
HOUSE BILL 2776

State of Washington

64th Legislature

2016 Regular Session

By Representatives Klippert and Hayes

Read first time 01/20/16. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to clarifying the authority of officers to
2 restrain children when necessary; and amending RCW 9A.16.020 and
3 9A.16.100.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.16.020 and 1986 c 149 s 2 are each amended to
6 read as follows:

7 The use, attempt, or offer to use force upon or toward the person
8 of another is not unlawful in the following cases:

9 (1) Whenever necessarily used by a public officer in the
10 performance of a legal duty, or a person assisting the officer and
11 acting under the officer's direction;

12 (2) Whenever necessarily used by a person arresting one who has
13 committed a felony and delivering him or her to a public officer
14 competent to receive him or her into custody;

15 (3) Whenever used by a party about to be injured, or by another
16 lawfully aiding him or her, in preventing or attempting to prevent an
17 offense against his or her person, or a malicious trespass, or other
18 malicious interference with real or personal property lawfully in his
19 or her possession, in case the force is not more than is necessary;

20 (4) Whenever reasonably used by a person to detain someone who
21 enters or remains unlawfully in a building or on real property

1 lawfully in the possession of such person, so long as such detention
2 is reasonable in duration and manner to investigate the reason for
3 the detained person's presence on the premises, and so long as the
4 premises in question did not reasonably appear to be intended to be
5 open to members of the public;

6 (5) Whenever used by a carrier of passengers or the carrier's
7 authorized agent or servant, or other person assisting them at their
8 request in expelling from a carriage, railway car, vessel, or other
9 vehicle, a passenger who refuses to obey a lawful and reasonable
10 regulation prescribed for the conduct of passengers, if such vehicle
11 has first been stopped and the force used is not more than is
12 necessary to expel the offender with reasonable regard to the
13 offender's personal safety;

14 (6) Whenever used by any person to prevent a mentally ill,
15 mentally incompetent, or mentally disabled person from committing an
16 act dangerous to any person, or in enforcing necessary restraint for
17 the protection or restoration to health of the person, during such
18 period only as is necessary to obtain legal authority for the
19 restraint or custody of the person;

20 (7) Whenever reasonably used by a person acting in his or her
21 official capacity as a law enforcement officer, school resource
22 officer, or school security officer to restrain a person under the
23 age of eighteen if doing so is necessary to prevent the person from
24 endangering the physical safety of himself or herself, the officer,
25 or another person, or from damaging real or personal property.

26 **Sec. 2.** RCW 9A.16.100 and 1986 c 149 s 1 are each amended to
27 read as follows:

28 (1) It is the policy of this state to protect children from
29 assault and abuse and to encourage parents, teachers, and their
30 authorized agents to use methods of correction and restraint of
31 children that are not dangerous to the children. However, the
32 physical discipline of a child is not unlawful when it is reasonable
33 and moderate and is inflicted by a parent, teacher, or guardian for
34 purposes of restraining or correcting the child. Any use of force on
35 a child by any other person is unlawful unless it is reasonable and
36 moderate and is authorized in advance by the child's parent or
37 guardian for purposes of restraining or correcting the child.

38 (2) The following actions are presumed unreasonable when used to
39 correct or restrain a child: ((+1)) (a) Throwing, kicking, burning,

1 or cutting a child; ~~((+2))~~ (b) striking a child with a closed fist;
2 ~~((+3))~~ (c) shaking a child under age three; ~~((+4))~~ (d) interfering
3 with a child's breathing; ~~((+5))~~ (e) threatening a child with a
4 deadly weapon; or ~~((+6))~~ (f) doing any other act that is likely to
5 cause and which does cause bodily harm greater than transient pain or
6 minor temporary marks. The age, size, and condition of the child and
7 the location of the injury shall be considered when determining
8 whether the bodily harm is reasonable or moderate. This list is
9 illustrative of unreasonable actions and is not intended to be
10 exclusive.

11 (3) This section does not prohibit or otherwise modify other
12 lawful uses of force authorized under RCW 9A.16.020.

--- END ---