

SENATE BILL REPORT

SB 5791

As Reported By Senate Committee On:
Judiciary, February 26, 2001

Title: An act relating to actions and proceedings for damages brought against law enforcement officers.

Brief Description: Paying for certain actions and proceedings for damages brought against law enforcement officers.

Sponsors: Senators Kline, Sheahan, Patterson, McCaslin, Constantine, Johnson, Costa, Kohl-Welles, Deccio, Roach and Winsley.

Brief History:

Committee Activity: Judiciary: 2/2/01, 2/26/01 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5791 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: When an action for damages is brought against a past or present officer, employee, or volunteer of a local government entity arising from acts or omissions while performing his or her official duties, the person may request the local governmental entity to defend the action. The request must be granted if the local governmental entity finds that the person was acting, or purporting to act, within the scope of their official duties. The necessary expenses of defending the action and any award of nonpunitive damages are then paid by the local governmental entity. The local governmental entity may, pursuant to ordinance or resolution, also agree to pay any punitive damages that are awarded.

Summary of Substitute Bill: When a law enforcement officer makes a request for defense to an action for damages, the determination of whether the officer was acting, or purporting to act, within the scope of his or her official duties must be made within 60 days. If the request is granted, the necessary expenses of defending the action and all damages are then paid by the local governmental entity.

Approval of the legislative authority to cover the cost of defense may be rescinded or revoked if the acts are not found to be in good faith or within the scope of duties. An executive session of the legislative authority is conducted to determine if a request for defense is granted and the records used to decide whether to grant a request for defense are not subject to public disclosure. The final action is done in public session.

Substitute Bill Compared to Original Bill: Approval of the legislative authority to cover the cost of defense may be rescinded or revoked. An executive session of the legislative authority is conducted to determine if a request for defense is granted. Records used in the decision are not subject to public disclosure. The final action is done in public session.

Appropriation: None.

Fiscal Note: Requested on January 31, 2001.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Defending these lawsuits affects law enforcement officers physically and mentally. Sixty days to make a decision is a realistic time frame.

Testimony Against: Sixty days does not allow for enough investigation time.

Testified: PRO: Lance Ladines, Washington State Patrol Troopers Association; Bill Hanson, WACOPS; CONCERNS: Paul Chasco, Association of Washington Cities.