

SHB 1054 - H AMD 137

By Representative Goodman

ADOPTED 02/27/2021

1 On page 2, at the beginning of line 20, beginning with "purchase"  
2 strike all material through "tear" on line 22 and insert "use or  
3 authorize its peace officers or other employees to use tear gas unless  
4 necessary to alleviate a present risk of serious harm posed by a riot,  
5 barricaded subject, or hostage situation. Prior to deploying tear gas,  
6 the officer or employee shall:

7 (a) Exhaust alternatives to the use of tear gas that are available  
8 and appropriate under the circumstances;

9 (b) Obtain authorization to use tear gas from the chief law  
10 enforcement officer, who must determine whether the present  
11 circumstances warrant the use of tear gas and whether available and  
12 appropriate alternatives have been exhausted as provided under this  
13 section;

14 (c) Announce to the subject or subjects the intent to use tear  
15 gas;

16 (d) Allow sufficient time and space for the subject or subjects to  
17 comply with the officer's or employee's directives; and

18 (e) Announce to the subject or subjects for a second time,  
19 immediately prior to deploying tear gas, the intent to use tear gas.

20 (2) For the purposes of this section:

21 (a) "Chief law enforcement officer" refers to the chief law  
22 enforcement officer of the law enforcement agency, including: the  
23 sheriff or chief for a general authority Washington law enforcement  
24 agency; and the executive head of the department or agency for a  
25 limited authority Washington law enforcement agency, such as the  
26 secretary of corrections for the department of corrections.

27 (b) "Tear"

EFFECT: Restores the authority for law enforcement agencies to purchase and acquire tear gas. Allows law enforcement agencies to use tear gas in limited circumstances (rather than prohibiting its use for any purpose).

Provides that tear gas may not be used unless necessary to alleviate a present risk of serious harm posed by a riot, barricaded subject, or hostage situation. Requires a peace officer, prior to deploying tear gas, to: Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances; obtain authorization to use tear gas from the chief law enforcement officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted; announce to the subject or subjects the intent to use tear gas; allow sufficient time and space for the subject or subjects to comply with the officer's directives; and announce to the subject or subjects for a second time, immediately prior to deploying tear gas, the intent to use tear gas.

Defines "chief law enforcement officer" as the chief law enforcement officer of the law enforcement agency, including: the sheriff or chief for a general authority law enforcement agency; and the executive head of the department or agency for a limited authority law enforcement agency, such as the Secretary of the Department of Corrections.

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