

HOUSE BILL REPORT

ESSB 6076

As Passed House:

March 7, 2002

Title: An act relating to law enforcement officers of the department of fish and wildlife.

Brief Description: Modifying the powers and duties of fish and wildlife law enforcement officers.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Oke, T. Sheldon, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/27/02 [DP];

Appropriations: 3/4/02 [DP].

Floor Activity:

Passed House: 3/7/02, 81-12.

Brief Summary of Engrossed Substitute Bill

- Designates the Department of Fish and Wildlife (DFW) as a general authority Washington law enforcement agency.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 22 members: Representatives Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin, Ranking Minority Member; Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Minority Report: Without recommendation. Signed by 2 members: Representatives Boldt and Lisk.

Staff: Jeff Olsen (786-7157).

Background:

The DFW is charged with enforcing the state Wildlife Code. The DFW is a limited authority Washington law enforcement agency. As such, the enforcement authority of the DFW agents is limited to a specific subject area. The DFW agents may only enforce the non-wildlife criminal laws of Washington when they are acting in their duty and the violation occurs in their presence. If such an event occurs, the DFW officer must report the activity to the Washington State Patrol (WSP).

In contrast, general authority Washington law enforcement agencies may enforce any traffic or criminal law of the state throughout the territorial boundaries of the state. An example of a general authority agency is the WSP.

Summary of Engrossed Substitute Bill:

The DFW is designated as a general authority Washington law enforcement agency, with enforcement authority equal to that of the WSP. The DFW can enforce the traffic and criminal laws of the state throughout the territorial bounds of the state.

All fish and wildlife officers must be a citizen of the United States who can read and write the English language. All officers employed on or after the effective date of the act must successfully complete the basic law enforcement academy course, or an equivalency course, sponsored by the Criminal Justice Training Commission.

Fish and wildlife officers do not have the authority to conduct warrantless searches of noncommercial private areas or otherwise exceed constitutional search provisions. Provisions of the bill do not provide membership in the Washington Law Enforcement Officers' and Fire Fighters' (LEOFF) retirement system.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: (Criminal Justice & Corrections) Some people are concerned that this bill will help fish and wildlife officers to become one-step closer for eligibility for the LEOFF pension plan, however that is not what the bill does. The purpose of this bill is to help provide support to local law enforcement officers working in rural areas. Many

sheriffs rely quite heavily on fish and wildlife officers.

Washington is one of a few states that does not give fish and wildlife officers general authority law enforcement power. This bill will give them that power and as a result will allow fish and wildlife officers to enforce criminal statutes and traffic infractions.

Testimony For: (Appropriations) This bill assists local law enforcement agencies, especially those in rural areas, to allow Fish and Wildlife officers to make arrests on the spot. Under current law, if a Fish and Wildlife officer does not witness a criminal action, they are unable to make an arrest. There are numerous cases where Fish and Wildlife officers could make arrests and work more efficiently with local governments. Fish and Wildlife officers already have the credentials and training to carry out the provisions of the bill

Testimony Against: (Criminal Justice & Corrections) None.

Testimony Against: None.

Testified: (Criminal Justice & Corrections) Senator Kline, prime sponsor; Dan LaRoche, Douglas County Sheriff and Washington Association of Sheriffs and Police Chiefs; and Bruce Bjork, Department of Fish and Wildlife.

Testified: (Appropriations) Senator Kline, prime sponsor; Bill Hanson, Washington Council of Police and Sheriffs; and Bruce Bjork, Washington Department of Fish and Wildlife.