

HOUSE BILL REPORT

ESHB 1799

As Amended by the Senate

Title: An act relating to park rangers employed by the state parks and recreation commission.

Brief Description: Creating a task force on public recreational lands and public safety.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan and Upthegrove).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/24/05, 3/1/05 [DPS].

Floor Activity:

Passed House: 3/15/05, 63-33.

Senate Amended.

Passed Senate: 4/8/05, 43-4.

Brief Summary of Engrossed Substitute Bill

- Creates a task force to study law enforcement issues related to state parks and recreational lands.
- Requires that the task force submit a final report to the Legislature on its findings and recommendations by December 15, 2005.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Kagi and Kirby.

Minority Report: Do not pass. Signed by 3 members: Representatives Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Strow.

Staff: Kathryn Leathers (786-7114).

Background:

The State Parks and Recreation Commission (Commission) is classified by statute as a "limited authority Washington law enforcement agency." The Commission is charged, in part, with enforcing the state laws on or near public recreational lands. Park rangers go through a training course developed by the Commission and are vested with police powers to

enforce Washington laws. Park rangers enforce laws outside of these areas only at the request of another agency.

Briefly, a "limited authority Washington law enforcement agency" means any agency or unit or division of local or state government that has, as one of its functions, the apprehension or detection of persons committing infractions or violating traffic or specific criminal laws. Agencies so designated include, but are not limited to, the state Department of Natural Resources, Department of Social and Health Services, the state Gambling Commission and the state Department of Corrections.

A "general authority Washington law enforcement agency" is defined by statute as any agency or unit or division of local or state government that has, as one of its primary functions, the detection and apprehension of persons committing infractions or violating traffic or criminal laws in general. It also means any other unit of government expressly designated by statute as such an agency. General authority law enforcement agencies include the Washington State Patrol and the Department of Fish and Wildlife. Such law enforcement agencies may enforce any traffic or criminal law of the state throughout the territorial boundaries of the state.

Absent a special commission, the statute does not expressly grant park rangers permission to enforce the laws of Washington outside the territory of state recreational lands. The Commission may adopt policies and enforce rules pertaining to the use, care, and administration of state parks and parkways. In January 2005, the Commission adopted a policy that requires park rangers to engage in law enforcement only within the boundaries of state park properties except: (1) when in fresh pursuit, following the commission of a felony (except such pursuit is not authorized for vehicle pursuits that involve speeds in excess of posted speed limits over significant distances); and (2) where specifically authorized by the Legislature.

Summary of Engrossed Substitute Bill:

A task force is created to study law enforcement issues on and near state parks and recreational lands, and to review public safety concerns associated with any identified law enforcement issues. The task force must submit a final report to the Legislature on its findings and recommendations by December 15, 2005.

EFFECT OF SENATE AMENDMENT(S):

Expands the total task force membership from 11 to 12. Increases the number of task force members who will be appointed jointly by the speaker of the house of representatives and the president of the senate from four to five, and adds one representative of the Washington association of prosecuting attorneys to the list of organizations that may submit a nomination to the speaker and president for consideration.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) Currently, there is some reciprocity between park rangers and sheriffs' offices. However, because many sheriffs' offices are not located near the parks, there is a problem with delayed response times by law enforcement. Many sheriffs' offices are also understaffed, which adds to the delay. Sometimes the delay is several hours. This creates a big problem in emergency situations. Even in non-emergency situations, this creates a public health and safety problem. For about 20 years, the park rangers have operated under the general policy that they can enforce laws on and "near the vicinity" of park lands. The new policy issued by the Commission in January 2005, limiting park rangers' enforcement powers to within the boundaries of state parks in most circumstances, creates a big public safety problem. Common enforcement concerns on park lands are related to drug use and domestic violence. This bill is the cleanest fix for the problem. Park rangers want to be able to assist law enforcement when and wherever appropriate. This is a complicated issue and, at the very least, we should study the issues raised by the bill.

(Neutral) The Commission is neutral on this issue. Rangers are not empowered to enforce laws on side roads or other roads that run adjacent or through the state parks. The boundaries of the park rangers' authority is unclear. The Commission is torn between the retirement benefit needs of the park rangers, the safety of the public, and the actual authority vested in park rangers. The Mutual Aid Act does allow sheriffs to authorize park rangers to enforce the laws outside of our boundaries, but any such ranger must be certified through the Criminal Justice Training Commission (CJTC) and the current ranger training program is not a CJTC certified program. Although the bill proposes to exclude properly certified rangers from the LEOFF retirement plan, this bill nonetheless removes some of the existing barriers for park rangers to be included in the LEOFF system.

Testimony Against: The Washington Association of Sheriffs and Police Chiefs (WASPC) is not against this legislation in concept, but does oppose addressing the issue in a piecemeal manner. The WASPC agrees that law enforcement in general is understaffed and that this creates a problem for some park lands, but it would like to consider a solution that is broader in scope than this bill and come back to the Legislature with a plan.

Persons Testifying: (In support) Representative B. Sullivan, prime sponsor; and Dennis Eagle, Mohammad Mustafavinussan, Don Hall, and Tom Poplauski, Washington Federation of State Employees.

(Neutral) Frank Boteler and Fred Romero, State Parks and Recreation Commission.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.