

FINAL BILL REPORT

HB 3902

C 1 L 97 E1

Synopsis as Enacted

Brief Description: Restoring the authority of law enforcement officers to check for outstanding warrants when making traffic infraction stops (Introduced with Senate sponsors).

Sponsors: Representatives Lisk and Appelwick; by request of Governor Locke.

Background: On August 28, 1997, the Washington State Supreme Court held that a law enforcement officer does not have the legal authority under state statute or local ordinance to detain a person stopped for a noncriminal traffic offense while the officer conducts a warrant check. The court based its opinion on statutory grounds; the court did not decide any constitutional issues.

A state statute grants law enforcement officers the authority to stop individuals for traffic infractions and governs what may occur during such stops. The state statute grants the officer the authority to detain a person for a reasonable period of time in order to perform four tasks: (1) identify the person; (2) check the status of the person's license and insurance identification card; (3) check the status of the vehicle's registration; and (4) complete and issue a notice of traffic infraction.

It is suggested that existing law should be clarified to specifically authorize law enforcement officers to conduct a warrant search when a person has been stopped for a traffic offense.

Summary: Law enforcement officers are given explicit statutory authority to detain a person for a reasonable period of time to conduct a warrant search if the person has been stopped for a noncriminal traffic offense.

Votes on Final Passage:

House: 93 1
Senate: 42 2

Effective Date: September 17, 1997