
SENATE BILL 5589

State of Washington 64th Legislature 2015 Regular Session

By Senators O'Ban, Pedersen, Pearson, and Roach

Read first time 01/26/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to fairness in disciplinary actions of peace
2 officers who appear on a prosecuting attorney's potential impeachment
3 list; adding a new section to chapter 10.93 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The United States supreme court has
7 consistently found that prosecutors have the duty to disclose
8 potentially exculpatory evidence to defense attorneys prior to trial.
9 Some of the information that is being disclosed about government
10 witnesses, often law enforcement officers, has not been substantiated
11 or proven to any degree. This act prohibits a law enforcement agency
12 from taking punitive action against a peace officer solely because
13 the officer's name was placed on a potential impeachment list. This
14 act specifically does not prohibit a law enforcement agency from
15 taking punitive or personnel action against a peace officer based on
16 the underlying acts or omissions for which that officer's name was
17 placed on the list.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.93
19 RCW to read as follows:

1 A disciplinary action or any other adverse personnel action may
2 not be undertaken by a law enforcement agency against a peace officer
3 solely because that officer's name has been placed on a list
4 maintained by a prosecuting attorney's office of recurring witnesses
5 for whom there is known potential impeachment information, or that
6 the officer's name may otherwise be subject to disclosure pursuant to
7 *Brady v. Maryland*, 373 U.S. 83 (1963). This section does not prohibit
8 a law enforcement agency from taking disciplinary action or any other
9 adverse personnel action against a peace officer based on the
10 underlying acts or omissions for which that officer's name was placed
11 on a prosecutor-maintained list, or may otherwise be subject to
12 disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), if the
13 actions taken by the law enforcement agency otherwise conform to the
14 rules and procedures adopted by the law enforcement agency as
15 determined through collective bargaining.

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