

# SENATE BILL REPORT

## SB 5382

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As of January 31, 2023

**Title:** An act relating to off-duty employment of fish and wildlife officers.

**Brief Description:** Concerning off-duty employment of fish and wildlife officers.

**Sponsors:** Senators MacEwen, Dozier, Frame, Holy, Hunt, Keiser, Rolfes, Shewmake, Wilson, J. and Wilson, L..

**Brief History:**

**Committee Activity:** Law & Justice: 2/02/23.

### Brief Summary of Bill

- Authorizes Washington Fish and Wildlife officers to engage in private law enforcement off-duty employment, in uniform or in plainclothes for private benefit.
- Subjects private employment to guidelines adopted by the chief of Fish and Wildlife enforcement.
- Clarifies that the use of Washington Fish and Wildlife officer's uniforms shall be considered de minimis use of state property.
- Exempts the state of liability for any tortious conduct by Washington Fish and Wildlife officers during off-duty employment.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in their official custody, for the private benefit or gain of the officer, employee, or another.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

There is no express authority for, or prohibition against, Washington Department of Fish and Wildlife officers engaging in off-duty law enforcement employment for private benefit.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** Washington Fish and Wildlife officers may engage in private law enforcement off-duty employment, in uniform or in plainclothes for private benefit. Private employment is subject to guidelines adopted by the chief of Fish and Wildlife enforcement. These guidelines must ensure that the integrity and professionalism of the Washington Fish and Wildlife enforcement is preserved.

Use of Washington Fish and Wildlife officer's uniforms shall be considered de minimis use of state property.

The state is not liable for tortious conduct by Washington Fish and Wildlife officers that occurs while such officers are engaged in private law enforcement off-duty employment. Officers engaged in private employment must notify the private employer in writing of the state's immunity from liability.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2023.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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