
SUBSTITUTE HOUSE BILL 1054

State of Washington

67th Legislature

2021 Regular Session

By House Public Safety (originally sponsored by Representatives J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatte, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist, and Harris-Talley)

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

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

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

8 (1) "Law enforcement agency" includes any "general authority
9 Washington law enforcement agency" and any "limited authority
10 Washington law enforcement agency," as those terms are defined in RCW
11 10.93.020, and any state or local agency providing or otherwise
12 responsible for the custody, safety, and security of adults or
13 juveniles incarcerated in correctional, jail, or detention
14 facilities. "Law enforcement agency" does not include the national
15 guard or state guard under Title 38 RCW or any other division of the
16 United States armed forces.

17 (2) "Peace officer" includes any "general authority Washington
18 peace officer," "limited authority Washington peace officer," and
19 "specially commissioned Washington peace officer" as those terms are
20 defined in RCW 10.93.020, and any employee, whether part-time or
21 full-time, of a jail, correctional, or detention facility who is

1 responsible for the custody, safety, and security of adult or
2 juvenile persons confined in the facility.

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

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

8 (3) For the purposes of this section:

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

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

15 NEW SECTION. **Sec. 3.** (1) A peace officer may not use a police
16 dog for the purpose of arresting or apprehending another person.

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

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

22 (2) For the purposes of this section, "tear gas" refers to
23 chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and
24 any similar chemical irritant dispersed in the air for the purpose of
25 producing temporary physical discomfort or permanent injury, except
26 "tear gas" does not include oleoresin capsicum (OC).

27 NEW SECTION. **Sec. 5.** (1) A law enforcement agency may not
28 acquire or use any military equipment. Any law enforcement agency in
29 possession of military equipment as of the effective date of this
30 section shall return the equipment to the federal agency from which
31 it was acquired, if applicable, or destroy the equipment by December
32 31, 2022.

33 (2) For the purposes of this section, "military equipment" means
34 firearms and ammunition of .50 caliber or greater, machine guns,
35 silencers, armed helicopters, armed or armored drones, armed vessels,
36 armed vehicles, armed aircraft, tanks, mine resistant ambush

1 protected vehicles, long range acoustic hailing devices, rockets,
2 rocket launchers, bayonets, grenades, grenade launchers, missiles,
3 directed energy systems, and electromagnetic spectrum weapons.

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

13 NEW SECTION. **Sec. 6.** All law enforcement agencies shall adopt
14 policies and procedures to ensure that uniformed peace officers while
15 on duty and in the performance of their official duties are
16 reasonably identifiable. For purposes of this section, "reasonably
17 identifiable" means that the peace officer's uniform clearly displays
18 the officer's name or other information that members of the public
19 can see and the agency can use to identify the peace officer.

20 NEW SECTION. **Sec. 7.** (1) A peace officer may not engage in a
21 vehicular pursuit, unless:

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

25 (b) The pursuit is necessary for the purpose of identifying or
26 apprehending the person;

27 (c) Under the circumstances, the safety risks of failing to
28 apprehend or identify the person are considered to be greater than
29 the safety risks associated with the vehicular pursuit;

30 (d) The officer has received authorization to engage in the
31 pursuit from a supervising officer; and

32 (e) There is supervisory control of the pursuit, and the
33 supervisor considers relevant factors affecting public safety, such
34 as whether there are minors present in the vehicle.

35 (2) A peace officer may not fire a weapon upon a moving vehicle
36 unless necessary to protect against an imminent threat of serious
37 physical harm resulting from the operator's or a passenger's use of a
38 deadly weapon. For the purposes of this subsection, a vehicle is not

1 considered a deadly weapon unless extraordinary circumstances apply
2 where it appears the operator is using the vehicle for the purpose of
3 causing serious physical harm to another person and the officer has
4 no other reasonably accessible means to stop the harm.

5 **Sec. 8.** RCW 10.31.040 and 2010 c 8 s 1030 are each amended to
6 read as follows:

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

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

16 NEW SECTION. **Sec. 9.** RCW 43.101.226 (Vehicular pursuits—Model
17 policy) and 2003 c 37 s 2 are each repealed.

18 NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act
19 constitute a new chapter in Title 10 RCW.

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