

FINAL BILL REPORT

ESSB 5263

Brief Description: Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Lias, Saldaña, Wellman and Wilson, C.).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: It is a complete defense to any lawsuit for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony which was a proximate cause of the injury or death. However, this defense does not affect the right to bring a lawsuit under the federal Civil Rights Act of 1983.

Summary: In actions arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to the action that the finder of fact has determined beyond a reasonable doubt that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death, the commission of which was a proximate cause of the injury or death. However, this defense does not affect the right to bring a lawsuit under the federal Civil Rights Act of 1983.

Votes on Final Passage:

Senate	28	20
House	56	42

Effective: Ninety days after adjournment of session in which bill is passed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.