

SENATE BILL REPORT

SHB 2765

As Reported by Senate Committee On:
Law & Justice, February 26, 2016

Title: An act relating to clarifying the limited authority of park rangers.

Brief Description: Clarifying the limited authority of park rangers.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Kretz, Moscoso, Griffey, Hayes and Holy).

Brief History: Passed House: 2/15/16, 89-8.

Committee Activity: Law & Justice: 2/24/16, 2/26/16 [DP].

Brief Summary of Substitute Bill

- Gives the State Park and Recreation Commission police powers to enforce the laws of Washington within the boundaries of any state park, in winter recreation facilities, on certain public roadways and waterways, in response to the request of a law enforcement officer, when in fresh pursuit for an offense committed in the officer's presence, or upon the consent of a sheriff or police chief.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: The State Parks and Recreation Commission (Commission) is classified by statute as a limited authority Washington law enforcement agency. The Washington parks system includes more than 100 developed parks, recreation programs, trails, boating safety and winter recreation. The Commission is charged, in part, with enforcing the state laws on public recreational lands. The Commission may adopt policies and enforce rules pertaining to the use, care, and administration of state parks and parkways.

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.

Park rangers go through a training course developed by the Commission and are vested with police powers to enforce Washington laws.

Limited Authority Agency. A "limited authority Washington law enforcement agency" is any agency, political subdivision, or unit of local government of Washington, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the Departments of Natural Resources, Social and Health Services, Gambling Commission, Lottery Commission, State Parks and Recreation Commission, Utilities and Transportation Commission, Liquor and Cannabis Board, Office of the Insurance Commissioner, and Corrections.

A limited authority Washington peace officer is any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer.

Fresh pursuit includes, without limitation, fresh pursuit as defined by the common law. Fresh pursuit does not necessarily imply immediate pursuit, but pursuit without unreasonable delay.

Summary of Bill: Designated officers of the Commission are authorized to enforce all the laws of the State of Washington:

- within the boundaries of any state park, including lands owned, managed, or co-managed by the Commission under lease or other agreement;
- in winter recreation facilities established and administered by the Commission;
- on public roadways and public waterways bisecting the contiguous borders of any state park, including lands owned, managed, or co-managed by the Commission under lease or other agreement;
- upon prior written consent of the sheriff or police chief in whose primary territorial jurisdiction the exercise of the powers occur;
- in response to the request of a peace officer with enforcement authority; and
- when the officer is in fresh pursuit for an offense committed in the presence of the officer.

The Director of the Commission may enter into agreements allowing officers of tribal law enforcement agencies on contiguous or co-managed property to enforce certain civil infractions.

When physical injury to a person or substantial damage to property occurs, or is about to occur, within the presence of an officer of the Commission designated with police powers, the officer is authorized to take such action as is reasonably necessary to prevent or to prevent further physical injury to a person or substantial damage to property. In such cases, the officer is immune from civil liability for damages arising out of the action of the designated officer, unless it is shown that the officer acted with gross negligence or bad faith.

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: The mission of the State Parks Commission is to protect visitors and property. This bill clarifies the limited authority of park rangers, but it does not give park rangers general authority for law enforcement. This is a compromise that has been worked out over years. It addresses specific needs where limited authority officers were not able to assist police in the past. The bill allows such assistance in limited instances.

OTHER: The WA Assoc. of Sheriffs & Police Chiefs is neutral on this bill, and the language is agreed upon.

Persons Testifying: PRO: Rep. Kretz, Prime Sponsor; Robert Ingram, WA State Parks; Alia Griffing, Andy Kallinen, WA Federation of State Employees.

OTHER: James McMahan, WA Assoc. of Sheriffs & Police Chiefs.

Persons Signed in to Testify But Not Testifying: No one.