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## Civil Rights & Judiciary Committee

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### HB 1897

**Brief Description:** Concerning liability protections for community public safety programs.

**Sponsors:** Representatives Obras, Farivar, Parshley, Simmons, Ryu, Fosse, Scott, Hill and Macri.

#### Brief Summary of Bill

- Provides immunity from civil liability to community-based public safety programs; and their volunteers, agents, officers, and employees; for qualifying acts or omissions in the provision of core program services.
- Provides such immunity does not extend to acts or omissions that constitute gross negligence or willful or wanton misconduct.

**Hearing Date:** 2/12/25

**Staff:** John Burzynski (786-7133).

#### **Background:**

##### Civil Liability and Immunity.

When one individual causes harm to another or damages property, whether inadvertently or intentionally, the victim can typically bring a civil action in court against the responsible party to recover money damages.

Washington provides limited immunity from civil liability to certain individuals engaged in specified activities. For example, limited grants of immunity exist for:

- volunteers of nonprofit or government entities acting within the scope of their responsibilities;
- persons who, without compensation or expectation of compensation, provide emergency

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- care at the scene of an emergency, or transportation of an injured person from the scene of an emergency; or nonmedical care or assistance at the scene of an emergency or disaster;
- certain crisis call centers and 988 contact hubs with crisis team dispatching responsibilities, and certain officers, staff, employees, and team members of such entities; and
  - certain entities and individuals providing qualifying crisis stabilization services, professional on-site community-based intervention, outreach, de-escalation, stabilization, resource connection, or follow-up support, that is delivered under clinical supervision, to a person who is experiencing a behavioral health crisis.

#### Degrees of Culpability.

Harmful acts or omissions that can provide a basis for a civil action can be categorized based on the culpability of the responsible party.

- *Negligence*: Negligence is the failure to exercise ordinary care. It is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do some act that a reasonably careful person would have done under the same or similar circumstances.
- *Gross Negligence*: Gross negligence is the failure to exercise slight care. It is negligence that is substantially greater than ordinary negligence. Failure to exercise slight care does not mean the total absence of care but care substantially less than ordinary care.
- *Wanton Misconduct*: Wanton misconduct is the intentional doing of an act which one has a duty to refrain from doing, or the intentional failure to do an act which one has a duty to do, in reckless disregard of the consequences and under such surrounding circumstances and conditions that a reasonable person would know, or should know, that such conduct would, in a high degree of probability, result in substantial harm to another.
- *Willful Misconduct*: Willful misconduct is the intentional doing of an act which one has a duty to refrain from doing, or the intentional failure to do an act which one has the duty to do, when he or she has actual knowledge of the peril that will be created and intentionally fails to avert injury, or actually intends to cause harm.

#### **Summary of Bill:**

##### Immunity from Liability.

No act or omission in the provision of core aspects of a community-based public safety program shall impose liability upon any such program; or its volunteers, agents, officers, or employees acting within the scope of their responsibilities; when the act or omission in the provision of core aspects is: (1) provided to a person who is experiencing a behavioral health crisis, has complex behavioral health needs, or has a history of legal system involvement; and (2) done or omitted in good faith.

This immunity does not extend to acts or omissions which constitute gross negligence or willful or wanton misconduct.

Defined Terms.

"Community-based public safety program" means any organization providing community-based responses to public order issues as an alternative to jail and criminal prosecution for people whose unlawful behavior stems from unmanaged substance use, mental health challenges, or extreme poverty. "Community-based public safety program" includes any organization performing a contracted role for a locally funded, state-funded, or federally funded community-based public safety program.

"Core aspects of a community-based public safety program" means activities directly connected to the purpose of a community-based public safety program, including but not limited to outreach, case management, providing shelter, providing housing, traveling among worksites, transporting clients, and aftercare functions.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.