

SHB 2037 - H AMD 983

By Representative Harris-Talley

WITHDRAWN 02/12/2022

1 On page 2, beginning on line 12, beginning with "Therefore,"  
2 strike all material through "and" on line 15 and insert "The current  
3 standard does not ban lawful temporary investigative detentions, also  
4 known as Terry stops. A peace officer maintains the authority to use  
5 physical force when there is probable cause to arrest a person for a  
6 criminal offense, regardless of whether a person is ultimately charged  
7 for the offense. Since 1990, Washington courts have held that fleeing  
8 a lawful temporary investigative detention justifies an arrest for the  
9 crime of obstructing a law enforcement officer under RCW 9A.76.020.  
10 See *State v. Hudson*, 56 Wn. App. 490 (1990). Therefore, the  
11 legislature recognizes that a peace officer can already use physical  
12 force to prevent a person from intentionally fleeing a lawful  
13 investigative detention. Further, the legislature also intends to  
14 provide the authority to use physical force"

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EFFECT: Modifies intent language by providing that: the current standard for use of force by peace officers does not ban lawful temporary investigative detentions, also known as Terry stops; a peace officer maintains the authority to use physical force when there is probable cause to arrest a person for a criminal offense, regardless of whether a person is ultimately charged for the offense; since 1990, Washington courts have held that fleeing a lawful temporary investigative detention may warrant an arrest for the crime of obstructing a law enforcement officer under RCW 9A.76.020; and the Legislature, therefore, recognizes that a peace officer can already use physical force to prevent a person from intentionally fleeing a lawful investigative detention.

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