

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6188**

65th Legislature  
2018 Regular Session

Passed by the Senate February 9, 2018  
Yeas 41 Nays 6

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**President of the Senate**

Passed by the House March 2, 2018  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

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.

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**Secretary**

FILED

**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

Read first time 01/10/18. Referred to Committee on Law & Justice.

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

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

6            NEW SECTION.    **Sec. 1.**    The United States supreme court has  
7 consistently found that prosecutors have the duty to disclose  
8 potentially exculpatory evidence to defense attorneys prior to trial.  
9 Some of the information that is being disclosed about government  
10 witnesses, often law enforcement officers, has not been substantiated  
11 or proven to any degree. This act prohibits a law enforcement agency  
12 from taking punitive action against a peace officer solely because  
13 the officer's name was placed on a potential impeachment list. This  
14 act specifically does not prohibit a law enforcement agency from  
15 taking punitive or personnel action against a peace officer based on  
16 the underlying acts or omissions for which that officer's name was  
17 placed on the list.

18            NEW SECTION.    **Sec. 2.**    A new section is added to chapter 10.93  
19 RCW to read as follows:

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

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