

FINAL BILL REPORT

ESHB 1369

C 250 L 23
Synopsis as Enacted

Brief Description: Concerning off-duty employment of fish and wildlife officers.

Sponsors: House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Griffey, Bronoske, Riccelli, Maycumber, Couture, Abbarno, Volz, Barkis, Christian and Leavitt).

House Committee on Community Safety, Justice, & Reentry
Senate Committee on Law & Justice

Background:

Law enforcement personnel include general authority peace officers. A general authority peace officer is an officer of a state or local government or agency whose primary function is to enforce violations of traffic or criminal laws. The Washington State Patrol and the Washington Department of Fish and Wildlife (WDFW) are general authority law enforcement agencies. Absent authorization, state officers and employees may not use official resources for private benefit or gain.

The WDFW has liability for its officers' exercise of authority unless the WDFW's officer is acting under the direction of another agency or another agency assumes liability pursuant to an agreement with the WDFW.

All general authority peace officers are required to successfully complete the Criminal Justice Training Commission's Basic Law Enforcement Training within a specified time after being hired. A newly-hired WDFW officer must attend Basic Law Enforcement Academy within six months.

Depending on the officer's employing agency, additional training is also required. Newly-hired general authority peace officers must receive 200 hours of violence de-escalation and mental health training within 15 months. Officers must complete 40 hours of continuing training every three years on de-escalation and mental health. A WDFW officer hired

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before December 2019 must complete the first three-year cycle of violence de-escalation and mental health training by January 1, 2028. Under Criminal Justice Training Commission rules, violence de-escalation and mental health training includes, among other subjects, the history of police interaction with Native American communities, including tribal sovereignty, tribal culture and traditions, and notification to tribal governments when a tribal person is killed or injured.

Summary:

The WDFW's officers may engage in private law enforcement off-duty employment. The Chief of the WDFW law enforcement is required to adopt guidelines that ensure preservation of the WDFW's integrity and professionalism when the WDFW's officers choose to participate in off-duty employment. The WDFW's Officers may wear their uniforms or plainclothes when employed off-duty.

If a WDFW officer accepts off-duty employment on reservation, trust, or allotted lands of a federally-recognized Indian tribe, the officer must complete the Criminal Justice Training Commission's violence de-escalation and mental health training, including the curriculum of the history of police interactions with Native American communities. In addition, the private employer must obtain permission from the affected tribe.

Washington is not liable for tortious conduct by the WDFW's officers who engage in private off-duty law enforcement. Prior to engaging in private employment, the WDFW's officers must provide the private employer with written notice of this limitation.

Votes on Final Passage:

House	96	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 23, 2023