
HOUSE BILL 2541

State of Washington

69th Legislature

2026 Regular Session

By Representative Hackney

Read first time 01/16/26. Referred to Committee on Community Safety.

1 AN ACT Relating to the standard used to evaluate the
2 reasonableness of a peace officer's use of force; reenacting and
3 amending RCW 10.120.020; creating a new section; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** In 2021, the legislature passed Engrossed
7 Second Substitute House Bill No. 1310 (chapter 324, Laws of 2021),
8 with the intent of establishing a uniform statewide standard for use
9 of force by peace officers. In 2022, the legislature passed Engrossed
10 Substitute House Bill No. 2037 (chapter 80, Laws of 2022), with the
11 intent of providing further clarification and guidance to police
12 agencies and the public. However, since these provisions were
13 enacted, the complexities and nuances of police practices and
14 applicable laws, both in statute and common law, have posed
15 implementation challenges for some police agencies and peace
16 officers.

17 Therefore, the legislature intends to provide clarification and
18 guidance to police agencies and the public by codifying an objective
19 reasonableness standard for evaluating the use of force by peace
20 officers, based on the United States supreme court decision in *Graham*
21 *v. Connor*, 490 U.S. 386 (1989). This standard reflects national best

1 practices developed and supported by police leaders across the
2 nation. Moreover, this standard strikes the appropriate balance
3 between the safety and rights of the public and the peace officers
4 who serve to protect us, and the right of the people to be secure in
5 their persons against unreasonable searches and seizures.

6 **Sec. 2.** RCW 10.120.020 and 2022 c 80 s 3 and 2022 c 4 s 3 are
7 each reenacted and amended to read as follows:

8 (1) PHYSICAL FORCE. Except as otherwise provided under this
9 section, a peace officer may use physical force against a person to
10 the extent necessary to:

11 (a) Protect against a criminal offense when there is probable
12 cause that the person has committed, is committing, or is about to
13 commit the offense;

14 (b) Effect an arrest;

15 (c) Prevent an escape as defined under chapter 9A.76 RCW;

16 (d) Take a person into custody, transport a person for evaluation
17 or treatment, or provide other assistance under chapter 10.77, 71.05,
18 or 71.34 RCW;

19 (e) Take a minor into protective custody when authorized or
20 directed by statute;

21 (f) Execute or enforce a court order authorizing or directing a
22 peace officer to take a person into custody;

23 (g) Execute a search warrant;

24 (h) Execute or enforce an oral directive issued by a judicial
25 officer in the courtroom or a written order where the court expressly
26 authorizes a peace officer to use physical force to execute or
27 enforce the directive or order; ((~~or~~))

28 (i) Prevent a person from fleeing or stop a person who is
29 actively fleeing a lawful temporary investigative detention, provided
30 that the person has been given notice that he or she is being
31 detained and is not free to leave;

32 (j) Take a person into custody when authorized or directed by
33 statute; or

34 (k) Protect against an imminent threat of bodily injury to the
35 peace officer, another person, or the person against whom force is
36 being used.

37 (2) DEADLY FORCE. Except as otherwise provided under this
38 section, a peace officer may use deadly force against another person
39 only when necessary to protect against an immediate threat of serious

1 physical injury or death to the officer or another person. For
2 purposes of this subsection: "Immediate threat of serious physical
3 injury or death" means that, based on the totality of the
4 circumstances, it is objectively reasonable to believe that a person
5 has the present and apparent ability, opportunity, and intent to
6 immediately cause death or serious bodily injury to the peace officer
7 or another person.

8 (3) REASONABLE CARE. A peace officer shall use reasonable care
9 when determining whether to use physical force or deadly force and
10 when using any physical force or deadly force against another person.
11 To that end, a peace officer shall:

12 (a) When possible, use all de-escalation tactics that are
13 available and appropriate under the circumstances before using
14 physical force;

15 (b) When using physical force, use the least amount of physical
16 force necessary to overcome resistance under the circumstances. This
17 includes a consideration of the characteristics and conditions of a
18 person for the purposes of determining whether to use force against
19 that person and, if force is necessary, determining the appropriate
20 and least amount of force possible to effect a lawful purpose. Such
21 characteristics and conditions may include, for example, whether the
22 person: Is visibly pregnant, or states that they are pregnant; is
23 known to be a minor, objectively appears to be a minor, or states
24 that they are a minor; is known to be a vulnerable adult, or
25 objectively appears to be a vulnerable adult as defined in RCW
26 74.34.020; displays signs of mental, behavioral, or physical
27 impairments or disabilities; is experiencing perceptual or cognitive
28 impairments typically related to the use of alcohol, narcotics,
29 hallucinogens, or other drugs; is suicidal; has limited English
30 proficiency; or is in the presence of children;

31 (c) Terminate the use of physical force as soon as the necessity
32 for such force ends;

33 (d) When possible, use less lethal alternatives that are
34 available and appropriate under the circumstances before using deadly
35 force; and

36 (e) Make less lethal alternatives issued to the officer
37 reasonably available for his or her use.

38 (4) A peace officer may not use any force tactics prohibited by
39 applicable departmental policy, this chapter, or otherwise by law,

1 except to protect his or her life or the life of another person from
2 an imminent threat.

3 (5) Nothing in this section:

4 (a) Limits or restricts a peace officer's authority or
5 responsibility to perform lifesaving measures or perform community
6 caretaking functions to ensure health and safety including, but not
7 limited to, rendering medical assistance, performing welfare checks,
8 or assisting other first responders and medical professionals;

9 (b) Prevents a peace officer from responding to requests for
10 assistance or service from first responders, medical professionals,
11 behavioral health professionals, social service providers, designated
12 crisis responders, shelter or housing providers, or any member of the
13 public;

14 (c) Permits a peace officer to use physical force or deadly force
15 in a manner or under such circumstances that would violate the United
16 States Constitution or state Constitution; or

17 (d) Prevents a law enforcement agency or political subdivision of
18 this state from adopting policies or standards with additional
19 requirements for de-escalation and greater restrictions on the use of
20 physical and deadly force than provided in this section.

21 (6) For the purposes of this chapter, whether a peace officer's
22 use of force is reasonable shall be based on an objective evaluation
23 of whether, in light of the totality of the circumstances, a
24 similarly situated reasonable officer would have acted similarly,
25 without regard to the peace officer's underlying intent or
26 motivation, as provided in *Graham v. Connor*, 490 U.S. 386 (1989).

27 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect immediately.

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