

SB 6357 - H AMD

By Representative Carrell

1 On page 2, after line 25, insert the following:

2 "Sec. 2. RCW 4.24.420 and 1987 c 212 s 901 are each amended to
3 read as follows:

4 It is a complete defense to any action for damages for personal
5 injury or wrongful death that the person injured or killed was
6 engaged in the commission of a felony or of criminal trespass at
7 the time of the occurrence causing the injury or death and the
8 felony or criminal trespass was a proximate cause of the injury or
9 death. However, nothing in this section shall affect a right of
10 action under 42 U.S.C. Sec. 1983, nor shall anything in this
11 section affect a right of action under the common law doctrine of
12 attractive nuisance when the only offense committed or intended to
13 be committed is criminal trespass."

14 Correct the title.

EFFECT: Provides that, in any personal injury or wrongful death civil action, it is a defense that the person injured or killed was engaged in criminal trespass at the time and the criminal trespass is the proximate cause of the injury or death; Specifies that the defense does not apply to attractive nuisance actions if the only offense committed or intended to be committed was criminal trespass.