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HOUSE BILL 2394

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Sheldon, Lisk, Foreman, Kessler, Dunshee, Springer, Chandler and King

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to the enforcement of state law by a federal  
2 officer; and adding a new chapter to Title 10 RCW.

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

4 NEW SECTION. **Sec. 1.** Unless the context clearly requires  
5 otherwise, the definitions in this section apply throughout this  
6 chapter.

7 (1) "Arrest" means to place a person under actual or constructive  
8 restraint or to take a person into custody for the purpose of charging  
9 that person with an offense.

10 (2) "Federal officer" means a special agent or law enforcement  
11 officer employed by a federal agency and who is empowered to effect an  
12 arrest with or without a warrant for violations of the United States  
13 Code and who is authorized to carry firearms in the performance of  
14 duty.

15 (3) "Peace officer" means a duly appointed city, county, or state  
16 law enforcement officer.

17 NEW SECTION. **Sec. 2.** (1) A federal officer may effect the  
18 arrest of a person violating the laws of Washington state:

1 (a) When the federal officer has probable cause to believe that a  
2 felony or gross misdemeanor has been committed or is being committed;

3 (b) When rendering assistance to a peace officer in an emergency  
4 situation or at the request of a law enforcement officer; or

5 (c) When the federal officer has received positive information,  
6 conforming with RCW 10.31.030 and 10.31.060, that a peace officer holds  
7 a warrant for the arrest of a person.

8 (2) The federal officer shall inform the person to be arrested of  
9 the federal officer's authority and reason for the arrest.

10 (3) In order to make an arrest a federal officer may use all  
11 justifiable physical force which a peace officer is authorized to use  
12 under RCW 9A.16.020, 9A.16.040, and 10.31.050.

13 (4) A federal officer making an arrest under this section shall  
14 take the arrested person before a magistrate or deliver the offender to  
15 a peace officer without unnecessary delay.

16 (5) A federal officer when making an arrest for a nonfederal  
17 offense under this section has the same immunity from suit as a state  
18 or local law enforcement officer.

19 NEW SECTION. **Sec. 3.** The Washington state criminal justice  
20 training commission may require that a federal officer meet reasonable  
21 training or certification standards or other reasonable standards.

22 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act shall  
23 constitute a new chapter in Title 10 RCW.

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