CERTIFICATION OF ENROLLMENT

**SENATE BILL 6188**

Chapter 265, Laws of 2018

65th Legislature

2018 Regular Session

LAW ENFORCEMENT AGENCY DISCIPLINARY ACTIONS--POTENTIAL IMPEACHMENT LIST

EFFECTIVE DATE: June 7, 2018

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| Passed by the Senate February 9, 2018  Yeas 41 Nays 6  CYRUS HABIB  **President of the Senate**  Passed by the House March 2, 2018  Yeas 98 Nays 0  FRANK CHOPP  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6188** as passed by Senate and the House of Representatives on the dates hereon set forth.  BRAD HENDRICKSON  Secretary |
| Approved March 23, 2018 9:42 AM | March 26, 2018 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SENATE BILL 6188**

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Passed Legislature - 2018 Regular Session

**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Dhingra, O'Ban, Wilson, Van De Wege, and Kuderer

AN ACT Relating to fairness in disciplinary actions of peace officers who appear on a prosecuting attorney's potential impeachment list; adding a new section to chapter 10.93 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The United States supreme court has consistently found that prosecutors have the duty to disclose potentially exculpatory evidence to defense attorneys prior to trial. Some of the information that is being disclosed about government witnesses, often law enforcement officers, has not been substantiated or proven to any degree. This act prohibits a law enforcement agency from taking punitive action against a peace officer solely because the officer's name was placed on a potential impeachment list. This act specifically does not prohibit a law enforcement agency from taking punitive or personnel action against a peace officer based on the underlying acts or omissions for which that officer's name was placed on the list.

NEW SECTION. **Sec.**  A new section is added to chapter 10.93 RCW to read as follows:

A disciplinary action or any other adverse personnel action may not be undertaken by a law enforcement agency against a peace officer solely because that officer's name has been placed on a list maintained by a prosecuting attorney's office of recurring witnesses for whom there is known potential impeachment information, or that the officer's name may otherwise be subject to disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). This section does not prohibit a law enforcement agency from taking disciplinary action or any other adverse personnel action against a peace officer based on the underlying acts or omissions for which that officer's name was placed on a prosecutor-maintained list, or may otherwise be subject to disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), if the actions taken by the law enforcement agency otherwise conform to the rules and procedures adopted by the law enforcement agency as determined through collective bargaining.

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Passed by the Senate February 9, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 23, 2018.

Filed in Office of Secretary of State March 26, 2018.