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HOUSE BILL 1474

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Taylor, G. Hunt, Young, Scott, Shea, and Van De Wege

Read first time 01/21/15. Referred to Committee on Judiciary.

1            AN ACT Relating to ensuring the right of self-defense against  
2 attacks by aggressive, violent animals; and amending RCW 9A.16.110.

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

4            **Sec. 1.** RCW 9A.16.110 and 1995 c 44 s 1 are each amended to read  
5 as follows:

6            (1) No person in the state shall be placed in legal jeopardy of  
7 any kind whatsoever for protecting by any reasonable means necessary,  
8 himself or herself, his or her family, or his or her real or personal  
9 property, or for coming to the aid of another who is in imminent  
10 danger of or the victim of assault, robbery, kidnapping, arson,  
11 burglary, rape, murder, or any other violent crime as defined in RCW  
12 9.94A.030, or who is in imminent danger of or the victim of an attack  
13 by an aggressive, violent animal.

14            (2) When a person charged with a crime listed in subsection (1)  
15 of this section is found not guilty by reason of self-defense, the  
16 state of Washington shall reimburse the defendant for all reasonable  
17 costs, including loss of time, legal fees incurred, and other  
18 expenses involved in his or her defense. This reimbursement is not an  
19 independent cause of action. To award these reasonable costs the  
20 trier of fact must find that the defendant's claim of self-defense  
21 was sustained by a preponderance of the evidence. If the trier of

1 fact makes a determination of self-defense, the judge shall determine  
2 the amount of the award.

3 (3) Notwithstanding a finding that a defendant's actions were  
4 justified by self-defense, if the trier of fact also determines that  
5 the defendant was engaged in criminal conduct substantially related  
6 to the events giving rise to the charges filed against the defendant  
7 the judge may deny or reduce the amount of the award. In determining  
8 the amount of the award, the judge shall also consider the  
9 seriousness of the initial criminal conduct.

10 Nothing in this section precludes the legislature from using the  
11 sundry claims process to grant an award where none was granted under  
12 this section or to grant a higher award than one granted under this  
13 section.

14 (4) Whenever the issue of self-defense under this section is  
15 decided by a judge, the judge shall consider the same questions as  
16 must be answered in the special verdict under subsection (~~(4)~~  
17 ~~{(5)}~~) (5) of this section.

18 (5) Whenever the issue of self-defense under this section has  
19 been submitted to a jury, and the jury has found the defendant not  
20 guilty, the court shall instruct the jury to return a special verdict  
21 in substantially the following form:

- |  | answer    |
|--|-----------|
|  | yes or no |
| 24 1. Was the finding of not guilty based  |           |
| 25 upon self-defense?                      | .....     |
| 26 2. If your answer to question 1 is no,  |           |
| 27 do not answer the remaining             |           |
| 28 question.                               |           |
| 29 3. If your answer to question 1 is yes, |           |
| 30 was the defendant:                      |           |
| 31 a. Protecting himself or herself?       | .....     |
| 32 b. Protecting his or her family?        | .....     |
| 33 c. Protecting his or her property?      | .....     |
| 34 d. Coming to the aid of another who     |           |
| 35 was in imminent danger of a             |           |
| 36 heinous crime?                          | .....     |
| 37 e. Coming to the aid of another who     |           |
| 38 was the victim of a heinous crime?      | .....     |

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f. Engaged in criminal conduct  
substantially related to the events  
giving rise to the crime with which  
the defendant is charged? .....

--- **END** ---