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HOUSE BILL 1088

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State of Washington

67th Legislature

2021 Regular Session

**By** Representatives Lovick, Goodman, Fitzgibbon, J. Johnson, Slatter, Wylie, Ramos, Bateman, Berry, Dolan, Tharinger, Simmons, Ryu, Ramel, Shewmake, Leavitt, Senn, Peterson, Gregerson, Valdez, Callan, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Santos, Macri, Frame, Orwall, Berg, Pollet, and Harris-Talley

Prefiled 01/05/21. Read first time 01/11/21. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to potential impeachment disclosures; and adding  
2 a new section to chapter 10.93 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93  
5 RCW to read as follows:

6 (1)(a) No later than six months after the effective date of this  
7 section, the Washington association of prosecuting attorneys, in  
8 consultation with the Washington state association of municipal  
9 attorneys, Washington association of sheriffs and police chiefs,  
10 Washington council of police and sheriffs, fraternal order of police,  
11 and Washington state patrol troopers association, shall update its  
12 best practices policy addressing potential impeachment disclosures  
13 pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and subsequent  
14 case law. The policy must provide guidance for: (i) The types of  
15 conduct that should be recognized as potentially exculpatory or as  
16 creating potential impeachment material; (ii) how information about  
17 an officer or officer conduct should be shared and maintained; and  
18 (iii) when an officer's information or name may be removed from any  
19 list of potential impeachment disclosures.

20 (b) Subject to amounts appropriated for this purpose, no later  
21 than June 30, 2022, the Washington association of prosecuting

1 attorneys shall develop and thereafter maintain online training for  
2 potential impeachment disclosures consistent with its best practices  
3 policy.

4 (2) Within 10 days of the discovery of any act by an officer that  
5 may be potentially exculpatory to a criminal defendant, or within 10  
6 days of the official determination that an officer has engaged in  
7 misconduct affecting his or her credibility, the law enforcement  
8 agency shall report such incident to the prosecuting authority of any  
9 jurisdiction in which the officer may testify as a witness.

10 (3) Prior to hiring any peace officer with previous law  
11 enforcement experience, a law enforcement agency must inquire as to  
12 whether the officer has ever been subject to potential impeachment  
13 disclosure. The agency shall verify the officer's response with the  
14 prosecuting authorities in the jurisdictions of the officer's  
15 previous employment. The fact that an officer has been subject to  
16 impeachment disclosure is not, in and of itself, a bar to employment.

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