

SENATE BILL REPORT

HB 3902

As of September 17, 1997

Title: An act relating to warrant checks.

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.

Brief History:

Staff: Dick Armstrong (786-7460)

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 govern 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 of Bill: 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.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The ability to check for warrants is crucial to effective and safe law enforcement. Most warrants are served through police contact during traffic stops. More law enforcement officers are killed by persons stopped in traffic stops and domestic violence situations than in any other context. The length of detention and the amount of intrusion is minimal because the check for warrants is usually conducted at the same time as the check

for licensing information. Warrant information is public information. Checking for warrants is not the same as conducting a broader check on the person's criminal history background.

Testimony Against: Law enforcement officers should not be able to detain a person to conduct a warrant check for a longer period of time than necessary to complete the paperwork for a traffic infraction. Continued detention beyond the time necessary to obtain satisfactory identification and give the traffic citation is an unconstitutional seizure of a person when an officer does not have reasonable grounds to be suspicious that a warrant may exist or that the person has committed a crime. The proposed bill should require that the warrant check be conducted simultaneously with the identification check. Law enforcement personnel exceed permissible police powers by asking questions which they are neither required nor permitted to ask during a routine traffic stop. Law enforcement officers should not be able to conduct warrant checks when a person is stopped for a traffic infraction.

Testified: Annette Sandberg, Chief, Washington State Patrol (pro); Dave Reichert, King County Sheriff (pro); Jim Scharf, Everett Police Department (pro); Gary Edwards, Thurston County Sheriff (pro); David Donnan, Washington Appellate Project, Washington Association of Criminal Defense Lawyers, Washington Defenders Association (con); Ken Ackler, citizen (con); Jackie Juntti, citizen (con).