

SENATE BILL REPORT

SB 6305

As of February 23, 2016

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

Brief Description: Modifying the authority of liquor enforcement officers.

Sponsors: Senators Rivers and Conway.

Brief History:

Committee Activity: Commerce & Labor: 1/22/16.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Richard Rodger (786-7461)

Background: The Liquor and Cannabis Board's (LCB) Enforcement and Education Division is responsible for enforcing state liquor, tobacco, and marijuana laws and regulations. Its 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. Educational efforts include liquor law briefings, technical assistance visits, and "Responsible Alcohol and Tobacco Sales" classes.

One function of Washington law enforcement agencies and officers is 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 LCB.

Law enforcement agencies frequently aid or assist other such agencies in performing law enforcement duties through loans or exchanges of personnel.

Summary of Bill: Liquor enforcement officers have the power and authority to enforce the laws and to serve and execute warrants under additional statutory codes. The officers may only exercise this authority while conducting their enforcement duties related to alcohol,

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tobacco, and marijuana, or by working in partnership with state or local law enforcement officers. The expanded authority extends to the statutory provisions in the titles relating to:

- Crimes and Punishments - Title 9 RCW,
- Washington Criminal Code - Title 9A RCW,
- Motor Vehicles Act - Title 46 RCW, and
- Uniform Controlled Substances Act - Chapter 69.50 RCW.

The scope of liquor enforcement authority for Titles 9, 9A and 46 RCW must be in direct relation to activity in or around a business licensed by the LCB or relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, tobacco, or marijuana.

With the exception of the Controlled Substances Act, local law enforcement have the right of first refusal for criminal enforcement under Titles 9, 9A, 46, or 69.50 RCW. Liquor enforcement officers must provide an opportunity for local law enforcement to assume control of the criminal investigation or exercise their right of refusal.

Liquor enforcement officers are also granted the additional authority to arrest, without a warrant, any person found in the act of violating the provisions of Titles 9, 9A, 46, or 69.50 RCW. The officers may only exercise this arrest authority while conducting their enforcement duties related to alcohol, tobacco, and marijuana, or by working in partnership with state or local law enforcement officers.

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 gives much needed authority to an agency that is willing to undertake greater enforcement duties related to illegal marijuana activity. We have had hundreds of customers come into our neighborhood to purchase products at an illegal medical marijuana operation. These activities were illegal and posed a public safety threat, but local law enforcement would not take actions to stop it.

The bill allows LCB enforcement officers to address criminal issues and activities that the officers often encounter in the course of their duties, including such activities as money laundering, assaults on other patrons, assaults on our officers, transportation violations, firearm violations, and encountering impaired drivers before they leave the business parking lots. LCB will use the funds identified in the fiscal note to enhance our training, that already exceeds the current standards. Without this additional authority we don't believe we are meeting the requirements of the federal Cole memorandum. A more collaborative approach is needed.

CON: Any confusion about enforcement is related to how the laws were initially drafted and the Legislature has fixed that with the recent passage of the new provisions. Jurisdiction was

never an issue. Limited law enforcement officers lack the experience, time, and resources to undertake the expansive authorities granted under this bill. We could look at some limited areas such as fraud or DUI situations, but not the entire criminal codes. We have the ability to commission additional officers as needed. This bill creates a third expansion regarding the limited enforcement officers. These officers perform administrative functions and duties and report to the governor, not law enforcement. Even with the right of first refusal provisions in the bill, it will create increased caseloads, mental health costs, and jail costs. These fiscal burdens will not fall on the LCB. The bill doesn't provide resources to law enforcement to cover the increased costs. We need detailed conversations on this topic and it is important for legislators to be involved in these discussions.

Persons Testifying: PRO: John Cupp, citizen; Justin Nordhorn, WSLCB.

CON: Mitch Barker, WA Assoc Sheriffs and Police Chiefs; John Snaza, Thurston County Sheriff.

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