and a court may not issue a search or arrest warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

**Sec.**  RCW 43.101.225 and 2003 c 37 s 3 are each amended to read as follows:

(1) By ((~~June 30, 2006, every new~~)) January 1, 2026, the commission shall provide training to every full-time law enforcement officer employed((~~, after July 27, 2003,~~)) by a state, county, or municipal law enforcement agency ((~~shall be trained~~)) on vehicular pursuits in accordance with the model policy under RCW 43.101.226.

(2) Beginning ((~~July 1, 2006,~~)) January 1, 2023, the commission shall provide training to every ((~~new full-time~~)) newly hired full-time law enforcement officer employed by a state, county, or municipal law enforcement agency ((~~shall be trained~~)) on vehicular pursuits in accordance with the model policy under RCW 43.101.226, within six months of employment.

((~~(3) Nothing in chapter 37, Laws of 2003 requires training on vehicular pursuit of any law enforcement officer who is employed in a state, county, or city law enforcement agency on July 27, 2003, beyond that which he or she has received prior to July 27, 2003.~~))

**Sec.**  RCW 43.101.226 and 2003 c 37 s 2 are each amended to read as follows:

(1) By December 1, ((~~2003~~)) 2021, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, ((~~and~~)) organizations representing state and local law enforcement officers, community stakeholders, and families impacted by law enforcement use of deadly force, shall develop a written model policy on vehicular pursuits.

(2) The model policy must meet all of the following minimum standards:

(a) ((~~Provide for~~)) Prohibit an officer from engaging in a vehicular pursuit, unless:

(i) There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense or sex offense, as those terms are defined in RCW 9.94A.030;

(ii) The pursuit is necessary for the purpose of identifying or apprehending the person;

(iii) Under the circumstances, the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks associated with the vehicular pursuit; and

(iv) The officer has received authorization to engage in the pursuit from a supervising officer;

(b) Prohibit an officer from firing a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon, not including the vehicle itself;

(c) Require supervisory approval and control((~~, if available, of the~~)) of any vehicular pursuit, and require the supervising officer to consider the requirements under (a) of this subsection and other specific factors affecting public safety, as determined by the commission, such as whether there are minors present in the vehicle;

((~~(b)~~)) (d) Provide procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

((~~(c)~~)) (e) Provide procedures for coordinating operations with other jurisdictions, including tribal police departments; ((~~and~~

~~(d)~~)) (f) Provide guidelines for determining when the interests of public safety and effective law enforcement justify terminating a vehicular pursuit ((~~and when a vehicular pursuit should not be initiated or should be terminated~~));

(g) Provide for alternatives to vehicular pursuits for the purposes of identifying or apprehending a person; and

(h) Provide procedures for submitting information about vehicular pursuits to the commission in accordance with section 10 of this act.

(3) By ((~~June 1, 2004~~)) March 1, 2022, every state, county, and municipal law enforcement agency shall adopt and implement a written vehicular pursuit policy. The policy adopted may, but need not, be the model policy developed by the commission under subsections (1) and (2) of this section. However, any policy adopted must ((~~address~~)) comply with the minimum requirements specified in subsection (2) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 43.101 RCW to read as follows:

(1) The commission shall establish and maintain a central repository for the collection of information regarding vehicular pursuits.

(2) The commission shall develop procedures for every general authority Washington law enforcement agency, as defined in RCW 10.93.020, to report information on vehicular pursuits to the commission, which must include reporting on the age, gender, race, ethnicity, and national origin of operators and passengers of vehicles pursued by law enforcement officers, as well as reporting on other data deemed by the commission to be pertinent to the model policy under RCW 43.101.226. Every general authority Washington law enforcement agency shall report monthly to the commission in accordance with procedures established by the commission.

(3) The commission shall publish a report on the information provided to the commission under this section by December 1st of each year.

NEW SECTION. **Sec.**  Sections 1 through 6 of this act constitute a new chapter in Title 10 RCW.

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