

HB 1226 - H AMD 14

By Representative Klippert

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 10.31.100 and 2014 c 202 s 307, 2014 c 100 s 2, and
4 2014 c 5 s 1 are each reenacted and amended to read as follows:

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

12 (1) Any police officer having probable cause to believe that a
13 person has committed or is committing a misdemeanor or gross
14 misdemeanor, involving physical harm or threats of harm to any person
15 or property or the unlawful taking of property or involving the use
16 or possession of cannabis, or involving the acquisition, possession,
17 or consumption of alcohol by a person under the age of twenty-one
18 years under RCW 66.44.270, or involving criminal trespass under RCW
19 9A.52.070 or 9A.52.080, shall have the authority to arrest the
20 person.

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

25 (a) An order has been issued of which the person has knowledge
26 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09,
27 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the
28 person has violated the terms of the order restraining the person
29 from acts or threats of violence, or restraining the person from
30 going onto the grounds of or entering a residence, workplace, school,
31 or day care, or prohibiting the person from knowingly coming within,
32 or knowingly remaining within, a specified distance of a location or,
33 in the case of an order issued under RCW 26.44.063, imposing any
34 other restrictions or conditions upon the person; or

1 (b) A foreign protection order, as defined in RCW 26.52.010, has
2 been issued of which the person under restraint has knowledge and the
3 person under restraint has violated a provision of the foreign
4 protection order prohibiting the person under restraint from
5 contacting or communicating with another person, or excluding the
6 person under restraint from a residence, workplace, school, or day
7 care, or prohibiting the person from knowingly coming within, or
8 knowingly remaining within, a specified distance of a location, or a
9 violation of any provision for which the foreign protection order
10 specifically indicates that a violation will be a crime; or

11 (c) The person is (~~sixteen~~) eighteen years or older and within
12 the preceding four hours has assaulted a family or household member
13 as defined in RCW 10.99.020 and the officer believes: (i) A felonious
14 assault has occurred; (ii) an assault has occurred which has resulted
15 in bodily injury to the victim, whether the injury is observable by
16 the responding officer or not; or (iii) that any physical action has
17 occurred which was intended to cause another person reasonably to
18 fear imminent serious bodily injury or death. Bodily injury means
19 physical pain, illness, or an impairment of physical condition. When
20 the officer has probable cause to believe that family or household
21 members have assaulted each other, the officer is not required to
22 arrest both persons. The officer shall arrest the person whom the
23 officer believes to be the primary physical aggressor. In making this
24 determination, the officer shall make every reasonable effort to
25 consider: (~~(i)~~) (A) The intent to protect victims of domestic
26 violence under RCW 10.99.010; (~~(ii)~~) (B) the comparative extent of
27 injuries inflicted or serious threats creating fear of physical
28 injury; and (~~(iii)~~) (C) the history of domestic violence of each
29 person involved, including whether the conduct was part of an ongoing
30 pattern of abuse.

31 (3) Any police officer shall arrest a person who is sixteen or
32 seventeen years old and within the preceding four hours has assaulted
33 a family or household member as defined in RCW 10.99.020 and the
34 officer believes: (a) A felonious assault has occurred; or (b) that
35 any physical action has occurred which was intended to cause another
36 person reasonably to fear imminent serious bodily injury or death.

37 (4)(a) Any police officer may arrest a person who is sixteen or
38 seventeen years old and within the preceding four hours has assaulted
39 a family or household member as defined in RCW 10.99.020 and the
40 officer believes: (i) A misdemeanor assault has occurred; or (ii) an

1 assault has occurred that has resulted in bodily injury to the
2 victim, whether the injury is observable by the responding officer or
3 not.

4 (b) In making the determination to arrest under (a) of this
5 subsection, the officer shall consider: (i) The intent to protect
6 victims of domestic violence under RCW 10.99.010; (ii) the extent of
7 injuries inflicted or serious threats creating fear of physical
8 injury; and (iii) the history of domestic violence or stalking of
9 each person involved, including whether the conduct was part of an
10 ongoing pattern of abuse.

11 (5) Any police officer having probable cause to believe that a
12 person has committed or is committing a violation of any of the
13 following traffic laws shall have the authority to arrest the person:

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

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

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

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

22 (e) RCW 46.61.503 or 46.25.110, relating to persons having
23 alcohol or THC in their system;

24 (f) RCW 46.20.342, relating to driving a motor vehicle while
25 operator's license is suspended or revoked;

26 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
27 negligent manner.

28 ~~((4))~~ (6) A law enforcement officer investigating at the scene
29 of a motor vehicle accident may arrest the driver of a motor vehicle
30 involved in the accident if the officer has probable cause to believe
31 that the driver has committed in connection with the accident a
32 violation of any traffic law or regulation.

33 ~~((5))~~ (7)(a) A law enforcement officer investigating at the
34 scene of a motor vessel accident may arrest the operator of a motor
35 vessel involved in the accident if the officer has probable cause to
36 believe that the operator has committed, in connection with the
37 accident, a criminal violation of chapter 79A.60 RCW.

38 (b) A law enforcement officer investigating at the scene of a
39 motor vessel accident may issue a citation for an infraction to the
40 operator of a motor vessel involved in the accident if the officer

1 has probable cause to believe that the operator has committed, in
2 connection with the accident, a violation of any boating safety law
3 of chapter 79A.60 RCW.

4 ~~((+6))~~ (8) Any police officer having probable cause to believe
5 that a person has committed or is committing a violation of RCW
6 79A.60.040 shall have the authority to arrest the person.

7 ~~((+7))~~ (9) An officer may act upon the request of a law
8 enforcement officer in whose presence a traffic infraction was
9 committed, to stop, detain, arrest, or issue a notice of traffic
10 infraction to the driver who is believed to have committed the
11 infraction. The request by the witnessing officer shall give an
12 officer the authority to take appropriate action under the laws of
13 the state of Washington.

14 ~~((+8))~~ (10) Any police officer having probable cause to believe
15 that a person has committed or is committing any act of indecent
16 exposure, as defined in RCW 9A.88.010, may arrest the person.

17 ~~((+9))~~ (11) A police officer may arrest and take into custody,
18 pending release on bail, personal recognizance, or court order, a
19 person without a warrant when the officer has probable cause to
20 believe that an order has been issued of which the person has
21 knowledge under chapter 10.14 RCW and the person has violated the
22 terms of that order.

23 ~~((+10))~~ (12) Any police officer having probable cause to believe
24 that a person has, within twenty-four hours of the alleged violation,
25 committed a violation of RCW 9A.50.020 may arrest such person.

26 ~~((+11))~~ (13) A police officer having probable cause to believe
27 that a person illegally possesses or illegally has possessed a
28 firearm or other dangerous weapon on private or public elementary or
29 secondary school premises shall have the authority to arrest the
30 person.

31 For purposes of this subsection, the term "firearm" has the
32 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
33 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

34 ~~((+12))~~ (14) A law enforcement officer having probable cause to
35 believe that a person has committed a violation under RCW
36 77.15.160(4) may issue a citation for an infraction to the person in
37 connection with the violation.

38 ~~((+13))~~ (15) A law enforcement officer having probable cause to
39 believe that a person has committed a criminal violation under RCW

1 77.15.809 or 77.15.811 may arrest the person in connection with the
2 violation.

3 ~~((14))~~ (16) Except as specifically provided in subsections (2),
4 ~~((3))~~ (5), ~~((4))~~ (6), and ~~((7))~~ (9) of this section, nothing in
5 this section extends or otherwise affects the powers of arrest
6 prescribed in Title 46 RCW.

7 ~~((15))~~ (17) No police officer may be held criminally or civilly
8 liable for making an arrest pursuant to subsection (2) or ~~((9))~~
9 (11) of this section if the police officer acts in good faith and
10 without malice.

11 ~~((16))~~ (18) A police officer shall arrest and keep in custody,
12 until release by a judicial officer on bail, personal recognizance,
13 or court order, a person without a warrant when the officer has
14 probable cause to believe that the person has violated RCW 46.61.502
15 or 46.61.504 or an equivalent local ordinance and the police officer
16 has knowledge that the person has a prior offense as defined in RCW
17 46.61.5055 within ten years."

EFFECT: (1) Requires that a police officer make an arrest of a 16
or 17 year old if within the preceding four hours the officer
believes the individual has committed a misdemeanor assault of a
family or household member or that any physical action has occurred
which was intended to cause another person reasonably to fear
imminent serious bodily injury or death.

(2) Allows an officer to arrest a 16 or 17 year old if within the
preceding four hours the officer believes the individual has
committed a misdemeanor assault of a family or household member or
that an assault has occurred which has resulted in bodily injury to
the victim.

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