

HOUSE BILL REPORT

HB 2153

As Reported by House Committee On:

Natural Resources

Title: An act relating to law enforcement officers of the department of fish and wildlife.

Brief Description: Modifying the powers and duties of fish and wildlife law enforcement officers.

Sponsors: Representatives Kessler, Buck, Doumit and Hurst; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity:

Natural Resources: 2/26/01 [DP].

Brief Summary of Bill

- Designates the Department of Fish and Wildlife (DFW) as a general authority Washington law enforcement agency.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 7 members: Representatives Doumit, Democratic Co-Chair; Rockefeller, Democratic Vice Chair; Buck, Eickmeyer, Ericksen, Jackley and Murray.

Minority Report: Without recommendation. Signed by 4 members: Representatives Sump, Republican Co-Chair; Pearson, Republican Vice Chair; G. Chandler and Pennington.

Staff: Jason Callahan (786-7117).

Background:

The DFW is charged with enforcing the state Wildlife Code. The DFW is listed as a limited authority Washington law enforcement agency. As such, the enforcement authority of DFW agents is limited to a specific subject area. The DFW agents may only enforce the non-wildlife criminal laws of Washington when they are acting in their

duty and the violation occurs in their presence. If such an event occurs, the DFW officer must report the activity to the Washington State Patrol.

In contrast, general authority Washington law enforcement agencies may enforce any traffic or criminal law of the state throughout the territorial boundaries of the state. An example of a general authority agency is the Washington State Patrol.

Summary of Bill:

The DFW is designated as a general authority Washington law enforcement agency, with enforcement authority equal to that of the Washington State Patrol. The DFW can enforce the traffic and criminal laws of the state throughout the territorial bounds of the state.

Appropriation: None.

Fiscal Note: Requested on February 20, 2001.

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

Testimony For: Expanding the Department of Fish and Wildlife to a general authority law enforcement agency is the logical next step in the authority change started for the department during the 1985 legislative session. The department has been facing civil litigation over minor infractions and misdemeanors due to inconsistent and ambiguous statutory language, and this bill would solve these problems. Fully authorized department officers could provide police presence and protection in remote areas, far from state patrol or county sheriff offices. Currently the department's officers can not provide protection against criminal trespass by hunters or theft within hunting camps due to their limited authority. This bill will allow all crimes associated with hunters and fishers to be enforced. The department will have general authority, but they will remain focused on the Wildlife Code; just as State Patrol officers focus on traffic violations while enjoying general enforcement authority. The department's officers graduate from the same training academies as other law enforcement officers, and often stand shoulder-to-shoulder with other law enforcement officers in the field. Police departments have high case loads, and expanding the department's authority will allow holes in protection to be filled.

Testimony Against: This bill tightens the chains on individual freedoms and pushes the good intentions of the department too far. Even if the current department leaders only plan to use the expanded authority to enhance their enforcement of the Wildlife Code, future administrations may use the authority to enforce laws not associated with the Wildlife Code. The department does not need to obtain a warrant prior to entering one's

property, and expanding their authority to general law enforcement, while still allowing unwarranted access to property, is a threat to civil liberties and may raise constitutional issues.

Testified: Bruce Bjork, Washington Department of Fish and Wildlife; Bill Hanson, Washington State Council of Police and Sheriffs; and Russ Cahill, Washington Fish and Wildlife Commission.

(Opposed) Merton Cooper; and Hertha Lund.