

# HOUSE BILL ANALYSIS

## HB 2070

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**Title:** An act relating to arrests without warrant.

**Brief Description:** Regulating arrests without warrant for traffic and boating offenses.

**Sponsors:** Representatives Wensman, B. Thomas, and Sheahan.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Yvonne Walker (786-7841)

**Background:** A police officer that believes a person has committed or is committing a felony is authorized to arrest that person without a warrant. A police officer may also arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except if the officer believes:

- (1) That a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or stealing property or involving the use or possession of drugs or alcohol (by a person under the age of 21 years);
- (2) That the person has violated a restraining order such as going onto the grounds of or entering a residence, workplace, school, or day care;
- (3) That the person is 16 years or older and within the preceding four hours has physically assaulted a family or household member;
- (4) That the person has committed or is committing a violation of certain state traffic laws and regulations;
- (5) That the person has committed or is committing any act of indecent exposure;
- (6) That the person has violated anti-harassment order;
- (7) That the person has, within 24 hours of the alleged violation, committed the violation; or
- (8) That the person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school.

In addition, a law enforcement officer may ask another officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a traffic infraction to the driver who is believed to have committed the infraction.

The request by the witnessing officer gives the other officer the authority to take appropriate action under the laws of the state of Washington. Boating offenses are not included as part of this law.

**Summary:** Law enforcement officers are authorized to ask another officer, in whose presence a

boating offense was committed, to stop, detain, arrest, or issue an infraction to the driver who is believed to have committed the infraction.

The term traffic offense includes vehicular gross misdemeanors, misdemeanors, or other traffic infraction including vehicular parking, standing, stopping, and pedestrian offenses.

The term boating offense includes a number of offenses such as when: a person operates a vessel in a negligent manner (excessive speeds); a person operates a vessel while under the influence of alcohol or drugs; violating vessel equipment standards, a person operates a vessel without floatation devices on board; and a under-aged person operates a water craft.

A law enforcement officer in whose presence– includes a general authority, limited authority, or specially commissioned Washington peace officer, or federal peace officer.

**Require the Exercise of Rule- Making Powers:** No

**Fiscal Note:** Requested on February 25, 1997.

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