

HOUSE BILL REPORT

ESHB 1360

As Amended by the Senate

Title: An act relating to private employment for Washington state patrol officers.

Brief Description: Allowing state patrol officers to engage in private employment.

Sponsors: By House Committee on Government Administration (originally sponsored by Representatives K. Schmidt, Scott, Zellinsky and Schoesler).

Brief History:

Committee Activity:

Government Administration: 2/5/97, 2/11/97 [DPS].

Floor Activity:

Passed House: 3/7/97, 95-0.

Senate Amended.

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Doumit; Dunn; Dunshee; Murray; Reams; Smith; L. Thomas; Wensman and Wolfe.

Staff: Bronwyn Mauldin (786-7093).

Background: No state employee or officer may use any person, money, or property under his or her official control or direction for private benefit or gain by the employee, officer, or any other person. In the case of Washington State Patrol officers, this property includes uniforms and automobiles. An ethics board may adopt rules to allow occasional exceptions to this prohibition.

There is no express authority for, or prohibition against, Washington State Patrol officers engaging in off-duty law enforcement employment for private benefit.

Summary of Bill: Washington State Patrol officers may engage in private off-duty law enforcement employment, and they may wear their uniforms while on these jobs. Such employment is subject to guidelines adopted by the chief of the Washington State Patrol. Statutory limitations prohibiting state employees from using persons, money, or property under their control or direction, and requirements that the

appropriate ethics board must adopt rules allowing exceptions to that prohibition, do not apply to state patrol officers engaging in private off-duty law enforcement employment.

The state is immune from liability for actions taken by Washington State Patrol officers while the officers are engaged in private off-duty law enforcement employment. If a person attempts to sue the state for such actions, that suit must be dismissed.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment deems the use of state patrol officer uniforms to be de minimus use of state property, and removes the section referencing the ability of ethics boards to adopt rules allowing exceptions for occasional use of state property that is not of de minimus value. The amendment also requires state patrol officers engaged in off-duty law enforcement employment to inform their private employers in writing that the state is immune from liability for tortious conduct by state patrol officers when they are on duty at such private jobs.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill would allow state troopers to supplement their incomes, which are among the lowest for law enforcement officers in Washington. It would allow state troopers to do what many police officers and deputy sheriffs in Washington already do. The Washington State Patrol already contracts out with private firms and other state agencies to provide off-duty law enforcement.

Testimony Against: There were concerns with the original bill regarding the state's liability for actions taken by troopers while engaged in off-duty employment, and with which body should be making rules regulating their off-duty employment.

Testified: Representative Karen Schmidt, prime sponsor; Annette Sandberg, Washington State Patrol (with concerns); Stu Halsan and Bill Ford, Washington State Patrol Lieutenants Associations (pro); Rick Jensen and Mark Soper, Washington State Patrol Troopers Association (pro); and Mike Patrick, Washington State Council of Police Chiefs (pro).