

HOUSE BILL REPORT

SB 5127

As Reported By House Committee On:
Judiciary

Title: An act relating to investigations of abuse or neglect.

Brief Description: Prohibiting law enforcement officers from conducting investigations of abuse or neglect concerning a child for which the officer is a parent, guardian, or foster parent.

Sponsors: Senators Kohl-Welles, Hargrove, Long, Heavey, McCaslin, Stevens, Zarelli, Prentice, Kline, Winsley and Costa.

Brief History:

Committee Activity:

Judiciary: 3/30/99, 4/1/99 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Prohibits a law enforcement officer from participating in an investigation of abuse or neglect of a child for whom the officer is a parent, guardian, or foster parent.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Jim Morishima (786-7191).

Background:

Certain professionals have the duty to report possible child abuse or neglect to law enforcement agencies or the Department of Social and Health Services whenever they have reasonable cause to believe that a child has been abused or neglected. Law

enforcement officers have a duty to investigate allegations of child abuse or neglect. A law enforcement officer may take a child into custody without a court order if the officer has probable cause to believe the child has been abused or neglected, and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order. If a law enforcement officer has probable cause to believe that sexual or physical abuse has taken place, the law enforcement officer may arrest the alleged perpetrator without a warrant.

Summary of Amended Bill:

A law enforcement officer is prohibited from participating as an investigator of alleged abuse or neglect concerning a child for whom the law enforcement officer is, or has been a parent, guardian, or foster parent.

Amended Bill Compared to Original Bill: The amended bill prohibits a law enforcement officer from participating in an investigation of abuse or neglect concerning a child for whom the officer is or has been a parent, guardian, or foster parent at any time in the past, instead of within the preceding six months.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Allowing a law enforcement officer to investigate an allegation of abuse or neglect concerning a child for whom the officer is a parent, guardian, or foster parent could create a conflict of interest for the officer. This may lead to a miscarriage of justice if a child lies to please a parent, or if an officer's judgment is impaired because of his or her desire for what is best for the child.

Testimony Against: None.

Testified: (In support) Senator Kohl, prime sponsor.

(In support with suggested amendment) Jerry Sheehan, American Civil Liberties Union of Washington.