E2SHB 1310 - S AMD TO S AMD (S-2618.1/21) **787**
    By Senator Padden

PULLED 04/10/2021

1   On page 5, after line 12, insert the following:

2   "<u>NEW SECTION.</u> **Sec. 7.** (1) A law enforcement agency may not use
3   or authorize its peace officers or other employees to use tear gas
4   unless necessary to alleviate a present risk of serious harm posed by
5   a: (a) Riot; (b) barricaded subject; or (c) hostage situation.
6   (2) Prior to deploying tear gas as authorized under subsection
7   (1) of this section, the officer or employee shall:
8   (a) Exhaust alternatives to the use of tear gas that are
9   available and appropriate under the circumstances;
10   (b) Obtain authorization to use tear gas from the supervising
11   officer, who must determine whether the present circumstances warrant
12   the use of tear gas and whether available and appropriate
13   alternatives have been exhausted as provided under this section;
14   (c) Announce to the subject or subjects the intent to use tear
15   gas; and
16   (d) Allow sufficient time and space for the subject or subjects
17   to comply with the officer's or employee's directives.
18   (3) For the purposes of this section:
19   (a) "Barricaded subject" means an individual who is the focus of
20   a law enforcement intervention effort, has taken a position in a
21   physical location that does not allow immediate law enforcement
22   access, and is refusing law enforcement orders to exit.
23   (b) "Hostage situation" means a scenario in which a person is
24   being held against his or her will by an armed, potentially armed, or
25   otherwise dangerous suspect.
26   (c) "Tear gas" means chloroacetophenone (CN), O chlorobenzylidene
27   malononitrile (CS), and any similar chemical irritant dispersed in
28   the air for the purpose of producing temporary physical discomfort or
29   permanent injury, except "tear gas" does not include oleoresin
30   capsicum (OC)."

31   Renumber the remaining sections consecutively and correct any
32   internal references accordingly.

<u>EFFECT:</u> Clarifies permissible use of force regarding tear gas.

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