

HB 1202 -- Redline

Substitute to Bill -- Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief.

Deletions ~~struck~~ · Insertions underlined

~~H-0710.2~~H-0326.1 ~~SUBSTITUTE~~ HOUSE BILL 1202 State of Washington 67th Legislature 2021 Regular Session By ~~House Civil Rights & Judiciary (originally sponsored by~~ Representatives Thai, Davis, Bateman, Ramos, Kloba, Callan, Simmons, Berry, Santos, Ryu, Ramel, Sells, Ortiz-Self, Gregerson, Wicks, Berg, Bergquist, Dolan, Macri, Fey, Pollet, Harris-Talley, and ~~Frame)~~Frame ~~READ~~Read ~~FIRST~~first ~~TIME~~time ~~02/09/21~~01/14/21. Referred to Committee on Civil Rights & Judiciary.

1 ~~SHB~~HB 1202 by peace officers may obtain compensation for their injuries and an award of costs and attorney fees incurred in seeking the remedy.

(a) Engaged in conduct that under ~~common~~civil law constitutes an assault, battery, ~~intentional~~outrage, ~~infliction~~false ~~of~~imprisonment, ~~emotional~~false ~~distress~~arrest, ~~false~~malicious ~~p~~prosecution, ~~trespass~~, or conversion;

~~2 SHB 1202 imprisonment, false arrest, malicious prosecution, intentional trespass, or conversion;p.~~

~~or~~2 HB 1202 (b) Executed a detention, traffic stop, search, seizure, or entry into a home that is unlawful under the state Constitution;

~~1310);.~~

(3) A peace officer has a defense against an action brought under subsection (1) of this section if, when the injury occurred, the officer substantially complied with a regulation, practice, procedure, ~~policy~~, or ~~training~~policy that was established by the employer or approved or condoned by superior officers.

If the peace officer proves this defense, the employer is independently liable for the injury if the injury was proximately caused by a regulation, custom, usage, practice, procedure, ~~policy~~, or ~~training~~policy approved or condoned by the employer.

~~p~~NEW SECTION.

~~3 SHB 1202 NEW SECTION.~~

The attorney general may investigate employers and peace officers engaging in a pattern or practice of ~~conduct~~p, ~~in violation of section 3 of this act and bring an action in the name of the state, or as parens patriae on behalf of persons residing in the state, against a peace officer or employer to restrain and prevent the peace officer or employer from engaging in any pattern or practice of conduct in violation of section 3 of this act.~~

3 HB 1202 conduct identified in section 3 of this act and bring an action in the name of the state, or as parens patriae on behalf of persons residing in the state, against a peace officer or employer to restrain and prevent the peace officer or employer from engaging in any pattern or practice of conduct identified in section 3 of this act.

(3) The provisions of chapter 4.22 RCW do not apply to a cause of action under section 3 of this act.

4 ~~SHB~~HB 1202