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**SUBSTITUTE HOUSE BILL 1054**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Public Safety (originally sponsored by Representatives J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatte, 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)

READ FIRST TIME 01/26/21.

1 AN ACT Relating to establishing requirements for tactics and  
2 equipment used by peace officers; amending RCW 10.31.040; adding a  
3 new chapter to Title 10 RCW; and repealing RCW 43.101.226.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Law enforcement agency" includes any "general authority  
9 Washington law enforcement agency" and any "limited authority  
10 Washington law enforcement agency," as those terms are defined in RCW  
11 10.93.020, and any state or local agency providing or otherwise  
12 responsible for the custody, safety, and security of adults or  
13 juveniles incarcerated in correctional, jail, or detention  
14 facilities. "Law enforcement agency" does not include the national  
15 guard or state guard under Title 38 RCW or any other division of the  
16 United States armed forces.

17 (2) "Peace officer" includes any "general authority Washington  
18 peace officer," "limited authority Washington peace officer," and  
19 "specially commissioned Washington peace officer" as those terms are  
20 defined in RCW 10.93.020, and any employee, whether part-time or  
21 full-time, of a jail, correctional, or detention facility who is

1 responsible for the custody, safety, and security of adult or  
2 juvenile persons confined in the facility.

3 NEW SECTION. **Sec. 2.** (1) A peace officer may not use a  
4 chokehold or neck restraint on another person in the course of his or  
5 her duties as a peace officer.

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

8 (3) For the purposes of this section:

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

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

15 NEW SECTION. **Sec. 3.** (1) A peace officer may not use a police  
16 dog for the purpose of arresting or apprehending another person.

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

19 NEW SECTION. **Sec. 4.** (1) A law enforcement agency may not  
20 purchase, acquire, use, or authorize its peace officers or other  
21 employees to use tear gas for any purpose.

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

27 NEW SECTION. **Sec. 5.** (1) A law enforcement agency may not  
28 acquire or use any military equipment. Any law enforcement agency in  
29 possession of military equipment as of the effective date of this  
30 section shall return the equipment to the federal agency from which  
31 it was acquired, if applicable, or destroy the equipment by December  
32 31, 2022.

33 (2) For the purposes of this section, "military equipment" means  
34 firearms and ammunition of .50 caliber or greater, machine guns,  
35 silencers, armed helicopters, armed or armored drones, armed vessels,  
36 armed vehicles, armed aircraft, tanks, mine resistant ambush

1 protected vehicles, long range acoustic hailing devices, rockets,  
2 rocket launchers, bayonets, grenades, grenade launchers, missiles,  
3 directed energy systems, and electromagnetic spectrum weapons.

4 (3) This section does not prohibit a law enforcement agency from  
5 participating in a federal military equipment surplus program,  
6 provided that any equipment acquired through the program does not  
7 constitute military equipment. This may include, for example: Medical  
8 supplies; hospital and health care equipment; office supplies,  
9 furniture, and equipment; school supplies; warehousing equipment;  
10 unarmed vehicles and vessels; conducted energy weapons; public  
11 address systems; scientific equipment; and protective gear and  
12 weather gear.

13 NEW SECTION. **Sec. 6.** All law enforcement agencies shall adopt  
14 policies and procedures to ensure that uniformed peace officers while  
15 on duty and in the performance of their official duties are  
16 reasonably identifiable. For purposes of this section, "reasonably  
17 identifiable" means that the peace officer's uniform clearly displays  
18 the officer's name or other information that members of the public  
19 can see and the agency can use to identify the peace officer.

20 NEW SECTION. **Sec. 7.** (1) A peace officer may not engage in a  
21 vehicular pursuit, unless:

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

25 (b) The pursuit is necessary for the purpose of identifying or  
26 apprehending the person;

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

30 (d) The officer has received authorization to engage in the  
31 pursuit from a supervising officer; and

32 (e) There is supervisory control of the pursuit, and the  
33 supervisor considers relevant factors affecting public safety, such  
34 as whether there are minors present in the vehicle.

35 (2) A peace officer may not fire a weapon upon a moving vehicle  
36 unless necessary to protect against an imminent threat of serious  
37 physical harm resulting from the operator's or a passenger's use of a  
38 deadly weapon. For the purposes of this subsection, a vehicle is not

1 considered a deadly weapon unless extraordinary circumstances apply  
2 where it appears the operator is using the vehicle for the purpose of  
3 causing serious physical harm to another person and the officer has  
4 no other reasonably accessible means to stop the harm.

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

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

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

16 NEW SECTION. **Sec. 9.** RCW 43.101.226 (Vehicular pursuits—Model  
17 policy) and 2003 c 37 s 2 are each repealed.

18 NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act  
19 constitute a new chapter in Title 10 RCW.

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