

Comparison of House, Senate, and Proposed Conference Committee Version of ESHB 1054

Brief Summary:

Establishes parameters and requirements for law enforcement tactics and equipment including:

- Chokeholds and neck restraints;
- Training and use of canine teams;
- Use of tear gas;
- Acquisition of military equipment;
- Vehicular pursuits and firing upon moving vehicles;
- No knock warrants.

Topic	House Version (ESHB 1054)	Senate Version (S-2234.E) (As Passed Senate on 4/6/2021)	Proposed Conference Striking Amendment (S-2968.3)
Authorized use of tear gas - Section 4			
Situations when tear gas may be used Section 4(1)	May only be used as necessary to alleviate a present risk of serious harm posed by a riot, barricaded subject, or hostage situation.	May only be used as necessary to alleviate a present risk of serious harm posed by a riot <u>inside a correctional, jail, or detention facility</u> ; barricaded subject; or hostage situation.	House language retained. Page 3, line 11
Prior to deploying tear gas, the officer or employee must: Section 4(2)	(1) Exhaust available and appropriate alternatives; (2) Obtain authorization from the chief law enforcement officer; (3) Announce the intent to use tear gas; (4) Allow sufficient time and space for subjects to comply; (5) Announce the intent to use tear gas a second time.	(1) Exhaust available and appropriate alternatives; (2) Obtain authorization from <u>a supervising officer</u> ; (3) Announce the intent to use tear gas; (4) Allow sufficient time and space for subjects to comply.	Senate language retained.

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Additional requirements	Not included	Not included	In the case of a riot outside of a correctional, jail, or detention facility, the officer or employee may use tear gas only after: (a) Receiving authorization from the highest elected official of the jurisdiction in which the tear gas is to be used, and (b) meeting the requirements of subsection (2) of this section. Page 3, line 24
Defined terms. Section 4(3)	Defines "chief law enforcement officer" and "tear gas."	Defines "barricaded subject," "hostage situation," and "tear gas."	Senate language retained with added definition of "highest elected official" Page 3, line 34
Acquisition of military equipment - Section 5			
Inventory Section 5(2)	Not addressed	Requires law enforcement agencies to compile an inventory of military equipment and provide the inventory to WASPC no later than November 1, 2021.	Senate language retained.
Definition of "military equipment" Section 5(3)	Includes firearms and ammunition .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft tanks, mine resistant ambush protected vehicles, long range acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, missiles, directed energy systems, and electromagnetic spectrum weapons.	Removes "mine resistant ambush protected vehicles" from definition.	Senate language retained.
Vehicular pursuits - Section 7			

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A peace officer may not engage in a vehicular pursuit, unless:			
Section 7(1)(a)	There is probable cause to believe a person has committed or is committing a violent offense or sex offense.	(i) There is probable cause to believe a person has committed or is committing a violent offense, sex offense, <u>or escape; or</u> (ii) <u>There is reasonable suspicion a person has committed or is committing a driving under the influence offense.</u>	Senate language retained.
Section 7(1)(b)	The pursuit is necessary for the purpose of identifying or apprehending the person;	Unchanged	Senate language retained.
Section 7(1)(c)	Under the circumstances, the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks associated with the vehicular pursuit;	<u>The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances;</u>	Senate language retained.

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Section 7(1)(d)	The officer has received authorization to engage in the pursuit from a supervising officer, there is supervisory control of the pursuit, and the supervisor considers relevant factors affecting public safety such as whether there are minors present in the vehicle.	<p>(i) The officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer, in consultation with the supervising officer, must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather traffic, road conditions, and the known presence of minors in the vehicle. The pursuit must be terminated if any of the requirements are not met.</p> <p>(ii) For jurisdictions with fewer than 10 officers, the officer must request an on-call supervisor be notified of the pursuit. The officer is responsible for considering alternatives and safety considerations.</p>	Senate language retained.
<p>Coordination with other vehicles</p> <p>Section 7(2)</p>	Not addressed	A pursuing officer must comply with agency procedures for designating the primary pursuit vehicle and the appropriate number of vehicles permitted to participate in the pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments.	Senate language retained.

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Definition of "vehicular pursuit" Section 7(4)	Not defined.	Definition included.	Senate language retained.