

HOUSE BILL REPORT

HB 1537

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, Hudgins and Wylie; by request of Liquor Control Board.

Brief History:

Committee Activity:

Public Safety: 2/3/15, 2/20/15 [DPS].

Brief Summary of Substitute Bill

- Authorizes liquor enforcement officers to enforce the penal laws of the state provided they are doing so while conducting their enforcement duties related to alcohol, tobacco, and marijuana, or while working in partnership with law enforcement.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Goodman, Chair; Orwall, Vice Chair; Appleton, Moscoso and Pettigrew.

Minority Report: Do not pass. Signed by 4 members: Representatives Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey and Wilson.

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, tobacco, and

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marijuana 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 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.

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

Summary of Substitute Bill:

Liquor enforcement officers have the power and authority to enforce the penal laws of the state with the exception of those that fall under the Gambling Act (chapter 9.46 RCW). The officers may enforce all other laws under the statutory chapters relating to Crimes and Punishments (Title 9), the Washington Criminal Code (Title 9A), the Motor Vehicles Act (Title 46), and the Uniform Controlled Substances Act (chapter 69.50 RCW), provided the officers are doing so while conducting their enforcement duties related to alcohol, tobacco, and marijuana, or by working in partnership with state or local law enforcement officers.

The definition of "mutual law enforcement assistance" is expanded to include law enforcement agencies aiding or assisting the WSLCB.

Substitute Bill Compared to Original Bill:

Liquor enforcement officers are exempt from enforcing the penal laws of the state as they relate to the Gambling Act.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 20, 2015.

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) This draft of the bill is different from previous versions of the bill. Originally, it was thought the answer was to make liquor control enforcement officers general law enforcement officers, but that is not the case. Since the passage of Initiative 502, liquor control officers have been given additional duties. The officers need this authority to do their jobs better.

This bill will help ensure safe locations for all products that the WSLCB regulates as well as ensuring safe social outlets where the public gather. The passage of this bill will provide liquor control officers with the authority to assist those licensees while in their premises in doing such actions as in breaking up fights, addressing nonpayment of bills, trespass issues, and liquor theft issues. This expanded authority will also assist investigations as well as address public prevention safety issues.

The primary goal of the WSLCB is enforcement of liquor and cannabis laws to ensure public safety and to regulate licensed businesses. The passage of this bill will provide an additional resource for compliance and assistance for situations that may arise. This bill will strengthen the relationship between the WSLCB and local restaurants with the mutual goal of monitoring alcohol consumption.

(With concerns) The Gambling Commission works in the same environment as WSLCB officers. The bill as written includes the entire Gambling Act. The Gambling Commission has not had chance to see what the entire impact of the bill is at this time. The one issue that has come up is the training for WSLCB officers. As long as they have completed the Basic Law Enforcement Academy then some of the opposition of this bill may be alleviated.

(Opposed) Liquor control officers already have authority for the job that they are hired to do. They should focus on those things that are their specialty as opposed for looking for other work. To get involved in other aspects of law enforcement involves extra training, costs, and workload.

Initiative 502 had three policy goals and none of those goals have been achieved. There is no need for additional law enforcement agencies. This bill will just escalate the war on drugs. The expansion of limit authority officers was not the intent of Initiative 502. Limit authority is ample authority for liquor control officers. Money should be used for property crimes instead of funding this bill.

Liquor control officers should concentrate on regulating and not worrying about being cops. This bill is a rush to regulate before the problems have even been defined.

Persons Testifying: (In support) Representative Moscoso, prime sponsor; Justin Nordhorn, Washington State Liquor Control Board; and Julia Gorton, Washington Restaurant Association.

(With concerns) David Trujillo, Washington State Gambling Commission.

(Opposed) Carl Burke, Fraternal Order of Police; Mark Nelson, Cowlitz County Sheriff's Department; John Worthington and Arthur West, Cannabis Action Coalition; Brian Stone, 420 Leaks; Kirk Ludden; and Adam Assenberg.

Persons Signed In To Testify But Not Testifying: None.