
HOUSE BILL 1399

State of Washington

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By Representatives Stanford, Tharinger, Moscoso, Takko, Appleton, Bergquist, Liiias, and Reykdal

Read first time 01/25/13. Referred to Committee on Public Safety.

1 AN ACT Relating to giving general law enforcement authority to
2 natural resource investigators; and amending RCW 10.93.020, 10.93.140,
3 and 43.12.065.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.93.020 and 2006 c 284 s 16 are each amended to read
6 as follows:

7 As used in this chapter, the following terms have the meanings
8 indicated unless the context clearly requires otherwise.

9 (1) "General authority Washington law enforcement agency" means any
10 agency, department, or division of a municipal corporation, political
11 subdivision, or other unit of local government of this state, and any
12 agency, department, or division of state government, having as its
13 primary function the detection and apprehension of persons committing
14 infractions or violating the traffic or criminal laws in general, as
15 distinguished from a limited authority Washington law enforcement
16 agency, and any other unit of government expressly designated by
17 statute as a general authority Washington law enforcement agency. The
18 Washington state patrol, the department of natural resources, and the

1 department of fish and wildlife are general authority Washington law
2 enforcement agencies.

3 (2) "Limited authority Washington law enforcement agency" means any
4 agency, political subdivision, or unit of local government of this
5 state, and any agency, department, or division of state government,
6 having as one of its functions the apprehension or detection of persons
7 committing infractions or violating the traffic or criminal laws
8 relating to limited subject areas, including but not limited to, the
9 state departments of natural resources and social and health services,
10 the state gambling commission, the state lottery commission, the state
11 parks and recreation commission, the state utilities and transportation
12 commission, the state liquor control board, the office of the insurance
13 commissioner, and the state department of corrections.

14 (3) "General authority Washington peace officer" means any full-
15 time, fully compensated and elected, appointed, or employed officer of
16 a general authority Washington law enforcement agency who is
17 commissioned to enforce the criminal laws of the state of Washington
18 generally.

19 (4) "Limited authority Washington peace officer" means any full-
20 time, fully compensated officer of a limited authority Washington law
21 enforcement agency empowered by that agency to detect or apprehend
22 violators of the laws in some or all of the limited subject areas for
23 which that agency is responsible. A limited authority Washington peace
24 officer may be a specially commissioned Washington peace officer if
25 otherwise qualified for such status under this chapter.

26 (5) "Specially commissioned Washington peace officer", for the
27 purposes of this chapter, means any officer, whether part-time or full-
28 time, compensated or not, commissioned by a general authority
29 Washington law enforcement agency to enforce some or all of the
30 criminal laws of the state of Washington, who does not qualify under
31 this chapter as a general authority Washington peace officer for that
32 commissioning agency, specifically including reserve peace officers,
33 and specially commissioned full-time, fully compensated peace officers
34 duly commissioned by the states of Oregon or Idaho or any such peace
35 officer commissioned by a unit of local government of Oregon or Idaho.
36 A reserve peace officer is an individual who is an officer of a
37 Washington law enforcement agency who does not serve such agency on a

1 full-time basis but who, when called by the agency into active service,
2 is fully commissioned on the same basis as full-time peace officers to
3 enforce the criminal laws of the state.

4 (6) "Federal peace officer" means any employee or agent of the
5 United States government who has the authority to carry firearms and
6 make warrantless arrests and whose duties involve the enforcement of
7 criminal laws of the United States.

8 (7) "Agency with primary territorial jurisdiction" means a city or
9 town police agency which has responsibility for police activity within
10 its boundaries; or a county police or sheriff's department which has
11 responsibility with regard to police activity in the unincorporated
12 areas within the county boundaries; or a statutorily authorized port
13 district police agency or four-year state college or university police
14 agency which has responsibility for police activity within the
15 statutorily authorized enforcement boundaries of the port district,
16 state college, or university.

17 (8) "Primary commissioning agency" means (a) the employing agency
18 in the case of a general authority Washington peace officer, a limited
19 authority Washington peace officer, an Indian tribal peace officer, or
20 a federal peace officer, and (b) the commissioning agency in the case
21 of a specially commissioned Washington peace officer (i) who is
22 performing functions within the course and scope of the special
23 commission and (ii) who is not also a general authority Washington
24 peace officer, a limited authority Washington peace officer, an Indian
25 tribal peace officer, or a federal peace officer.

26 (9) "Primary function of an agency" means that function to which
27 greater than fifty percent of the agency's resources are allocated.

28 (10) "Mutual law enforcement assistance" includes, but is not
29 limited to, one or more law enforcement agencies aiding or assisting
30 one or more other such agencies through loans or exchanges of personnel
31 or of material resources, for law enforcement purposes.

32 **Sec. 2.** RCW 10.93.140 and 2002 c 128 s 2 are each amended to read
33 as follows:

34 This chapter does not limit the scope of jurisdiction and authority
35 of the Washington state patrol, the department of natural resources,
36 and the department of fish and wildlife as otherwise provided by law,

1 and these agencies shall not be bound by the reporting requirements of
2 RCW 10.93.030.

3 **Sec. 3.** RCW 43.12.065 and 2011 c 320 s 16 are each amended to read
4 as follows:

5 (1) For the promotion of the public safety and the protection of
6 public property, the department of natural resources may, in accordance
7 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules
8 pertaining to use by the public of state-owned lands and property which
9 are administered by the department.

10 (2)(a) Except as otherwise provided in this subsection, a violation
11 of any rule adopted under this section is a misdemeanor.

12 (b) Except as provided in (c) of this subsection, the department
13 may specify by rule, when not inconsistent with applicable statutes,
14 that violation of such a rule is an infraction under chapter 7.84 RCW.
15 However, any violation of a rule relating to traffic including parking,
16 standing, stopping, and pedestrian offenses is a traffic infraction.

17 (c) Violation of such a rule equivalent to those provisions of
18 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

19 (3) The commissioner of public lands and those employees as the
20 commissioner may designate shall be vested with police powers when
21 enforcing:

22 (a) The rules of the department adopted under this section;

23 (b) The civil infractions created under RCW 79A.80.080; or

24 (c) The general criminal statutes or ordinances of the state or its
25 political subdivisions where enforcement is necessary for the
26 protection of state-owned lands and property.

27 (4) The commissioner of public lands may, under the provisions of
28 RCW 7.84.140, enter into an agreement allowing employees of the state
29 parks and recreation commission and the department of fish and wildlife
30 to enforce certain civil infractions created under this title.

31 (5) Nothing in this section or RCW 10.93.020 confers membership to
32 natural resource investigators in the Washington law enforcement
33 officers' and firefighters' retirement system under chapter 41.26 RCW.

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