

HOUSE BILL REPORT

HB 2369

As Reported by House Committee On:
Public Safety

Title: An act relating to the authority of liquor enforcement officers.

Brief Description: Modifying the authority of liquor enforcement officers.

Sponsors: Representative Hurst.

Brief History:

Committee Activity:

Public Safety: 1/20/16, 2/5/16 [DP].

Brief Summary of Bill

- Expands the enforcement powers of liquor enforcement officers to include enforcing the criminal laws of the state while conducting their enforcement duties related to alcohol, tobacco, and marijuana, or while working in partnership with law enforcement.
- Specifies that liquor enforcement officers must provide county and municipal law enforcement agencies with the right of first refusal for certain criminal enforcement issues and for assuming control of certain criminal investigations.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: 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:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Washington State Liquor Control Board, renamed Liquor Cannabis Board (LIQ) was formed in 1933 by the Steele Act to regulate the importation, manufacture, distribution, and sale of alcohol. The LIQ Enforcement and Education Division is responsible for enforcing state liquor, tobacco, and 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 LIQ employs approximately 55 officers in the field. Each officer receives 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 State Gambling Commission, the Department of Corrections, the State Parks and Recreation Commission, and the LIQ.

Summary of Bill:

The enforcement powers for liquor enforcement officers are expanded.

Liquor enforcement officers have the power and authority to enforce the penal laws of the state while conducting their enforcement duties related to alcohol, tobacco, and marijuana, or by working in partnership with state or local law enforcement officers. The officers have the authority to enforce most criminal provisions in state law, including the: Criminal Code, the Motor Vehicles Act, and the Uniform Controlled Substances Act.

When engaging in criminal enforcement of the Criminal Code and the Motor Vehicles Act, liquor enforcement officers must provide an opportunity for county or municipal law enforcement to assume control of the criminal investigation, or exercise the right of refusal. The scope of enforcement authority must be in direct relation to activity in and around a business licensed by the LIQ, or relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, tobacco, or marijuana. The act exempts liquor enforcement officers from having to concede or relinquish enforcement powers or a criminal investigation in connection with criminal activity in violation of the Uniform Controlled Substances Act.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The LIQ is interested in public safety, officer safety, and reducing liability for officers, as well as providing a higher level of customer service for licensees. Most of the current LIQ officers not only have extensive expertise but they are also retired law enforcement officers. There has always been pushback in giving general law enforcement authority to other agencies. The issue that has come up over the years is the enforcement power of liquor control officers since they are now required to enforce the laws around marijuana. The LIQ has tried to host several outreach meetings with the Washington Association of Sheriffs and Police Chiefs and law enforcement around the state, however, very few officers ever showed.

The LIQ officers come across criminal activity every day but they do not have the proper tools under current law to take on the illegal activity around marijuana. This bill gives the LIQ officers just enough power but still allows them to concentrate on their main duties. The LIQ officers will not only have the right to get the situation before them under control, but now they will have to check with other law enforcement agencies, due to the right of first refusal, before they can continue any further investigation. If local law enforcement does not want to take on these extra jobs, then the LIQ at least wants the ability to finish assignments. The LIQ duties will be centered and limited to liquor, tobacco, and marijuana issues.

Over \$32 billion is stolen from retail stores annually. Retailers like to have the presence of any type of law enforcement in their stores to help deter theft.

(Opposed) All law enforcement officers, with the exception of those from the Washington State Patrol and the Department of Fish and Wildlife, graduate and are certified from the Criminal Justice Training Commission academy. Limited authority agencies were created because general authority officers did not have the time or expertise to deal with every issue. If the duties of the LIQ are expanded then it takes away from what they were originally established for in the first place. As a general rule, absent the consent from a police chief or sheriff, no one else can go into someone else's territory and enforce laws. However, it is not uncommon for sheriffs and police chiefs to grant authority to other general authority law enforcement officers as well as some limited authority officers.

This bill authorizes the LIQ to enforce all laws including those violations under the drug statute; however, there is no right of first of refusal as it relates to heroin, cocaine, and other illegal drugs. Also, when it comes to the issue of right of first refusal, there is a question as to who pays for all the costs relating to the arrests that are made by liquor control officers. One has to remember that although liquor control officers wear uniforms that say police on them, they are an administrative agency charged with enforcing the laws as it relates to alcohol and marijuana.

There needs to be a good discussion to talk about law enforcement being partners with the LIQ.

Persons Testifying: (In support) Representative Hurst, prime sponsor; Mark Johnson, Washington Retail Association; and Justin Nordhorn, Washington State Liquor and Cannabis Board.

(Opposed) Mitch Barker, Washington Association of Sheriffs and Police Chiefs; John Snaza, Thurston County Sheriff's Office; and Rob Snaza, Lewis County Sheriff Office.

Persons Signed In To Testify But Not Testifying: None.