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SENATE BILL 6006

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State of Washington

54th Legislature

1995 Regular Session

By Senator Smith

Read first time 02/22/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to expanding authority to arrest without warrant to  
2 special agents of the federal bureau of investigation, drug enforcement  
3 administration, United States secret service, or bureau of alcohol,  
4 tobacco, and firearms, and deputy United States marshals; and amending  
5 RCW 10.88.330.

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

7 **Sec. 1.** RCW 10.88.330 and 1979 ex.s. c 244 s 16 are each amended  
8 to read as follows:

9 (1) The arrest of a person may be lawfully made also by any peace  
10 officer or a private person, without a warrant upon reasonable  
11 information that the accused stands charged in the courts of a state  
12 with a crime punishable by death or imprisonment for a term exceeding  
13 one year, but when so arrested the accused must be taken before a judge  
14 or magistrate with all practicable speed and complaint must be made  
15 against him under oath setting forth the ground for the arrest as in  
16 RCW 10.88.320; and thereafter his answer shall be heard as if he had  
17 been arrested on a warrant.

18 (2) An officer of the United States customs service or the  
19 immigration and naturalization service, a special agent of the federal

1 bureau of investigation, drug enforcement administration, United States  
2 secret service, or bureau of alcohol, tobacco, and firearms, or a  
3 deputy United States marshal may, without a warrant, arrest a person  
4 if:

5 (a) The officer is on duty;

6 (b) One or more of the following situations exists:

7 (i) The person commits an assault or other crime involving physical  
8 harm, defined and punishable under chapter 9A.36 RCW, against the  
9 officer or against any other person in the presence of the officer;

10 (ii) The person commits an assault or related crime while armed,  
11 defined and punishable under chapter 9.41 RCW, against the officer or  
12 against any other person in the presence of the officer;

13 (iii) The officer has reasonable cause to believe that a crime as  
14 defined in (b) (i) or (ii) of this subsection has been committed and  
15 reasonable cause to believe that the person to be arrested has  
16 committed it;

17 (iv) The officer has reasonable cause to believe that a felony has  
18 been committed and reasonable cause to believe that the person to be  
19 arrested has committed it; or

20 (v) The officer has received positive information by written,  
21 telegraphic, teletypic, telephonic, radio, or other authoritative  
22 source that a peace officer holds a warrant for the person's arrest;  
23 and

24 (c) The regional commissioner of customs, the special agent in  
25 charge of the field office of the federal bureau of investigation, drug  
26 enforcement administration, United States secret service, or bureau of  
27 alcohol, tobacco, and firearms, or the United States marshall certifies  
28 to the state of Washington that the ((eustoms)) respective officer,  
29 special agent, or deputy has received proper training within the agency  
30 to enable that officer to enforce or administer this subsection.

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