

HOUSE BILL REPORT

HB 2394

As Reported by House Committee On:
Public Safety

Title: An act relating to state liquor control board enforcement officers.

Brief Description: Concerning state liquor control board enforcement officers.

Sponsors: Representatives Moscoso, Takko, Ryu and Hope; by request of Liquor Control Board.

Brief History:

Committee Activity:

Public Safety: 1/28/14, 2/5/14 [DPS].

Brief Summary of Substitute Bill

- Provides that admittance to the Criminal Justice Training Commission's Basic Law Enforcement Academy is open to all law enforcement personnel including officers of the Washington State Liquor Control Board.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Goodman, Chair; Roberts, Vice Chair; Appleton, Hope, Moscoso, Pettigrew and Takko.

Minority Report: Do not pass. Signed by 3 members: Representatives Klippert, Ranking Minority Member; Holy and Ross.

Staff: Yvonne Walker (786-7841).

Background:

The Washington State Liquor Control Board (WSLCB) was formed in 1933 by the Steele Act to regulate the importation, manufacture, distribution, and sale of alcohol. The WSLCB Enforcement and Education Division is responsible for enforcing state liquor and tobacco

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laws and regulations. The officers also provide alcohol education to liquor-licensed businesses, communities, and local law enforcement agencies.

Liquor and tobacco enforcement officers are limited-authority, commissioned law enforcement officers. Enforcement operations include: premises visits, compliance checks, undercover operations, and complaint investigations, while educational efforts include liquor law briefings, technical assistance visits, and "Responsible Alcohol and Tobacco Sales" classes. The WSLCB employs approximately 55 officers in the field. These officers have received roughly 440 hours of training at the Criminal Justice Training Commission (CJTC) or at an academy in the State of Idaho.

Limited Authority Agency. Limited authority Washington law enforcement agencies and officers have, as one of their functions, the apprehension or detection of persons committing infractions or violating traffic or specific criminal laws relating to limited subject areas. Agencies so designated include, but are not limited to: the Department of Natural Resources, the Department of Social and Health Services, the Gambling Commission, the Department of Corrections, the State Parks and Recreation Commission, and the WSLCB.

Criminal Justice Training Commission's Basic Law Enforcement Academy. The CJTC provides basic law enforcement training and educational programs for law enforcement, corrections, and other public safety professionals in Washington. Basic law enforcement officer training is generally required of all law enforcement officers, with the exception of volunteers and reserve officers employed in Washington. The training consists of a 720-hour program covering a wide variety of subjects including: criminal law and procedures, traffic enforcement, cultural awareness, communication and writing skills, emergency vehicle operations, firearms, crisis intervention, patrol procedures, and criminal investigation and defensive tactics. All law enforcement personnel hired, transferred, or promoted are required to complete the core training requirements within six months, unless the employee receives a waiver from the CJTC.

Summary of Substitute Bill:

The purpose of the CJTC is to provide programs and standards for the training of criminal justice personnel including, but not limited to, peace officers and enforcement officers of the WSLCB. Admittance to the CJTC's Basic Law Enforcement Academy is open to all law enforcement personnel, including an employee who is a peace officer or enforcement officer of the WSLCB.

Substitute Bill Compared to Original Bill:

The provisions that designated the WSLCB as a general authority Washington law enforcement agency are removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Public safety is at more risk today particularly due to the change of the duties of WSLCB officers as it relates to Initiative 502. This bill will help the agency manage risk around the officers, and it ensures equal opportunity for law enforcement training for the WSLCB officers. The WSLCB officers are authorized to attend the Basic Law Enforcement Academy, but they are not mandated to go.

The WSLCB officers do not have the authority to intervene on public safety issues that take place in their presence, such as alcohol theft. Liquor control officers should not have to ignore crimes happening right in front of them.

(Opposed) The idea to have more law enforcement is a good idea but the path to achieving that through the distribution of more badges is a bad idea. This sets a precedent for other regulatory agencies to seek general authority. This bill grants instant certification to the WSLCB officers which is bad policy, unnecessary, and dangerous. Enforcing liquor and marijuana laws should be the officers only focus and if they need expanded authority then they should seek special commissions. The certification process ensures that police officers are competent and have been adequately trained. The CJTC equivalency course is just a refresher course for those officers that have already been through a full basic academy.

This bill appears to set up another multijurisdictional taskforce to be used against medical marijuana patients in Washington. In addition, the fiscal impact of this bill has not been assessed, this issue was not reviewed in the state environment policy put together by the WSLCB, this bill weakens the essential requirement of the Basic Law Enforcement Academy, and it expands police authority in the state. There is already enough state law enforcement and if the WSLCB needs help then they should call 911!

Persons Testifying: (In support) Representative Moscoso, prime sponsor; Justin Nordhern, Washington State Liquor Control Board; Alia Griffing, Washington Federation of State Employees; John Wilson, Washington State Liquor Control Board and Washington Federation of State Employees; and Shane Kempf.

(Opposed) Paul Pastor, Pierce County Sheriff's Office; Don Pierce, Washington Sheriffs and Police Chiefs; Sue Rahr, Criminal Justice Training Commission; Julia Gorton, Washington Restaurant Association; Steve Sarich, John Worthington, and John Novak, Cannabis Action Coalition; Arthur West; Tawnee Cowan; Michael Wilson; and Jerry Dierker.

Persons Signed In To Testify But Not Testifying: None.