

ESSB 5263 - H AMD 564

By Representative Abbarno

NOT ADOPTED 04/08/2021

1 On page 1, line 14, after "(2)" strike "In" and insert "Except as
2 provided in subsection (3) of this section, in"

3
4 On page 1, after line 20, insert the following:
5 "(3) In an action arising out of law enforcement activities
6 resulting in personal injury or death, if the person injured or killed
7 was armed with a dangerous weapon, it is a complete defense to the
8 action that the person injured or killed was engaged in the commission
9 of a felony at the time of the occurrence causing the injury or death
10 and the felony was a proximate cause of the injury or death.

11 (4) For purposes of this section, "dangerous weapon" means any
12 firearm, explosive as defined in RCW 70.74.010, or any weapon of the
13 kind usually known as slungshot, sand club, or metal knuckles, or any
14 knife, dagger, dirk, or other similar weapon that is capable of
15 causing death or bodily injury and is commonly used with the intent to
16 cause death or bodily injury."

17
18 Renumber the remaining subsections consecutively and correct any
19 internal references accordingly.

EFFECT: Limits the heightened "beyond a reasonable doubt" standard for proving the elements of the felony bar affirmative defense such that the heightened standard will not apply when the person injured or killed was armed with a dangerous weapon.

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