

HOUSE BILL REPORT

SB 5107

As Reported By House Committee On:
Judiciary

Title: An act relating to arrest without warrant.

Brief Description: Concerning arrest without warrant.

Sponsors: Senators Sutherland and A. Smith.

Brief History:

Reported by House Committee on:
Judiciary, March 30, 1993, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 16 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Ballasiotes, Assistant
Ranking Minority Member; Campbell; Chappell; Forner;
Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott;
Tate; and Wineberry.

Staff: Bill Perry (786-7123).

Background: For felony offenses, a police officer does not need a warrant to make an arrest. The officer need only have probable cause to believe the suspect committed the crime in order to make an arrest. However, with respect to most misdemeanors, including gross misdemeanors, an officer cannot make an arrest without a warrant unless the misdemeanor is committed in the officer's presence.

Exceptions have been provided to this general requirement of either a warrant or officer presence. A number of misdemeanors are treated the same as felonies. That is, an arrest may be made without a warrant so long as the officer has probable cause to believe the suspect committed the offense. The misdemeanor crimes for which this exception has been made include:

- (1) an offense involving physical harm or threats of harm;
- (2) unlawful taking of property;
- (3) possession of marihuana;

- (4) acquisition, consumption or possession of alcohol by a minor;
- (5) violations of domestic violence restraining orders;
- (6) domestic violence committed within the preceding four hours;
- (7) certain traffic violations, including DWI, reckless driving, negligent driving, driving without a license and hit and run;
- (8) any traffic law violation if the officer is investigating at the scene of an accident;
- (9) operating a boat while drunk;
- (10) indecent exposure; and
- (11) violation of an anti-harassment order.

Some school officials have expressed concern about the ability to arrest persons who illegally possess weapons on school property.

Summary of Bill: A police officer having probable cause to believe a person has illegally possessed a dangerous weapon on primary or secondary school premises may arrest the person without first obtaining a warrant.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.