

SENATE BILL REPORT

SB 5132

As Reported by Senate Committee On:
Law & Justice, February 16, 2017

Title: An act relating to liquor enforcement officers' powers.

Brief Description: Expanding the powers of liquor enforcement officers.

Sponsors: Senators Rivers, Conway, Keiser and Chase; by request of Liquor and Cannabis Board.

Brief History:

Committee Activity: Law & Justice: 1/17/17, 2/16/17 [DPS].

Brief Summary of Substitute Bill

- Expands the authority of the Liquor and Cannabis Board (LCB) to enforce penal and traffic laws relating to the impaired driving of patrons in and around locations licensed by the LCB.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass.

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

Staff: Shani Bauer (786-7468)

Background: The LCB's 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.

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.

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.

The LCB is specifically granted the power to enforce penal provisions within the liquor control title and penal provisions relating to the manufacture, importation, transportation, possession, distribution and sale of liquor and to employ liquor enforcement officers to that end. A liquor enforcement officer has the power to serve and execute warrants or other process of law issued by the courts as well as arrest persons who are found to be violating provisions relating to liquor control.

Summary of Bill (First Substitute): The LCB is granted the power to enforce penal and traffic laws relating to and associated with the manufacture, importation, transportation, possession, distribution and sale of liquor, marijuana, tobacco, and vapor products as well as the penal and traffic laws relating to the impaired driving of patrons in and around locations licensed by the LCB. This enforcement power is extended to a liquor enforcement officer employed by the LCB with the associated authority to serve and execute warrants and the authority to arrest.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Expands the authority of enforcement officers with the LCB to enforce penal and traffic laws relating to the impaired driving of patrons in and around locations licensed by the LCB.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The LCB currently has the authority to enforce laws relating to tobacco, marijuana, and vapor products. This bill brings all of the LCB's enforcement authority together in one place and shores up gaps in its authority. This bill will improve officer safety by allowing them to proceed without hesitation when faced with a public safety issue that may currently be outside of their authority. It also allows for

risk management and mitigation. The LCB may be investigating a violation and the investigation leads into areas that are beyond the agency's scope of authority. This bill would allow the LCB to proceed. There is no intent to encroach on law enforcement territory. LCB officers have a significant concern when the officer observes an impaired driver. The officer would like the authority to intercept that impaired driver.

CON: The ability to enforce laws around patron conduct are particularly concerning and duplicative of law enforcement powers. The bill would allow broad additional enforcement powers. LCB officers do not have adequate training to handle the myriad of situations particularly regarding de-escalation techniques. Concerns could be remedied by removing the portion related to patron conduct. Law enforcement is concerned when an agency proposes to expand its limited authority beyond the scope of the regulatory purpose for which it was created. If the legislature believes there should be additional enforcement surrounding these types of establishments, it should increase funding for law enforcement.

Persons Testifying: PRO: Justin Nordhorn, WA State Liquor and Cannabis Board.

CON: Elisabeth Smith, ACLU Washington; James McMahan, Washington Association of Sheriffs and Police Chiefs; Sheri Pewitt, Washington Association of Criminal Defense Lawyers and Washington Defenders' Association.

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