
SENATE BILL 6564

State of Washington

61st Legislature

2010 Regular Session

By Senator Stevens

Read first time 01/18/10. Referred to Committee on Judiciary.

1 AN ACT Relating to regulating arrests, searches, and seizures by
2 federal employees; adding new sections to chapter 36.28 RCW; adding new
3 sections to chapter 10.79 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to ensure maximum
6 cooperation between federal employees and local law enforcement
7 authorities; to ensure that federal employees who carry out arrests,
8 searches, and seizures in this state receive the best local knowledge
9 and expertise available; and to prevent misadventure affecting
10 Washington citizens and their rights that results from lack of
11 cooperation or communication between federal employees operating in
12 Washington and properly constituted local law enforcement authorities.

13 NEW SECTION. **Sec. 2.** (1) The sheriff may prohibit a federal
14 employee who is not designated by Washington law as a Washington peace
15 officer from making an arrest, search, or seizure in this state without
16 the written permission of the sheriff of the county in which the
17 arrest, search, or seizure will occur unless:

1 (a) The arrest, search, or seizure will take place on a federal
2 enclave for which jurisdiction has been actively ceded to the United
3 States of America by Washington state;

4 (b) The federal employee witnesses the commission of a crime the
5 nature of which requires an immediate arrest;

6 (c) The arrest, search, or seizure is in fresh pursuit, as
7 described in chapters 10.89 and 10.93 RCW;

8 (d) The intended subject of the arrest, search, or seizure is an
9 employee of the sheriff's office or is an elected county or state
10 officer; or

11 (e) The federal employee has probable cause to believe that the
12 subject of the arrest, search, or seizure has close connections with
13 the sheriff, which connections are likely to result in the subject
14 being informed of the impending arrest, search, or seizure.

15 (2)(a) A permission request to the county sheriff must contain:

16 (i) The name of the subject of the arrest, search, or seizure;

17 (ii) A clear statement of probable cause for the arrest, search, or
18 seizure or a federal arrest, search, or seizure warrant that contains
19 a clear statement of probable cause;

20 (iii) A description of specific assets, if any, to be searched for
21 or seized;

22 (iv) A statement of the date and time that the arrest, search, or
23 seizure is to occur; and

24 (v) The address or location where the intended arrest, search, or
25 seizure will be attempted.

26 (b) The request may be in letter form, either typed or handwritten,
27 but must be countersigned with the original signature of the county
28 sheriff or designee of the sheriff, or by the attorney general, to
29 constitute valid permission. The permission is valid for forty-eight
30 hours after it is signed. The sheriff shall keep a copy of the
31 permission request on file.

32 (3) The county sheriff may refuse permission for any reason that he
33 or she considers sufficient.

34 NEW SECTION. **Sec. 3.** (1) A federal employee shall, pursuant to
35 section 2(1)(d) of this act, obtain the written permission of the
36 attorney general for the arrest, search, or seizure unless the
37 resulting delay in obtaining the permission would probably cause

1 serious harm to one or more individuals or to a community, or would
2 probably cause flight of the subject of the arrest, search, or seizure
3 in order to avoid prosecution.

4 (2) A federal employee shall, pursuant to section 2(1)(e) of this
5 act, obtain the written permission of the attorney general. The
6 request for permission must include a written statement, under oath,
7 describing the federal employee's probable cause.

8 (3) The attorney general may refuse the request for any reason that
9 the attorney general considers sufficient.

10 NEW SECTION. **Sec. 4.** (1) An arrest, search, or seizure or
11 attempted arrest, search, or seizure in violation of sections 2 and 3
12 of this act is unlawful, and individuals involved must be charged with
13 any applicable criminal offenses by the prosecuting attorney.

14 (2) The prosecuting attorney has no discretion not to prosecute
15 once a claim of violation of section 2 of this act has been made by the
16 county sheriff.

17 NEW SECTION. **Sec. 5.** Any federal law purporting to give federal
18 employees the authority of a sheriff in this state is not recognized by
19 and is specifically rejected by this state, and is declared to be
20 invalid in this state.

21 NEW SECTION. **Sec. 6.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. **Sec. 7.** Sections 2 and 5 of this act are each added
26 to chapter 36.28 RCW.

27 NEW SECTION. **Sec. 8.** Sections 3 and 4 of this act are each added
28 to chapter 10.79 RCW.

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