

# HOUSE BILL REPORT

## ESB 5242

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**As Passed House:**  
April 1, 2011

**Title:** An act relating to motorcycle profiling.

**Brief Description:** Addressing motorcycle profiling.

**Sponsors:** Senators Hargrove, Pflug, Kline, Regala, Harper, Carrell, Keiser, Nelson, Sheldon, Conway and Shin.

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 3/22/11 [DP].

**Floor Activity:**

Passed House: 4/1/11, 91-0.

**Brief Summary of Engrossed Bill**

- Requires the Criminal Justice Training Commission to ensure that issues related to motorcycle profiling are addressed in basic law enforcement training and offered to in-service law enforcement officers.
- Requires local law enforcement agencies to add a statement condemning motorcycle profiling to existing policies regarding profiling.
- Defines "motorcycle profiling."

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**HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS**

**Majority Report:** Do pass. Signed by 11 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

**Staff:** Yvonne Walker (786-7841).

**Background:**

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*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.*

Profiling occurs when a law enforcement officer singles out a suspect with certain characteristics because the officer believes that the class of persons that exhibits the characteristics is more likely than others to commit crimes. With respect to profiling based on race, local law enforcement agencies must:

- adopt a written policy designed to condemn and prevent racial profiling;
- review and audit their existing procedures, practices, and training to ensure that they do not enable or foster racial profiling;
- continue training to address the issues relating to racial profiling. Officers should be trained in how to better interact with persons they stop to prevent legitimate behavior from being misinterpreted as racial profiling;
- ensure that they have a citizen complaint process in place;
- work with minority groups to appropriately address racial profiling; and
- collect demographic data on traffic stops and analyze the data to ensure that racial profiling is not occurring.

The Washington Association of Sheriffs and Police Chiefs and the Criminal Justice Training Commission (CJTC) must ensure that issues related to racial profiling are addressed in basic law enforcement training and offered in regional training for in-service law enforcement officers.

**Summary of Bill:**

The CJTC must ensure that issues related to motorcycle profiling are addressed in basic law enforcement training and offered to in-service law enforcement officers in conjunction with existing training. Local law enforcement agencies must add a statement condemning motorcycle profiling to existing policies regarding profiling.

"Motorcycle profiling" is defined as the illegal use of the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or the Washington Constitution.

**Appropriation:** None.

**Fiscal Note:** Available on original bill.

**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 bill is about making sure that law enforcement understands that they should not decide whether someone is worth pulling over based upon how they look. This is not an indictment on law enforcement at all. This is just a clear statement that one should not profile on the basis on how interesting people look.

Various motorcyclists have established that a pattern of profiling does exist from \$90,000 discrimination judgments to the discrimination that occurred on the grounds of the state capitol.

The Senate amendment on the bill is patterned after the racial profiling language. The sections relating to the extensive auditing procedures and the community outreach requirements have been removed from the bill. This alleviates any fiscal requirements or concerns with the bill. Training and policies regarding motorcycle profiling will be integrated into current training requirements for law enforcement officers.

(Opposed) None.

**Persons Testifying:** Senator Hargrove, prime sponsor; and David Devereaux, Confederation of Clubs.

**Persons Signed In To Testify But Not Testifying:** None.