

SENATE BILL REPORT

SB 5382

As Reported by Senate Committee On:
Law & Justice, February 9, 2023

Title: An act relating to off-duty employment of fish and wildlife officers.

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

Sponsors: Senators MacEwen, Dozier, Frame, Holy, Hunt, Keiser, Rolfes, Shewmake, Wilson, J. and Wilson, L..

Brief History:

Committee Activity: Law & Justice: 2/02/23, 2/09/23 [DPS].

Brief Summary of First Substitute Bill

- Authorizes Washington Fish and Wildlife officers to engage in private law enforcement off-duty employment, in uniform or in plainclothes for private benefit.
- Subjects private employment to guidelines adopted by the chief of Fish and Wildlife enforcement.
- Clarifies that the use of Washington Fish and Wildlife officer's uniforms shall be considered de minimis use of state property.
- Exempts the state of liability for any tortious conduct by Washington Fish and Wildlife officers during off-duty employment.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5382 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Tim Ford (786-7423)

Background: No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in their official custody, for the private benefit or gain of the officer, employee, or another.

There is no express authority for, or prohibition against, Washington Department of Fish and Wildlife officers engaging in off-duty law enforcement employment for private benefit.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Washington Fish and Wildlife officers may engage in private law enforcement off-duty employment, in uniform or in plainclothes for private benefit. Private employment is subject to guidelines adopted by the chief of Fish and Wildlife enforcement. These guidelines must ensure that the integrity and professionalism of the Washington Fish and Wildlife enforcement is preserved.

Use of Washington Fish and Wildlife officer's uniforms shall be considered de minimis use of state property.

The state is not liable for tortious conduct by Washington Fish and Wildlife officers that occurs while such officers are engaged in private law enforcement off-duty employment. Officers engaged in private employment must notify the private employer in writing of the state's immunity from liability.

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 First Substitute: PRO: Currently, the only uniformed off duty law enforcement are authorized work at Lumen Field working Seahawks and Sounders games. These events require a large contingency of off duty uniformed officers in order to host the game. Their primary duty is to preserve life, deter terrorism, and enforce Washington State law. A document is signed when applying for off duty law enforcement that ensures the department comes first. This bill accomplishes three things. It recognizes the right for fish and wildlife officers to do off duty private law enforcement. It makes it clear that this is subject to policies the chief will adopt to ensure this is done appropriately and safely. It adds in the second section that tort liability which might occur will be on the private entity of the contracts, not the State of Washington of the state agency.

Persons Testifying: PRO: Tom McBride, WDFW; Erik Olson, Teamsters.

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