

2SHB 1399 - H AMD TO H AMD (H-1916.2/25) **768**

By Representative Burnett

1 On page 22, after line 13 of the striking amendment, insert the
2 following:

3 "Sec. 17. RCW 43.101.390 and 2021 c 323 s 16 are each amended
4 to read as follows:

5 (1) The commission and individuals acting on behalf of the
6 commission are immune from suit in any civil (~~or criminal~~) action
7 contesting or based upon proceedings or other official acts
8 performed in the course of their duties in the administration and
9 enforcement of this chapter.

10 (2) Without limiting the generality of the foregoing, the
11 commission and individuals acting on behalf of the commission are
12 immune from suit in any civil action based on the certification,
13 denial of certification, suspension, or other action regarding
14 decertification of peace officers, reserve officers, or corrections
15 officers.

16 (3) Nothing in this section shall be interpreted to convey any
17 immunity to the commission or individuals acting on behalf of the
18 commission where the commission or individuals acting on behalf of
19 the commission are alleged to have:

20 (a) Violated the United States Constitution, the Washington
21 state Constitution, or a constitutional right;

22 (b) Infringed upon an individually-held right; or

23 (c) Committed an act or omission that harmed a person based on a
24 protected class or status."

25
26 Renumber the remaining sections consecutively and correct any
27 internal references accordingly.

EFFECT: Eliminates immunity for the Criminal Justice Training Commission (CJTC), and individuals acting on its behalf, from liability in a criminal action contesting or based upon proceedings or other official acts performed in the course of their duties. Adds language providing that the CJTC, or individuals acting on its behalf, are not granted immunity from civil actions where the CJTC or such individuals are alleged to have violated the United States Constitution, the Washington Constitution, or a constitutional right; infringed upon an individually-held right; or committed an act or omission that harmed a person based on a protected class or status.

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