
Criminal Justice & Corrections Committee

HB 2603

Brief Description: Enhancing the authority of law enforcement officers with regard to watercraft.

Sponsors: Representatives Orcutt, O'Brien, Doumit, Sump, Lysen, Benson, Lisk, Mulliken and Woods.

Brief Summary of Bill

- Allows a police officer to make a warrantless arrest of an operator of a recreational water vessel involved in an accident under certain circumstances.
- Allows a law enforcement officer to issue notices of infraction to operators of recreational water vessels involved in accidents.

Hearing Date: 2/6/02

Staff: Jim Morishima (786-7191).

Background:

Recreational Water Vessels

A variety of regulations exist with respect to the operation of recreational water vessels. For example, it is an infraction (a non-criminal penalty) to operate a recreational water vessel in a negligent manner. Also, it is misdemeanor to operate a recreational water vessel under the influence of intoxicating liquor.

Warrantless Arrests

A police officer's ability to arrest a suspect without a warrant is defined by both constitutional and statutory law. Under the federal and state constitutions, to make a lawful arrest, an officer must have probable cause to arrest or be acting pursuant to a warrant supported by probable cause. An officer has probable cause when, taking into account his or her experience and training, the officer knows of facts that would lead a reasonable person to

conclude that the suspect was committing or had committed a crime.

A police officer's authority to arrest is also constrained by statute. A police officer may make a warrantless arrest of a person the officer has probable cause to believe is committing a felony. Also, a police officer may make a warrantless arrest of a person the officer has probable cause to believe is committing certain misdemeanors. For example, a police officer may, without a warrant, arrest a person who the officer has probable cause to believe is operating a recreational water vessel under the influence of intoxicating liquor.

Summary of Bill:

A police officer investigating at the scene of an accident involving a recreational water vessel may make a warrantless arrest of the operator of the vessel if the officer has probable cause to believe that the operator has committed a violation of the laws relating to the regulation of recreational water vessels in connection with the accident. If a law enforcement officer has reasonable cause to believe the operator has committed an infraction in connection with the accident, he or she may issue a notice of infraction to the operator.

Appropriation: None.

Fiscal Note: Not Requested.

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