

HOUSE BILL REPORT

HB 2070

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to arrests without warrant.

Brief Description: Regulating arrests without warrant for traffic and boating offenses.

Sponsors: Representatives Wensman, B. Thomas and Sheahan.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/4/97, 3/5/97 [DP].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 13 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Cairnes; Delvin; Dickerson; Hickel; Mitchell; Robertson and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: A police officer that believes a person has committed or is committing a felony is authorized to arrest that person without a warrant. A police officer may also arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except if the officer believes:

- (1) That a person has committed or is committing a misdemeanor or gross misdemeanor involving physical harm or threats of harm to any person or property or stealing property, or involving the use or possession of drugs or alcohol (by a person under the age of 21 years);
- (2) That the person has violated a restraining order such as going onto the grounds of or entering a residence, workplace, school, or day-care;
- (3) That the person is 16 years or older and within the preceding four hours has physically assaulted a family or household member;
- (4) That the person has committed or is committing a violation of certain state traffic laws and regulations;

- (5) That the person has committed or is committing any act of indecent exposure;
- (6) That the person has violated anti-harassment order;
- (7) That the person has, within 24 hours of the alleged violation, committed the violation; or
- (8) That the person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school grounds.

In addition, a law enforcement officer may ask another officer, in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a traffic infraction to the driver who is believed to have committed the infraction.

The request by the witnessing officer gives the other officer the authority to take appropriate action under the laws of the state of Washington. Boating offenses are not included as part of this law.

Summary of Bill: Law enforcement officers are authorized to ask another officer, in whose presence a boating offense was committed, to stop, detain, arrest, or issue an infraction to the driver who is believed to have committed the infraction.

The term traffic offense includes vehicular gross misdemeanors, misdemeanors, or other traffic infraction including vehicular parking, standing, stopping, and pedestrian offenses.

The term boating offense includes a number of offenses such as when a person operates a vessel in a negligent manner (excessive speeds); a person operates a vessel while under the influence of alcohol or drugs; violating vessel equipment standards; a person operates a vessel without floatation devices on board; and an under-aged person operates a water-craft.

A law enforcement officer in whose presence— includes a general authority, limited authority, or specially commissioned Washington peace officer, or federal peace officer.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill allows Coast Guards to work more closely with state and local law enforcement officers. In the past, local officers did not have the authority

to make arrests based on information provided to them by Coast Guard boarding officers. The problem is most prevalent in intoxication cases when a Coast Guard will require a suspected intoxicated person operating a vessel to dock his or her vessel. This person is then turned over to the local authorities so that they may perform a Breathalyzer test. However, many times when the results of the Breathalyzer test are positive, the local authority will not make an arrest for boarding while intoxicated because they did not personally observed the suspect operating the boat. Local law enforcement agencies feel they cannot rely on information provided by Coast Guard officers based upon the way the current law is written. This new bill will provide for a higher level of cooperation between the law enforcement officers and the Coast Guard officers within concurrent jurisdictions. This will better promote safe boarding practices.

Testimony Against: None.

Testified: Representative Wensman, prime sponsor (pro); and Bob Buston, United States Coast Guard (pro).