

SENATE BILL REPORT

SB 5582

As Reported by Senate Committee On:
Commerce, Labor & Sports, February 15, 2017

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

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

Sponsors: Senators Honeyford, Keiser, Pedersen, Rossi and Conway; by request of Gambling Commission.

Brief History:

Committee Activity: Commerce, Labor & Sports: 2/08/17, 2/15/17 [DP, DNP].

Brief Summary of Bill

- Authorizes a Washington State Gambling Commission limited authority peace officer to take reasonably necessary action to prevent physical injury to a person and substantial damage to property when it occurs within the officer's presence.
- Provides immunity unless it is shown that the officer acted with gross negligence or bad faith.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway, King, Rossi, Saldaña and Wilson.

Minority Report: Do not pass.

Signed by Senator Hasegawa.

Staff: Susan Jones (786-7404)

Background: All peace officers, law enforcement officers, and law enforcement agencies within this state have the duty to investigate, enforce, and prosecute all violations of the Gambling Act (Act).

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.

In addition, law enforcement agencies of cities and counties must investigate and report to the Washington State Gambling Commission (WSGC) all violations of the provisions of the Act and of the WSGC rules, and assist the WSGC in any of its investigations and proceedings. These law enforcement agencies are not be deemed agents of the WSGC.

The WSGC, including its investigators, enforcement officers, and inspectors (WSGC officers), have the power to enforce the penal provisions of the Act, and the penal laws of this state relating to 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. The WSGC officers have the power and authority to apply for and execute all warrants issued by the courts. They have the power to arrest without a warrant any person or persons found in the act of violating any of those provisions of the Act. The WSGC is a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of the Act, and to obtain information from and provide information to all other law enforcement agencies.

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 WSGC officer designated with police powers, the officer may take reasonably necessary action to prevent:

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

The WSGC officer is immune from civil liability for damages arising out of the officer's action, unless it is shown that the WSGC officer acted with gross negligence or bad faith.

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: PRO: This bill gives limited immunity in situations in which property is being damaged or another person is being injured. This is important. These officers receive the same training as other general purpose officers. This provides the fully commissioned officers the same protection that general law enforcement officers gets. This bill deals with the civil side not the criminal side.

Persons Testifying: PRO: Senator Jim Honeyford, Prime Sponsor; Dave Trujillo, Gambling Commission/ Director; Brian Considine, Gambling Commission/Legislative Liaison.

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