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SENATE BILL 5263

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State of Washington

67th Legislature

2021 Regular Session

By Senators Frockt and Pedersen

1       AN ACT Relating to defenses in personal injury and wrongful death  
2 actions where the person injured or killed was committing a felony;  
3 amending RCW 4.24.420; and creating a new section.

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

5       **Sec. 1.** RCW 4.24.420 and 1987 c 212 s 901 are each amended to  
6 read as follows:

7       It is a complete defense to any action for damages for personal  
8 injury or wrongful death that the person injured or killed (~~was~~  
9 ~~engaged in the commission~~) has been convicted of a class A or a  
10 class B felony (~~(at the time of the occurrence causing the injury or~~  
11 ~~death and the felony)~~ the commission of which was a proximate cause  
12 of the injury or death. However, nothing in this section shall affect  
13 a right of action under 42 U.S.C. Sec. 1983.

14       NEW SECTION.       **Sec. 2.** This act is remedial and applies  
15 retroactively to all claims or causes of action commenced prior to or  
16 after the effective date of this section regardless of when the claim  
17 or cause of action arose.

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