

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5066

Chapter 321, Laws of 2021

67th Legislature
2021 Regular Session

PEACE OFFICERS—DUTY TO INTERVENE

EFFECTIVE DATE: July 25, 2021

Passed by the Senate April 20, 2021
Yeas 31 Nays 18

DENNY HECK

President of the Senate

Passed by the House April 7, 2021
Yeas 71 Nays 27

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 18, 2021 11:46 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5066** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 18, 2021

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5066

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Das, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford, and Wilson, C.)

READ FIRST TIME 01/22/21.

1 AN ACT Relating to a peace officer's duty to intervene; adding a
2 new section to chapter 10.93 RCW; and adding a new section to chapter
3 43.101 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93
6 RCW to read as follows:

7 (1) Any identifiable on-duty peace officer who witnesses another
8 peace officer engaging or attempting to engage in the use of
9 excessive force against another person shall intervene when in a
10 position to do so to end the use of excessive force or attempted use
11 of excessive force, or to prevent the further use of excessive force.
12 A peace officer shall also render aid at the earliest safe
13 opportunity in accordance with RCW 36.28A.445, to any person injured
14 as a result of the use of force.

15 (2) Any identifiable on-duty peace officer who witnesses any
16 wrongdoing committed by another peace officer, or has a good faith
17 reasonable belief that another peace officer committed wrongdoing,
18 shall report such wrongdoing to the witnessing officer's supervisor
19 or other supervisory peace officer in accordance with the witnessing
20 peace officer's employing agency's policies and procedures for
21 reporting such acts committed by a peace officer.

1 (3) A member of a law enforcement agency shall not discipline or
2 retaliate in any way against a peace officer for intervening in good
3 faith or for reporting wrongdoing in good faith as required by this
4 section.

5 (4) A law enforcement agency shall send notice to the criminal
6 justice training commission of any disciplinary decision resulting
7 from a peace officer's failure to intervene or failure to report as
8 required by this section to determine whether the officer's conduct
9 may be grounds for suspension or revocation of certification under
10 RCW 43.101.105.

11 (5) For purposes of this section:

12 (a) "Excessive force" means force that exceeds the force
13 permitted by law or policy of the witnessing officer's agency.

14 (b) "Peace officer" refers to any general authority Washington
15 peace officer.

16 (c) "Wrongdoing" means conduct that is contrary to law or
17 contrary to the policies of the witnessing officer's agency, provided
18 that the conduct is not de minimis or technical in nature.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101
20 RCW to read as follows:

21 (1) By December 1, 2021, the Washington state criminal justice
22 training commission, in consultation with the Washington state
23 patrol, the Washington association of sheriffs and police chiefs, and
24 organizations representing state and local law enforcement officers,
25 shall develop a written model policy on the duty to intervene,
26 consistent with the provisions of section 1 of this act.

27 (2) By June 1, 2022, every state, county, and municipal law
28 enforcement agency shall adopt and implement a written duty to
29 intervene policy. The policy adopted may be the model policy
30 developed under subsection (1) of this section. However, any policy
31 adopted must, at a minimum, be consistent with the provisions of
32 section 1 of this act.

33 (3) By January 31, 2022, the commission shall incorporate
34 training on the duty to intervene in the basic law enforcement
35 training curriculum. Peace officers who completed basic law
36 enforcement training prior to January 31, 2022, must receive training
37 on the duty to intervene by December 31, 2023.

Passed by the Senate April 20, 2021.
Passed by the House April 7, 2021.

Approved by the Governor May 18, 2021.
Filed in Office of Secretary of State May 18, 2021.

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