

HOUSE BILL REPORT

HB 1475

As Reported by House Committee On:
Judiciary

Title: An act relating to clarifying the limited authority of gambling commission officers.

Brief Description: Clarifying the limited authority of gambling commission officers.

Sponsors: Representatives Irwin, Goodman, Hayes, Ryu, Kilduff, Holy, Klippert, Kirby and Lovick; by request of Gambling Commission.

Brief History:

Committee Activity:

Judiciary: 1/31/17, 2/9/17 [DP].

Brief Summary of Bill

- Authorizes limited authority peace officers of the Gambling Commission to take reasonably necessary action to prevent physical injury to a person, substantial damage to property, or further injury or further substantial damage, when the injury or damage occurs, or is about to occur, within the officer's presence.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Klippert, Orwall and Shea.

Staff: Cece Clynch (786-7195).

Background:

Limited Authority Law Enforcement 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

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areas. These include 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.

Gambling Commission.

The Gambling Commission is authorized to enforce the laws relating to the conduct of, or participation in, gambling activities, and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used, or for use in connection with, gambling activities. This authority includes application for, and execution of, warrants and the power to arrest without a warrant any person found in the act of violating the gambling laws.

Summary of Bill:

When physical injury to a person or substantial damage to property occurs, or is about to occur, within the presence of a Gambling Commission officer designated with police powers, the officer is authorized to take such action as is reasonably necessary to prevent:

- physical injury to a person;
- substantial damage to property; or
- further injury to a person or further substantial damage to property.

In such cases, the officer is immune from civil liability for damages arising out of his or her action, unless it is shown that the officer acted with gross negligence or bad faith.

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) This is agency request legislation. It allows an officer to intervene if, for instance, someone is being assaulted across from a gambling facility, and provides qualified immunity for that officer. These officers already receive 720 hours of law enforcement training. They are fully licensed and commissioned. The bill merely extends to these

Gambling Commission officers the same protection that other law enforcement officers enjoy. The authority and protections are similar to the authority and protections received last year by officers that work for the State Parks and Recreation Commission. The bill provides necessary legal protection for the officers while increasing the safety of public. It will provide peace of mind for the Gambling Commission's 55 special agents.

(Opposed) None.

Persons Testifying: Representative Irwin, prime sponsor; and Brian Considine and Amy Hunter, Gambling Commission.

Persons Signed In To Testify But Not Testifying: None.