# FINAL BILL REPORT
# HB 1635

**C 305 L 24**

Synopsis as Enacted

**Brief Description:** Limiting liability arising from the use of trained police dogs.

**Sponsors:** Representatives Mosbrucker, Walsh and Eslick.

**House Committee on Community Safety, Justice, & Reentry**
**Senate Committee on Law & Justice**

### Background:

In 2021 the Legislature required the Criminal Justice Training Commission (CJTC) to convene a work group to develop a model policy for the training and use of canine teams. Canine teams must be certified according to the CJTC's adopted standards, including knowledge of and compliance with the CJTC's model policy. The CJTC's model policy includes the following:

- canine certification training requirements;
- considerations of canine deployment;
- appropriate canine deployment;
- strategies for minimizing law enforcement canine bites;
- circumstances where a canine handler should consider the use of tactics other than deploying a canine;
- prohibited use of a police canine;
- use of canines to apprehend suspects;
- agency canine team reporting protocols;
- circumstances that would warrant the decertification of canine teams; and
- circumstances where the use of voluntary canines and canine handlers may be appropriate.

Performance standards for certification vary depending on the canine team's intended use. For example, narcotics detection teams are subject to specific evaluations and performance testing with their assigned duty canine, including testing whether the canine is able to specifically pinpoint the odors of heroin, cocaine, and methamphetamine.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

A law enforcement officer who has successfully completed training in police dog handling as prescribed by the CJTC and who uses a police dog in the line of duty in good faith is immune from civil action for damages arising from use of the police dog.  A "police dog" is a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

**Summary:**

By July 1, 2025, the Criminal Justice Training Commission (CJTC) must develop model standards for the training and certification of canine teams to detect fentanyl.  When developing the model standards, the CJTC must consult with:
- experts that train canines to imprint on controlled substances;
- law enforcement or correctional agencies that use canines to detect controlled substances;
- experts on the training of canines for use by law enforcement; and
- to the extent reasonably available, licensed medical professionals and veterinarians with specified expertise in minimizing exposure to opioids and their derivatives, detecting clinical signs of such exposure, and intervening with timely and appropriate treatment.

The statutory provision granting civil immunity to trained law enforcement officers who use a police dog is expanded to also provide that a state or local government or law enforcement agency is not strictly liable for damages resulting from the lawful application of a police dog.

**Votes on Final Passage:**

House     97     0

Senate     49     0     (Senate amended)

House     96     0     (House concurred)

**Effective:**  June 6, 2024