
ENGROSSED HOUSE BILL 1574

State of Washington

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By Representatives Macri, Davis, Parshley, Mena, Goodman, Simmons, Ormsby, Scott, Doglio, Pollet, Salahuddin, Reed, Nance, and Kloba

Read first time 01/24/25. Referred to Committee on Community Safety.

1 AN ACT Relating to protecting access to life-saving care and
2 substance use services; and amending RCW 69.50.315, 10.31.100, and
3 69.50.4121.

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

5 **Sec. 1.** RCW 69.50.315 and 2015 c 205 s 4 are each amended to
6 read as follows:

7 (1) ((A)) Notwithstanding any other provision of law, a person
8 acting in good faith who seeks medical assistance for someone
9 experiencing a drug-related overdose (~~shall not be charged or~~
10 ~~prosecuted for possession of a controlled substance pursuant to RCW~~
11 ~~69.50.4013, or penalized under RCW 69.50.4014, if the evidence for~~
12 ~~the charge of possession of a controlled substance was obtained as a~~
13 ~~result of the person seeking medical assistance.~~

14 ~~(2) A person)~~ or who experiences a drug-related overdose and is
15 in need of medical assistance (~~shall~~) may not be arrested, charged
16 (~~or~~), prosecuted, or convicted for possession or use of a
17 controlled substance pursuant to RCW 69.50.4013, or penalized under
18 RCW 69.50.4014, if the evidence for the charge of possession or use
19 of a controlled substance was obtained as a result of the overdose
20 and the need for medical assistance.

1 (2)(a) Notwithstanding any other provision of law, a person
2 acting in good faith who seeks medical assistance for someone
3 experiencing a drug-related overdose or who experiences a drug-
4 related overdose and is in need of medical assistance may not:

5 (i) Have their property subject to civil forfeiture, except for
6 items in plain sight; or

7 (ii) Be penalized for:

8 (A) Violation of a restraining order, no contact order, or
9 protection order;

10 (B) Violation of probation or parole; or

11 (C) Failing to appear for an existing nonviolent, nonsexual
12 charge.

13 (b) The protections in (a) of this subsection only apply if the
14 property that would be subject to civil forfeiture or the evidence
15 for the possible charge of such a violation was obtained as a result
16 of the overdose and the need for medical assistance.

17 (3) Nothing in this section prohibits a peace officer from
18 lawfully detaining a person without making an arrest.

19 (4) The protection in this section from prosecution for
20 possession crimes under RCW 69.50.4013 shall not be grounds for
21 suppression of evidence in other criminal charges, except as provided
22 in subsection (2) of this section.

23 (5) Peace officers as defined in RCW 43.101.010 and their
24 employing agencies are immune from liability, including from
25 revocation of certification under RCW 43.101.105, for any conduct
26 taken or policy adopted in compliance with this section, unless such
27 action or inaction is taken in bad faith or with deliberate
28 indifference or gross negligence.

29 **Sec. 2.** RCW 10.31.100 and 2023 c 462 s 702 are each amended to
30 read as follows:

31 A police officer having probable cause to believe that a person
32 has committed or is committing a felony shall have the authority to
33 arrest the person without a warrant. A police officer may arrest a
34 person without a warrant for committing a misdemeanor or gross
35 misdemeanor only when the offense is committed in the presence of an
36 officer, except as provided in subsections (1) through (11) of this
37 section.

38 (1) Any police officer having probable cause to believe that a
39 person has committed or is committing a misdemeanor or gross

1 misdemeanor, involving physical harm or threats of harm to any person
2 or property or the unlawful taking of property or involving the use
3 or possession of cannabis, or involving the acquisition, possession,
4 or consumption of alcohol by a person under the age of twenty-one
5 years under RCW 66.44.270, or involving criminal trespass under RCW
6 9A.52.070 or 9A.52.080, shall have the authority to arrest the
7 person.

8 (2) ((A)) Except as provided in RCW 69.50.315, a police officer
9 shall arrest and take into custody, pending release on bail, personal
10 recognizance, or court order, a person without a warrant when the
11 officer has probable cause to believe that:

12 (a) A domestic violence protection order, a sexual assault
13 protection order, a stalking protection order, or a vulnerable adult
14 protection order has been issued, of which the person has knowledge,
15 under chapter 7.105 RCW, or an order has been issued, of which the
16 person has knowledge, under RCW 26.44.063, or chapter 9A.40, 9A.46,
17 9A.88, 10.99, 26.09, 26.26A, 26.26B, or 74.34 RCW, or any of the
18 former chapters 7.90, 7.92, and 26.50 RCW, restraining the person and
19 the person has violated the terms of the order restraining the person
20 from acts or threats of violence, or restraining the person from
21 going onto the grounds of, or entering, a residence, workplace,
22 school, or day care, or prohibiting the person from knowingly coming
23 within, or knowingly remaining within, a specified distance of a
24 location, a protected party's person, or a protected party's vehicle,
25 or requiring the person to submit to electronic monitoring, or, in
26 the case of an order issued under RCW 26.44.063, imposing any other
27 restrictions or conditions upon the person;

28 (b) An extreme risk protection order has been issued against the
29 person under chapter 7.105 RCW or former RCW 7.94.040, the person has
30 knowledge of the order, and the person has violated the terms of the
31 order prohibiting the person from having in the person's custody or
32 control, purchasing, possessing, accessing, or receiving a firearm or
33 concealed pistol license;

34 (c) A foreign protection order, as defined in RCW 26.52.010, or a
35 Canadian domestic violence protection order, as defined in RCW
36 26.55.010, has been issued of which the person under restraint has
37 knowledge and the person under restraint has violated a provision of
38 the foreign protection order or the Canadian domestic violence
39 protection order prohibiting the person under restraint from
40 contacting or communicating with another person, or excluding the

1 person under restraint from a residence, workplace, school, or day
2 care, or prohibiting the person from knowingly coming within, or
3 knowingly remaining within, a specified distance of a location, a
4 protected party's person, or a protected party's vehicle, or a
5 violation of any provision for which the foreign protection order or
6 the Canadian domestic violence protection order specifically
7 indicates that a violation will be a crime; or

8 (d) The person is eighteen years or older and within the
9 preceding four hours has assaulted a family or household member or
10 intimate partner as defined in RCW 10.99.020 and the officer
11 believes: (i) A felonious assault has occurred; (ii) an assault has
12 occurred which has resulted in bodily injury to the victim, whether
13 the injury is observable by the responding officer or not; or (iii)
14 that any physical action has occurred which was intended to cause
15 another person reasonably to fear imminent serious bodily injury or
16 death. Bodily injury means physical pain, illness, or an impairment
17 of physical condition. When the officer has probable cause to believe
18 that family or household members or intimate partners have assaulted
19 each other, the officer is not required to arrest both persons. The
20 officer shall arrest the person whom the officer believes to be the
21 primary aggressor. In making this determination, the officer shall
22 make every reasonable effort to consider: (A) The intent to protect
23 victims of domestic violence under RCW 10.99.010; (B) the comparative
24 extent of injuries inflicted or serious threats creating fear of
25 physical injury; and (C) the history of domestic violence of each
26 person involved, including whether the conduct was part of an ongoing
27 pattern of abuse.

28 (3) Any police officer having probable cause to believe that a
29 person has committed or is committing a violation of any of the
30 following traffic laws shall have the authority to arrest the person:

31 (a) RCW 46.52.010, relating to duty on striking an unattended car
32 or other property;

33 (b) RCW 46.52.020, relating to duty in case of injury to, or
34 death of, a person or damage to an attended vehicle;

35 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
36 racing of vehicles;

37 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
38 influence of intoxicating liquor or drugs;

39 (e) RCW 46.61.503 or 46.25.110, relating to persons having
40 alcohol or THC in their system;

1 (f) RCW 46.20.342, relating to driving a motor vehicle while
2 operator's license is suspended or revoked;

3 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
4 negligent manner.

5 (4) A law enforcement officer investigating at the scene of a
6 motor vehicle accident may arrest the driver of a motor vehicle
7 involved in the accident if the officer has probable cause to believe
8 that the driver has committed, in connection with the accident, a
9 violation of any traffic law or regulation.

10 (5) (a) A law enforcement officer investigating at the scene of a
11 motor vessel accident may arrest the operator of a motor vessel
12 involved in the accident if the officer has probable cause to believe
13 that the operator has committed, in connection with the accident, a
14 criminal violation of chapter 79A.60 RCW.

15 (b) A law enforcement officer investigating at the scene of a
16 motor vessel accident may issue a citation for an infraction to the
17 operator of a motor vessel involved in the accident if the officer
18 has probable cause to believe that the operator has committed, in
19 connection with the accident, a violation of any boating safety law
20 of chapter 79A.60 RCW.

21 (6) Any police officer having probable cause to believe that a
22 person has committed or is committing a violation of RCW 79A.60.040
23 shall have the authority to arrest the person.

24 (7) An officer may act upon the request of a law enforcement
25 officer, in whose presence a traffic infraction was committed, to
26 stop, detain, arrest, or issue a notice of traffic infraction to the
27 driver who is believed to have committed the infraction. The request
28 by the witnessing officer shall give an officer the authority to take
29 appropriate action under the laws of the state of Washington.

30 (8) Any police officer having probable cause to believe that a
31 person has committed or is committing any act of indecent exposure,
32 as defined in RCW 9A.88.010, may arrest the person.

33 (9) A police officer may arrest and take into custody, pending
34 release on bail, personal recognizance, or court order, a person
35 without a warrant when the officer has probable cause to believe that
36 an antiharassment protection order has been issued of which the
37 person has knowledge under chapter 7.105 RCW or former chapter 10.14
38 RCW and the person has violated the terms of that order.

1 (10) Any police officer having probable cause to believe that a
2 person has, within twenty-four hours of the alleged violation,
3 committed a violation of RCW 9A.50.020 may arrest such person.

4 (11) A police officer having probable cause to believe that a
5 person illegally possesses or illegally has possessed a firearm or
6 other dangerous weapon on private or public elementary or secondary
7 school premises shall have the authority to arrest the person.

8 For purposes of this subsection, the term "firearm" has the
9 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
10 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

11 (12) A law enforcement officer having probable cause to believe
12 that a person has committed a violation under RCW 77.15.160(5) may
13 issue a citation for an infraction to the person in connection with
14 the violation.

15 (13) A law enforcement officer having probable cause to believe
16 that a person has committed a criminal violation under RCW 77.15.809
17 or 77.15.811 may arrest the person in connection with the violation.

18 (14) Except as specifically provided in subsections (2), (3),
19 (4), and (7) of this section, nothing in this section extends or
20 otherwise affects the powers of arrest prescribed in Title 46 RCW.

21 (15) No police officer may be held criminally or civilly liable
22 for making an arrest pursuant to subsection (2) or (9) of this
23 section if the police officer acts in good faith and without malice.

24 (16)(a) Except as provided in (b) of this subsection, a police
25 officer shall arrest and keep in custody, until release by a judicial
26 officer on bail, personal recognizance, or court order, a person
27 without a warrant when the officer has probable cause to believe that
28 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
29 local ordinance and the police officer: (i) Has knowledge that the
30 person has a prior offense as defined in RCW 46.61.5055 within ten
31 years; or (ii) has knowledge, based on a review of the information
32 available to the officer at the time of arrest, that the person is
33 charged with or is awaiting arraignment for an offense that would
34 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
35 conviction.

36 (b) A police officer is not required to keep in custody a person
37 under (a) of this subsection if the person requires immediate medical
38 attention and is admitted to a hospital.

1 **Sec. 3.** RCW 69.50.4121 and 2023 sp.s. c 1 s 7 are each amended
2 to read as follows:

3 (1) Every person who sells or permits to be sold to any person
4 any drug paraphernalia in any form commits a class I civil infraction
5 under chapter 7.80 RCW. For purposes of this subsection, "drug
6 paraphernalia" means all equipment, products, and materials of any
7 kind which are used, intended for use, or designed for use in
8 planting, propagating, cultivating, growing, harvesting,
9 manufacturing, compounding, converting, producing, processing,
10 preparing, packaging, repackaging, storing, containing, concealing,
11 injecting, ingesting, inhaling, or otherwise introducing into the
12 human body a controlled substance other than cannabis. Drug
13 paraphernalia includes, but is not limited to objects used, intended
14 for use, or designed for use in ingesting, inhaling, or otherwise
15 introducing cocaine into the human body, such as:

16 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
17 pipes with or without screens, permanent screens, hashish heads, or
18 punctured metal bowls;

19 (b) Water pipes;

20 (c) Carburetion tubes and devices;

21 (d) Smoking and carburetion masks;

22 (e) Miniature cocaine spoons and cocaine vials;

23 (f) Chamber pipes;

24 (g) Carburetor pipes;

25 (h) Electric pipes;

26 (i) Air-driven pipes; and

27 (j) Ice pipes or chillers.

28 (2) It shall be no defense to a prosecution for a violation of
29 this section that the person acted, or was believed by the defendant
30 to act, as agent or representative of another.

31 (3) Nothing in subsection (1) of this section prohibits
32 distribution or use of public health supplies including, but not
33 limited to, syringe equipment, smoking equipment, or drug testing
34 equipment, through public health programs, community-based HIV
35 prevention programs, outreach, shelter((7)) and housing programs, and
36 health care facilities, including hospitals and pharmacies. Public
37 health and syringe service program staff taking samples of substances
38 and using drug testing equipment for the purpose of analyzing the
39 composition of the substances or detecting the presence of certain
40 substances are acting legally and are exempt from arrest and

1 prosecution under RCW 69.50.4011(1) (b) or (c), 69.50.4013,
2 69.50.4014, or 69.41.030(2) (b) or (c).

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