
HOUSE BILL 1054

State of Washington

67th Legislature

2021 Regular Session

By Representatives J. Johnson and Entenman

Prefiled 12/24/20.

1 AN ACT Relating to establishing requirements for tactics and
2 equipment used by peace officers; amending RCW 10.31.040, 43.101.225,
3 and 43.101.226; adding a new section to chapter 43.101 RCW; and
4 adding a new chapter to Title 10 RCW.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires
8 otherwise.

9 (1) "Law enforcement agency" includes any "general authority
10 Washington law enforcement agency" as defined in RCW 10.93.020, the
11 state liquor and cannabis board, the state department of corrections,
12 and any state or local agency providing or otherwise responsible for
13 the custody, safety, and security of adults or juveniles incarcerated
14 in correctional, jail, or detention facilities.

15 (2) "Peace officer" includes "law enforcement personnel" and
16 "correctional personnel," as defined in RCW 43.101.010, employed or
17 commissioned by a law enforcement agency, as defined in this section.

18 NEW SECTION. **Sec. 2.** (1) A peace officer may not use a
19 chokehold or neck restraint on another person in the course of his or
20 her duties as a peace officer.

1 (2) Any policies pertaining to the use of force adopted by law
2 enforcement agencies must be consistent with this section.

3 (3) For the purposes of this section:

4 (a) "Chokehold" refers to any tactic in which direct pressure is
5 applied to a person's trachea or windpipe or any other tactic
6 intended to restrict another person's airway.

7 (b) "Neck restraint" refers to any vascular neck restraint or
8 similar restraint, hold, or other tactic in which pressure is applied
9 to the neck for the purpose of constricting blood flow.

10 NEW SECTION. **Sec. 3.** (1) A peace officer may not use an
11 unleashed police dog for the purpose of arresting or apprehending
12 another person.

13 (2) A law enforcement agency authorizing the use of police dogs
14 shall adopt policies consistent with this section.

15 NEW SECTION. **Sec. 4.** (1) A law enforcement agency may not
16 purchase, acquire, use, or authorize its peace officers or other
17 employees to use tear gas for any purpose.

18 (2) For the purposes of this section, "tear gas" refers to
19 chloracetophenone (CN), O-chlorobenzylidene malonitrile (CS), and any
20 similar chemical irritant dispersed in the air for the purpose of
21 producing temporary physical discomfort or permanent injury, except
22 "tear gas" does not include oleoresin capsicum (OC).

23 NEW SECTION. **Sec. 5.** (1) A law enforcement agency may not
24 acquire or use any military equipment. Any law enforcement agency in
25 possession of military equipment as of the effective date of this
26 section shall return the equipment to the federal agency from which
27 it was acquired, if applicable, or destroy the equipment by December
28 31, 2022.

29 (2) For the purposes of this section, "military equipment" means
30 firearms and ammunition of .50 caliber or greater, machine guns,
31 silencers, armored vehicles, armed or armored helicopters, armed or
32 armored drones, armed vessels, armed vehicles, armed aircraft, tanks,
33 mine resistant ambush protected vehicles, long range acoustic hailing
34 devices, rockets, rocket launchers, bayonets, grenades, grenade
35 launchers, missiles, directed energy systems, and electromagnetic
36 spectrum weapons.

1 (3) This section does not prohibit a law enforcement agency from
2 participating in a federal military equipment surplus program,
3 provided that any equipment acquired through the program does not
4 constitute military equipment. This may include, for example: Medical
5 supplies; hospital and health care equipment; office supplies,
6 furniture, and equipment; school supplies; warehousing equipment;
7 unarmed vehicles and vessels; scientific equipment; and protective
8 gear and weather gear.

9 NEW SECTION. **Sec. 6.** A uniformed peace officer may not
10 intentionally cover, conceal, or obscure the number or other
11 identifying information on his or her badge while on duty.

12 **Sec. 7.** RCW 10.31.040 and 2010 c 8 s 1030 are each amended to
13 read as follows:

14 (1) To make an arrest in criminal actions, the officer may break
15 open any outer or inner door, or windows of a dwelling house or other
16 building, or any other (~~inclosure [enclosure]~~) enclosure, if, after
17 notice of his or her office and purpose, he or she be refused
18 admittance.

19 (2) An officer may not seek and a court may not issue a search or
20 arrest warrant granting an express exception to the requirement for
21 the officer to provide notice of his or her office and purpose when
22 executing the warrant.

23 **Sec. 8.** RCW 43.101.225 and 2003 c 37 s 3 are each amended to
24 read as follows:

25 (1) By (~~June 30, 2006, every new~~) January 1, 2026, the
26 commission shall provide training to every full-time law enforcement
27 officer employed (~~, after July 27, 2003,~~) by a state, county, or
28 municipal law enforcement agency (~~shall be trained~~) on vehicular
29 pursuits in accordance with the model policy under RCW 43.101.226.

30 (2) Beginning (~~July 1, 2006,~~) January 1, 2023, the commission
31 shall provide training to every (~~new full-time~~) newly hired full-
32 time law enforcement officer employed by a state, county, or
33 municipal law enforcement agency (~~shall be trained~~) on vehicular
34 pursuits in accordance with the model policy under RCW 43.101.226,
35 within six months of employment.

36 (~~(3) Nothing in chapter 37, Laws of 2003 requires training on~~
37 ~~vehicular pursuit of any law enforcement officer who is employed in a~~

1 state, county, or city law enforcement agency on July 27, 2003,
2 beyond that which he or she has received prior to July 27, 2003.))

3 **Sec. 9.** RCW 43.101.226 and 2003 c 37 s 2 are each amended to
4 read as follows:

5 (1) By December 1, (~~(2003)~~) 2021, the Washington state criminal
6 justice training commission, in consultation with the Washington
7 state patrol, the Washington association of sheriffs and police
8 chiefs, (~~and~~) organizations representing state and local law
9 enforcement officers, community stakeholders, and families impacted
10 by law enforcement use of deadly force, shall develop a written model
11 policy on vehicular pursuits.

12 (2) The model policy must meet all of the following minimum
13 standards:

14 (a) (~~Provide for~~) Prohibit an officer from engaging in a
15 vehicular pursuit, unless:

16 (i) There is probable cause to believe that a person in the
17 vehicle has committed or is committing a violent offense or sex
18 offense, as those terms are defined in RCW 9.94A.030;

19 (ii) The pursuit is necessary for the purpose of identifying or
20 apprehending the person;

21 (iii) Under the circumstances, the safety risks of failing to
22 apprehend or identify the person are considered to be greater than
23 the safety risks associated with the vehicular pursuit; and

24 (iv) The officer has received authorization to engage in the
25 pursuit from a supervising officer;

26 (b) Prohibit an officer from firing a weapon upon a moving
27 vehicle unless necessary to protect against an imminent threat of
28 serious physical harm resulting from the operator's or a passenger's
29 use of a deadly weapon, not including the vehicle itself;

30 (c) Require supervisory approval and control (~~, if available, of~~
31 the)) of any vehicular pursuit, and require the supervising officer
32 to consider the requirements under (a) of this subsection and other
33 specific factors affecting public safety, as determined by the
34 commission, such as whether there are minors present in the vehicle;

35 (~~(b)~~) (d) Provide procedures for designating the primary
36 pursuit vehicle and for determining the total number of vehicles to
37 be permitted to participate at one time in the pursuit;

38 (~~(e)~~) (e) Provide procedures for coordinating operations with
39 other jurisdictions, including tribal police departments; (~~and~~

1 ~~(d))~~ (f) Provide guidelines for determining when the interests
2 of public safety and effective law enforcement justify terminating a
3 vehicular pursuit ~~((and when a vehicular pursuit should not be
4 initiated or should be terminated))~~;

5 (g) Provide for alternatives to vehicular pursuits for the
6 purposes of identifying or apprehending a person; and

7 (h) Provide procedures for submitting information about vehicular
8 pursuits to the commission in accordance with section 10 of this act.

9 (3) By ~~((June 1, 2004))~~ March 1, 2022, every state, county, and
10 municipal law enforcement agency shall adopt and implement a written
11 vehicular pursuit policy. The policy adopted may, but need not, be
12 the model policy developed by the commission under subsections (1)
13 and (2) of this section. However, any policy adopted must ~~((address))~~
14 comply with the minimum requirements specified in subsection (2) of
15 this section.

16 NEW SECTION. Sec. 10. A new section is added to chapter 43.101
17 RCW to read as follows:

18 (1) The commission shall establish and maintain a central
19 repository for the collection of information regarding vehicular
20 pursuits.

21 (2) The commission shall develop procedures for every general
22 authority Washington law enforcement agency, as defined in RCW
23 10.93.020, to report information on vehicular pursuits to the
24 commission, which must include reporting on the age, gender, race,
25 ethnicity, and national origin of operators and passengers of
26 vehicles pursued by law enforcement officers, as well as reporting on
27 other data deemed by the commission to be pertinent to the model
28 policy under RCW 43.101.226. Every general authority Washington law
29 enforcement agency shall report monthly to the commission in
30 accordance with procedures established by the commission.

31 (3) The commission shall publish a report on the information
32 provided to the commission under this section by December 1st of each
33 year.

34 NEW SECTION. Sec. 11. Sections 1 through 6 of this act
35 constitute a new chapter in Title 10 RCW.

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