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**SUBSTITUTE SENATE BILL 6085**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Labor, Commerce & Financial Institutions  
(originally sponsored by Senators Gardner and Hargrove)

READ FIRST TIME 02/04/2002.

1 AN ACT Relating to state certification and training for liquor  
2 control board officers; amending RCW 66.44.010 and 43.101.010; and  
3 adding a new section to chapter 43.101 RCW.

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

5 **Sec. 1.** RCW 66.44.010 and 1998 c 18 s 1 are each amended to read  
6 as follows:

7 (1) All county and municipal peace officers are hereby charged with  
8 the duty of investigating and prosecuting all violations of this title,  
9 and the penal laws of this state relating to the manufacture,  
10 importation, transportation, possession, distribution and sale of  
11 liquor, and all fines imposed for violations of this title and the  
12 penal laws of this state relating to the manufacture, importation,  
13 transportation, possession, distribution and sale of liquor shall  
14 belong to the county, city or town wherein the court imposing the fine  
15 is located, and shall be placed in the general fund for payment of the  
16 salaries of those engaged in the enforcement of the provisions of this  
17 title and the penal laws of this state relating to the manufacture,  
18 importation, transportation, possession, distribution and sale of  
19 liquor: PROVIDED, That all fees, fines, forfeitures and penalties

1 collected or assessed by a district court because of the violation of  
2 a state law shall be remitted as provided in chapter 3.62 RCW as now  
3 exists or is later amended.

4 (2) In addition to any and all other powers granted, the board  
5 shall have the power to enforce the penal provisions of this title and  
6 the penal laws of this state relating to the manufacture, importation,  
7 transportation, possession, distribution and sale of liquor.

8 (3) In addition to the other duties under this section, the board  
9 shall enforce chapters 82.24 and 82.26 RCW.

10 (4) The board may appoint and employ, assign to duty and fix the  
11 compensation of, officers to be designated as liquor enforcement  
12 officers. Such liquor enforcement officers shall have the power, under  
13 the supervision of the board, to enforce the penal provisions of this  
14 title and the penal laws of this state relating to the manufacture,  
15 importation, transportation, possession, distribution and sale of  
16 liquor. They shall have the power and authority to serve and execute  
17 all warrants and process of law issued by the courts in enforcing the  
18 penal provisions of this title or of any penal law of this state  
19 relating to the manufacture, importation, transportation, possession,  
20 distribution and sale of liquor, and the provisions of chapters 82.24  
21 and 82.26 RCW. They shall have the power to arrest without a warrant  
22 any person or persons found in the act of violating any of the penal  
23 provisions of this title or of any penal law of this state relating to  
24 the manufacture, importation, transportation, possession, distribution  
25 and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW.

26 (5) All liquor enforcement officers shall engage in basic law  
27 enforcement officer training provided by the criminal justice training  
28 commission. An officer employed on or after the effective date of this  
29 act may not engage in any enforcement duties until the officer has  
30 received the basic law enforcement training certificate. Law  
31 enforcement training for liquor enforcement officers employed prior to  
32 the effective date of this act shall be phased in over time. The  
33 liquor control board shall adopt a policy specifying the number of  
34 officers who shall attend basic law enforcement training per year, and  
35 the procedure for selecting the order and timing of officers sent to  
36 the training.

37 (6) During the course of their liquor enforcement duties, liquor  
38 enforcement officers who have completed the training prescribed under  
39 subsection (5) of this section, and have received the basic law

1 enforcement training certificate, have the authority to arrest without  
2 a warrant any person who is found in the act of violating any criminal  
3 law of this state.

4 **Sec. 2.** RCW 43.101.010 and 2001 c 167 s 1 are each amended to read  
5 as follows:

6 When used in this chapter:

7 (1) The term "commission" means the Washington state criminal  
8 justice training commission.

9 (2) The term "boards" means the education and training standards  
10 boards, the establishment of which are authorized by this chapter.

11 (3) The term "criminal justice personnel" means any person who  
12 serves in a county, city, state, or port commission agency engaged in  
13 crime prevention, crime reduction, or enforcement of the criminal law.

14 (4) The term "law enforcement personnel" means any public employee  
15 or volunteer having as a primary function the enforcement of criminal  
16 laws in general or any employee or volunteer of, or any individual  
17 commissioned by, any municipal, county, state, or combination thereof,  
18 agency having as its primary function the enforcement of criminal laws  
19 in general as distinguished from an agency possessing peace officer  
20 powers, the primary function of which is the implementation of  
21 specialized subject matter areas. For the purposes of this subsection  
22 "primary function" means that function to which the greater allocation  
23 of resources is made.

24 (5) The term "correctional personnel" means any employee or  
25 volunteer who by state, county, municipal, or combination thereof,  
26 statute has the responsibility for the confinement, care, management,  
27 training, treatment, education, supervision, or counseling of those  
28 individuals whose civil rights have been limited in some way by legal  
29 sanction.

30 (6) A peace officer is "convicted" at the time a plea of guilty has  
31 been accepted, or a verdict of guilty or finding of guilt has been  
32 filed, notwithstanding the pendency of any future proceedings,  
33 including but not limited to sentencing, posttrial or postfact-finding  
34 motions and appeals. "Conviction" includes a deferral of sentence and  
35 also includes the equivalent disposition by a court in a jurisdiction  
36 other than the state of Washington.

37 (7) "Discharged for disqualifying misconduct" means terminated from  
38 employment for: (a) Conviction of (i) any crime committed under color

1 of authority as a peace officer, (ii) any crime involving dishonesty or  
2 false statement within the meaning of Evidence Rule 609(a), (iii) the  
3 unlawful use or possession of a controlled substance, or (iv) any other  
4 crime the conviction of which disqualifies a Washington citizen from  
5 the legal right to possess a firearm under state or federal law; (b)  
6 conduct that would constitute any of the crimes addressed in (a) of  
7 this subsection; or (c) knowingly making materially false statements  
8 during disciplinary investigations, where the false statements are the  
9 sole basis for the termination.

10 (8) A peace officer is "discharged for disqualifying misconduct"  
11 within the meaning of subsection (7) of this section under the ordinary  
12 meaning of the term and when the totality of the circumstances support  
13 a finding that the officer resigned in anticipation of discipline,  
14 whether or not the misconduct was discovered at the time of  
15 resignation, and when such discipline, if carried forward, would more  
16 likely than not have led to discharge for disqualifying misconduct  
17 within the meaning of subsection (7) of this section.

18 (9) When used in context of proceedings referred to in this  
19 chapter, "final" means that the peace officer has exhausted all  
20 available civil service appeals, collective bargaining remedies, and  
21 all other such direct administrative appeals, and the officer has not  
22 been reinstated as the result of the action. Finality is not affected  
23 by the pendency or availability of state or federal administrative or  
24 court actions for discrimination, or by the pendency or availability of  
25 any remedies other than direct civil service and collective bargaining  
26 remedies.

27 (10) "Peace officer" means any law enforcement personnel subject to  
28 the basic law enforcement training requirement of RCW 43.101.200 and  
29 any other requirements of that section, notwithstanding any waiver or  
30 exemption granted by the commission, and notwithstanding the statutory  
31 exemption based on date of initial hire under RCW 43.101.200.  
32 Commissioned officers of the Washington state patrol, whether they have  
33 been or may be exempted by rule of the commission from the basic  
34 training requirement of RCW 43.101.200, are included as peace officers  
35 for purposes of this chapter. Fish and wildlife officers with  
36 enforcement powers for all criminal laws under RCW ((77.12.055))  
37 77.15.075 are peace officers for purposes of this chapter.

38 (11) "Liquor enforcement officer" means an officer employed or  
39 appointed by the liquor control board under RCW 66.44.010.

1        NEW SECTION.   **Sec. 3.**   A new section is added to chapter 43.101 RCW  
2 to read as follows:  
3        The commission shall provide basic law enforcement training to all  
4 liquor enforcement officers.

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