

ESSB 6009 - H AMD 1129

By Representative Mena

ADOPTED 02/28/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds it is imperative
4 that our criminal justice systems, including the law enforcement
5 profession, must secure public trust and ensure accountability. In
6 order to do so, the legislature finds that it is important to
7 discontinue practices and tactics that dehumanize and create
8 unnecessary risk of harm and/or death to the people they serve.
9 Additionally, it is important that law enforcement is using up-to-
10 date tactics that come with adequate training from the criminal
11 justice training commission to ensure continuity and oversight in the
12 standards applied across the profession. This includes tactics that
13 comply with the model use of force policies put forward by our
14 state's attorney general.

15 The legislature finds that, in the quest to ensure that all
16 communities are and feel safe, it is important to take guidance from
17 published model policies, comport with statewide standards and
18 training on restraint tactics, and prohibit hog-tying and other
19 similar tactics that are inhumane, outdated, and have led to the
20 unnecessary loss of human life.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.116
22 RCW to read as follows:

23 (1) A peace officer is prohibited from:

24 (a) Hog-tying a person; or

25 (b) Assisting in putting a person into a hog-tie.

26 (2) Hog-tying shall constitute the use of excessive force for the
27 purposes of RCW 10.93.190.

28 (3) This section shall not be interpreted to prohibit the use of
29 any other alternative restraint product or device that is
30 administered to reduce the incidence of respiratory fatigue or

1 positional asphyxia if such restraint product or device does not
2 violate this section.

3 (4) For purposes of this section, "hog-tie" or "hog-tying" means
4 fastening together bound or restrained ankles to bound or restrained
5 wrists. "Hog-tie" or "hog-tying" does not include the following:

6 (a) Use of transport chains or waist chains to transport
7 prisoners; or

8 (b) Use of a product or device that does not require bound or
9 restrained ankles to be fastened together to bound or restrained
10 wrists."

11 Correct the title.

EFFECT: Clarifies that prohibitions on hog-tying shall not be interpreted to prohibit the use of any other alternative restraint product or device that is administered to reduce the incidence of respiratory fatigue or positional asphyxia if such product or device does not violate the prohibitions on hog-tying.

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