
HOUSE BILL 2664

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Taylor, Blake, Overstreet, Shea, Scott, and Young

Read first time 01/24/14. 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 any
7 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 danger
10 of or the victim of assault, robbery, kidnapping, arson, burglary,
11 rape, murder, or any other violent crime as defined in RCW 9.94A.030,
12 or who is in imminent danger of or the victim of an attack by an
13 aggressive, violent animal.

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

1 of fact must find that the defendant's claim of self-defense was
2 sustained by a preponderance of the evidence. If the trier of fact
3 makes a determination of self-defense, the judge shall determine the
4 amount of the award.

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

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

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

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

- | | answer |
|----|-----------|
| | yes or no |
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1. Was the finding of not guilty based upon self-defense?
 2. If your answer to question 1 is no, do not answer the remaining question.
 3. If your answer to question 1 is yes, was the defendant:
 - a. Protecting himself or herself?
 - b. Protecting his or her family?
 - c. Protecting his or her property?

- 1 d. Coming to the aid of another who
- 2 was in imminent danger of a heinous
- 3 crime?
- 4 e. Coming to the aid of another who
- 5 was the victim of a heinous crime?
- 6 f. Engaged in criminal conduct
- 7 substantially related to the events
- 8 giving rise to the crime with which
- 9 the defendant is charged?

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