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SENATE BILL 6076

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State of Washington

57th Legislature

2001 Regular Session

By Senators Kline, McCaslin, Oke, T. Sheldon, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife

Read first time 02/19/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to law enforcement officers of the department of  
2 fish and wildlife; and amending RCW 10.93.020, 10.93.140, and  
3 77.12.055.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.93.020 and 1994 c 264 s 3 are each amended to read  
6 as follows:

7 As used in this chapter, the following terms have the meanings  
8 indicated unless the context clearly requires otherwise.

9 (1) "General authority Washington law enforcement agency" means any  
10 agency, department, or division of a municipal corporation, political  
11 subdivision, or other unit of local government of this state, and any  
12 agency, department, or division of state government, having as its  
13 primary function the detection and apprehension of persons committing  
14 infractions or violating the traffic or criminal laws in general, as  
15 distinguished from a limited authority Washington law enforcement  
16 agency, and any other unit of government expressly designated by  
17 statute as a general authority Washington law enforcement agency. The  
18 Washington state patrol (~~is a~~) and the department of fish and

1 wildlife are general authority Washington law enforcement ((agency))  
2 agencies.

3 (2) "Limited authority Washington law enforcement agency" means any  
4 agency, political subdivision, or unit of local government of this  
5 state, and any agency, department, or division of state government,  
6 having as one of its functions the apprehension or detection of persons  
7 committing infractions or violating the traffic or criminal laws  
8 relating to limited subject areas, including but not limited to, the  
9 state departments of natural resources(~~(, fish and wildlife,)~~) and  
10 social and health services, the state gambling commission, the state  
11 lottery commission, the state parks and recreation commission, the  
12 state utilities and transportation commission, the state liquor control  
13 board, and the state department of corrections.

14 (3) "General authority Washington peace officer" means any full-  
15 time, fully compensated and elected, appointed, or employed officer of  
16 a general authority Washington law enforcement agency who is  
17 commissioned to enforce the criminal laws of the state of Washington  
18 generally.

19 (4) "Limited authority Washington peace officer" means any full-  
20 time, fully compensated officer of a limited authority Washington law  
21 enforcement agency empowered by that agency to detect or apprehend  
22 violators of the laws in some or all of the limited subject areas for  
23 which that agency is responsible. A limited authority Washington peace  
24 officer may be a specially commissioned Washington peace officer if  
25 otherwise qualified for such status under this chapter.

26 (5) "Specially commissioned Washington peace officer", for the  
27 purposes of this chapter, means any officer, whether part-time or full-  
28 time, compensated or not, commissioned by a general authority  
29 Washington law enforcement agency to enforce some or all of the  
30 criminal laws of the state of Washington, who does not qualify under  
31 this chapter as a general authority Washington peace officer for that  
32 commissioning agency, specifically including reserve peace officers,  
33 and specially commissioned full-time, fully compensated peace officers  
34 duly commissioned by the states of Oregon or Idaho or any such peace  
35 officer commissioned by a unit of local government of Oregon or Idaho.  
36 A reserve peace officer is an individual who is an officer of a  
37 Washington law enforcement agency who does not serve such agency on a  
38 full-time basis but who, when called by the agency into active service,

1 is fully commissioned on the same basis as full-time peace officers to  
2 enforce the criminal laws of the state.

3 (6) "Federal peace officer" means any employee or agent of the  
4 United States government who has the authority to carry firearms and  
5 make warrantless arrests and whose duties involve the enforcement of  
6 criminal laws of the United States.

7 (7) "Agency with primary territorial jurisdiction" means a city or  
8 town police agency which has responsibility for police activity within  
9 its boundaries; or a county police or sheriff's department which has  
10 responsibility with regard to police activity in the unincorporated  
11 areas within the county boundaries; or a statutorily authorized port  
12 district police agency or four-year state college or university police  
13 agency which has responsibility for police activity within the  
14 statutorily authorized enforcement boundaries of the port district,  
15 state college, or university.

16 (8) "Primary commissioning agency" means (a) the employing agency  
17 in the case of a general authority Washington peace officer, a limited  
18 authority Washington peace officer, an Indian tribal peace officer, or  
19 a federal peace officer, and (b) the commissioning agency in the case  
20 of a specially commissioned Washington peace officer (i) who is  
21 performing functions within the course and scope of the special  
22 commission and (ii) who is not also a general authority Washington  
23 peace officer, a limited authority Washington peace officer, an Indian  
24 tribal peace officer, or a federal peace officer.

25 (9) "Primary function of an agency" means that function to which  
26 greater than fifty percent of the agency's resources are allocated.

27 (10) "Mutual law enforcement assistance" includes, but is not  
28 limited to, one or more law enforcement agencies aiding or assisting  
29 one or more other such agencies through loans or exchanges of personnel  
30 or of material resources, for law enforcement purposes.

31 **Sec. 2.** RCW 10.93.140 and 1985 c 89 s 14 are each amended to read  
32 as follows:

33 This chapter does not limit the scope of jurisdiction and authority  
34 of the Washington state patrol and the department of fish and wildlife  
35 as otherwise provided by law, and (~~the Washington state patrol~~) these  
36 agencies shall not be bound by the reporting requirements of RCW  
37 10.93.030.

1       **Sec. 3.** RCW 77.12.055 and 2000 c 107 s 212 are each amended to  
2 read as follows:

3       (1) ~~Fish and wildlife officers and ex officio fish and wildlife~~  
4 ~~officers shall enforce this title, rules of the department, and other~~  
5 ~~statutes as prescribed by the legislature. ((However, when acting~~  
6 ~~within the scope of these duties and when an offense occurs in the~~  
7 ~~presence of the fish and wildlife officer who is not an ex officio fish~~  
8 ~~and wildlife officer, the fish and wildlife officer may enforce all~~  
9 ~~criminal laws of the state. The fish and wildlife officer must have~~  
10 ~~successfully completed the basic law enforcement academy course~~  
11 ~~sponsored by the criminal justice training commission, or a course~~  
12 ~~approved by the department and the criminal justice training commission~~  
13 ~~and provided by the department or the criminal justice training~~  
14 ~~commission, prior to enforcing the criminal laws of the state.)) Fish~~  
15 ~~and wildlife officers who are not ex officio officers shall have and~~  
16 ~~exercise, throughout the state, such police powers and duties as are~~  
17 ~~vested in sheriffs and peace officers generally. An applicant for a~~  
18 ~~fish and wildlife officer position must be a citizen of the United~~  
19 ~~States of America who can read and write the English language. All~~  
20 ~~fish and wildlife officers employed after the effective date of this~~  
21 ~~section must successfully complete the basic law enforcement academy~~  
22 ~~course, known as the basic course, sponsored by the criminal justice~~  
23 ~~training commission, or the basic law enforcement equivalency~~  
24 ~~certification, known as the equivalency course, provided by the~~  
25 ~~criminal justice training commission. All officers employed on the~~  
26 ~~effective date of this section must have successfully completed the~~  
27 ~~basic course, the equivalency course, or the supplemental course in~~  
28 ~~criminal law enforcement, known as the supplemental course, offered~~  
29 ~~under chapter 155, Laws of 1985. Any officer who has not successfully~~  
30 ~~completed the basic course, the equivalency course, or the supplemental~~  
31 ~~course must complete the basic course or the equivalency course within~~  
32 ~~fifteen months of the effective date of this section.~~

33       (2) Fish and wildlife officers are peace officers.

34       (3) Any liability or claim of liability under chapter 4.92 RCW that  
35 arises out of the exercise or alleged exercise of authority by a fish  
36 and wildlife officer rests with the department unless the fish and  
37 wildlife officer acts under the direction and control of another agency  
38 or unless the liability is otherwise assumed under an agreement between  
39 the department and another agency.

1           (4) Fish and wildlife officers may serve and execute warrants and  
2 processes issued by the courts.

3           (~~(5) Fish and wildlife officers may enforce RCW 79.01.805 and~~  
4 ~~79.01.810.~~

5           ~~(6) Fish and wildlife officers are authorized to enforce all~~  
6 ~~provisions of chapter 88.02 RCW and any rules adopted under that~~  
7 ~~chapter, and the provisions of RCW 79A.05.310 and any rules adopted~~  
8 ~~under that section.~~

9           ~~(7) To enforce the laws of this title, fish and wildlife officers~~  
10 ~~may call to their aid any ex officio fish and wildlife officer or~~  
11 ~~citizen and that person shall render aid.)~~

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