

2 SB 6122 - H COMM AMD
3 By Committee on Judiciary

4
5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 10.31.100 and 1988 c 190 s 1 are each amended to read
8 as follows:

9 A police officer having probable cause to believe that a person has
10 committed or is committing a felony shall have the authority to arrest
11 the person without a warrant. A police officer may arrest a person
12 without a warrant for committing a misdemeanor or gross misdemeanor
13 only when the offense is committed in the presence of the officer,
14 except as provided in subsections (1) through (~~(8)~~) (9) of this
15 section.

16 (1) Any police officer having probable cause to believe that a
17 person has committed or is committing a misdemeanor or gross
18 misdemeanor, involving physical harm or threats of harm to any person
19 or property or the unlawful taking of property or involving the use or
20 possession of cannabis, or involving the acquisition, possession, or
21 consumption of alcohol by a person under the age of twenty-one years
22 under RCW 66.44.270 shall have the authority to arrest the person.

23 (2) A police officer shall arrest and take into custody, pending
24 release on bail, personal recognizance, or court order, a person
25 without a warrant when the officer has probable cause to believe that:

26 (a) An order has been issued of which the person has knowledge
27 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
28 RCW, or chapter 26.50 RCW restraining the person and the person has

1 violated the terms of the order restraining the person from acts or
2 threats of violence or excluding the person from a residence or, in the
3 case of an order issued under RCW 26.44.063, imposing any other
4 restrictions or conditions upon the person; or

5 (b) The person is eighteen years or older and within the preceding
6 four hours has assaulted that person's spouse, former spouse, or a
7 person eighteen years or older with whom the person resides or has
8 formerly resided and the officer believes: (i) A felonious assault has
9 occurred; (ii) an assault has occurred which has resulted in bodily
10 injury to the victim, whether the injury is observable by the
11 responding officer or not; or (iii) that any physical action has
12 occurred which was intended to cause another person reasonably to fear
13 imminent serious bodily injury or death. Bodily injury means physical
14 pain, illness, or an impairment of physical condition. When the
15 officer has probable cause to believe that spouses, former spouses, or
16 other persons who reside together or formerly resided together have
17 assaulted each other, the officer is not required to arrest both
18 persons. The officer shall arrest the person whom the officer believes
19 to be the primary physical aggressor. In making this determination,
20 the officer shall make every reasonable effort to consider: (i) The
21 intent to protect victims of domestic violence under RCW 10.99.010;
22 (ii) the comparative extent of injuries inflicted or serious threats
23 creating fear of physical injury; and (iii) the history of domestic
24 violence between the persons involved.

25 (3) Any police officer having probable cause to believe that a
26 person has committed or is committing a violation of any of the
27 following traffic laws shall have the authority to arrest the person:

28 (a) RCW 46.52.010, relating to duty on striking an unattended car
29 or other property;

1 (b) RCW 46.52.020, relating to duty in case of injury to or death
2 of a person or damage to an attended vehicle;

3 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
4 racing of vehicles;

5 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
6 influence of intoxicating liquor or drugs;

7 (e) RCW 46.20.342, relating to driving a motor vehicle while
8 operator's license is suspended or revoked;

9 (f) RCW 46.61.525, relating to operating a motor vehicle in a
10 negligent manner.

11 (4) A law enforcement officer investigating at the scene of a motor
12 vehicle accident may arrest the driver of a motor vehicle involved in
13 the accident if the officer has probable cause to believe that the
14 driver has committed in connection with the accident a violation of any
15 traffic law or regulation.

16 (5) Any police officer having probable cause to believe that a
17 person has committed or is committing a violation of RCW 88.02.095
18 shall have the authority to arrest the person.

19 (6) An officer may act upon the request of a law enforcement
20 officer in whose presence a traffic infraction was committed, to stop,
21 detain, arrest, or issue a notice of traffic infraction to the driver
22 who is believed to have committed the infraction. The request by the
23 witnessing officer shall give an officer the authority to take
24 appropriate action under the laws of the state of Washington.

25 (7) Any police officer having probable cause to believe that a
26 person has committed or is committing any act of indecent exposure, as
27 defined in RCW 9A.88.010, may arrest the person.

28 (8) A police officer may arrest and take into custody, pending
29 release on bail, personal recognizance, or court order, a person
30 without a warrant when the officer has probable cause to believe that

1 an order has been issued of which the person has knowledge under
2 chapter 10.14 RCW and the person has violated the terms of that order.

3 (9) A police officer having probable cause to believe that a person
4 illegally possesses a firearm or other dangerous weapon on private or
5 public elementary or secondary school premises shall have the authority
6 to arrest the person.

7 (10) Except as specifically provided in subsections (2), (3), (4),
8 and (6) of this section, nothing in this section extends or otherwise
9 affects the powers of arrest prescribed in Title 46 RCW.

10 ((~~10~~)) (11) No police officer may be held criminally or civilly
11 liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the
12 police officer acts in good faith and without malice."

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16 On page 1, line 1 of the title, after "warrant;" strike the
17 remainder of the title and insert "and amending RCW 10.31.100."