
SUBSTITUTE SENATE BILL 5263

State of Washington

67th Legislature

2021 Regular Session

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

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))~~ (1) Except in an action arising out of law enforcement
8 activities resulting in personal injury or death, it is a complete
9 defense to any action for damages for personal injury or wrongful
10 death that the person injured or killed was engaged in the commission
11 of a felony at the time of the occurrence causing the injury or death
12 and the felony was a proximate cause of the injury or death.
13 ~~((However, nothing))~~

14 (2) In an action arising out of law enforcement activities
15 resulting in personal injury or death, it is a complete defense to
16 the action that the finder of fact has determined beyond a reasonable
17 doubt that the person injured or killed was engaged in the commission
18 of a class A or class B felony, the commission of which was a
19 proximate cause of the injury or death.

20 (3) Nothing in this section shall affect a right of action under
21 42 U.S.C. Sec. 1983.

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

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