

# SENATE BILL REPORT

## HB 2399

---

As Reported by Senate Committee On:  
Commerce & Labor, February 26, 2016

**Title:** An act relating to prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer.

**Brief Description:** Prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer.

**Sponsors:** Representatives Holy, Appleton, Manweller, S. Hunt, Haler, Moscoso, Taylor, Shea, Young, Hayes, Van Werven, Walsh, Bergquist, Farrell, Klippert, Rodne, Dent, Parker, Scott, Griffey, G. Hunt, Reykdal, Goodman, Caldier, Pike, Condotta, Fitzgibbon, Tharinger, Magendanz, Stanford, Muri, Blake, Kilduff, Ormsby and Riccelli.

**Brief History:** Passed House: 2/10/16, 95-2.

**Committee Activity:** Commerce & Labor: 2/24/16, 2/26/16 [w/oRec-TRAN].

---

### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** That it be referred without recommendation and be referred to Committee on Transportation.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser, King and Warnick.

**Staff:** Richard Rodger (786-7461)

**Background:** Generally, law enforcement officers have authority to issue citations for traffic infractions when the infraction is committed in the officer's presence. Local law enforcement officers issue the majority of traffic citations in the state. The base fine for each infraction is set by rule adopted by the Washington Supreme Court and ranges from \$27 to \$250. In addition, the Legislature has added a number of fees to each traffic infraction. Infraction revenue is shared among the state, the local government issuing the citation, and dedicated funding sources.

**Summary of Bill:** The Legislature intends to ensure that performance reviews for law enforcement officers are objective, neutral, and impartial, and to address the perception that traffic stops are occurring based on any real or alleged quota systems.

---

*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 number of citations for traffic infractions, or the amount of penalties assessed from the citations, may not be considered in a law enforcement officer's performance review, evaluation, rating, assessment, salary, promotion, or assignment.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is about integrity and professionalism in law enforcement. If an officer received a portion of each ticket they issued the public would be outraged, however, when an employer compels an officer to issue tickers and creates a sustainable revenue source for the employer, everyone is silent. Officer discretion is preserved in statute for a reason. If someone is compelled to issue citations you are overcoming the officers discretion. A quick search revealed that at least seven other states have looked at prohibiting citation quota systems in their state.

CON: Nobody likes getting traffic tickets or the idea of some type of quota systems to address our budget issues, but that's not what's happening. Cities are not making a lot of money off tickets. Cities only get one-third of the ticket revenue and doesn't even cover our costs. This bill hampers our ability to adequately supervise our officers. This bill would prevent us from evaluating an officer who issued no tickets and officers who issued a ticket to every single traffic stop they made. We are concerned about the negative effect this bill would have on the Traffic Commission's ability to reach its goal of zero highway traffic deaths and injuries. Education campaigns for traffic safety require us to use officer activity data to evaluate our campaigns.

OTHER: The Washington State Patrol does not have quotas. We evaluate officers on the totality of their work. However we must look at the officers performance in the field. A study of these issues would be beneficial.

**Persons Testifying:** PRO: Representative Holy, Prime Sponsor.

CON: Candice Bock, Association of Washington; James McMahan, WA Assoc Sheriffs and Police Chiefs; Shelly Baldwin, Washington Traffic Safety Commission.

OTHER: Monica Alexander, Washington State Patrol.

**Persons Signed In To Testify But Not Testifying:** No one.