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HOUSE BILL 2643

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State of Washington

69th Legislature

2026 Regular Session

By Representatives Simmons, Reeves, Goodman, and Taylor

Read first time 01/23/26. Referred to Committee on Community Safety.

1 AN ACT Relating to the due process requirements and the  
2 procedures of a peace officer being placed on Brady and Giglio lists;  
3 and amending RCW 10.93.150.

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

5 **Sec. 1.** RCW 10.93.150 and 2018 c 265 s 2 are each amended to  
6 read as follows:

7 (1) A disciplinary action or any other adverse personnel action  
8 may not be undertaken by a law enforcement agency against a peace  
9 officer solely because that officer's name has been placed on a list  
10 maintained by a prosecuting attorney's office of recurring witnesses  
11 for whom there is known potential impeachment information, or that  
12 the officer's name may otherwise be subject to disclosure pursuant to  
13 *Brady v. Maryland*, 373 U.S. 83 (1963). This section does not prohibit  
14 a law enforcement agency from taking disciplinary action or any other  
15 adverse personnel action against a peace officer based on the  
16 underlying acts or omissions for which that officer's name was placed  
17 on a prosecutor-maintained list, or may otherwise be subject to  
18 disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), if the  
19 actions taken by the law enforcement agency otherwise conform to the  
20 rules and procedures adopted by the law enforcement agency as  
21 determined through collective bargaining.

1       (2) (a) A peace officer shall have a due process right to petition  
2 the superior court, appeal, or intervene in any action regarding a  
3 prosecuting agency's decision to place the officer on a *Brady* and  
4 *Giglio* list. The superior court shall have jurisdiction to review the  
5 prosecuting agency's decision. The court shall perform an in-camera  
6 review of the evidence and may hold a closed hearing upon the request  
7 of the officer or prosecuting agency, or at the court's discretion.  
8 The superior court may affirm, modify, or reverse the decision of the  
9 prosecuting agency, and issue appropriate orders or provide relief,  
10 including the removal of the officer from a *Brady* and *Giglio* list, as  
11 justice may require. All evidence presented to the superior court  
12 shall be treated under seal and kept confidential unless otherwise  
13 specified by law and ordered by the court.

14       (b) The standard of proof for any allegation, administrative  
15 charge, complaint, cause of action, claim, or defense under this  
16 subsection (2) shall be a preponderance of the evidence unless a  
17 higher standard of proof is required by law.

18       (3) Nothing in this section shall be construed to affect a  
19 prosecuting attorney's responsibility to report and share potential  
20 impeachment, exculpatory, or credibility information and evidence to  
21 defense counsel under the law established by *Brady v. Maryland*, 373  
22 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972) and  
23 their progeny.

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