
SENATE BILL 5399

State of Washington

64th Legislature

2015 Regular Session

By Senators Conway, Rivers, Hasegawa, and Keiser; by request of
Liquor Control Board

Read first time 01/21/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to state liquor control board enforcement
2 officers; and amending RCW 66.44.010 and 10.93.020.

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

4 **Sec. 1.** RCW 66.44.010 and 1998 c 18 s 1 are each amended to read
5 as follows:

6 (1) All county and municipal peace officers are hereby charged
7 with the duty of investigating and prosecuting all violations of this
8 title, and the penal laws of this state relating to the manufacture,
9 importation, transportation, possession, distribution, and sale of
10 liquor(~~(, and)~~). All fines imposed for violations of this title and
11 the penal laws of this state relating to the manufacture,
12 importation, transportation, possession, distribution, and sale of
13 liquor (~~(shall)~~) belong to the county, city, or town wherein the
14 court imposing the fine is located, and (~~(shall)~~) must be placed in
15 the general fund for payment of the salaries of those engaged in the
16 enforcement of the provisions of this title and the penal laws of
17 this state relating to the manufacture, importation, transportation,
18 possession, distribution, and sale of liquor(~~(: PROVIDED, That)~~).
19 However, all fees, fines, forfeitures, and penalties collected or
20 assessed by a district court because of the violation of a state law

1 (~~shall~~) must be remitted as provided in chapter 3.62 RCW as now
2 exists or is later amended.

3 (2) In addition to any and all other powers granted, the board
4 (~~shall have~~) has the power to enforce the penal provisions of this
5 title and the penal laws of this state relating to the manufacture,
6 importation, transportation, possession, distribution, and sale of
7 liquor.

8 (3) In addition to the other duties under this section, the board
9 (~~shall~~) must enforce chapters 82.24 and 82.26 RCW.

10 (4) The board may appoint and employ, assign to duty and fix the
11 compensation of, officers to be designated as liquor enforcement
12 officers. Such liquor enforcement officers (~~shall~~) have the power,
13 under the supervision of the board, to enforce the penal provisions
14 of this title and the penal laws of this state relating to the
15 manufacture, importation, transportation, possession, distribution,
16 and sale of liquor. Liquor enforcement officers have the power and
17 authority to enforce the penal provisions of Titles 9, 9A, and 46 RCW
18 and chapter 69.50 RCW while conducting their enforcement duties
19 related to alcohol, tobacco, and marijuana, or working in partnership
20 with state, county, and municipal peace officers. They (~~shall~~) have
21 the power and authority to serve and execute all warrants and process
22 of law issued by the courts in enforcing: The penal provisions of
23 this title or of any penal law of this state relating to the
24 manufacture, importation, transportation, possession, distribution,
25 and sale of liquor(~~, and~~); the provisions of chapters 82.24 and
26 82.26 RCW; and the provisions of Titles 9, 9A, and 46 RCW and chapter
27 69.50 RCW while conducting their enforcement duties related to
28 alcohol, tobacco, and marijuana, or working in partnership with
29 state, county, and municipal peace officers. They (~~shall~~) have the
30 power to arrest without a warrant any person or persons found in the
31 act of violating: Any of the penal provisions of this title or of any
32 penal law of this state relating to the manufacture, importation,
33 transportation, possession, distribution, and sale of liquor(~~, and~~
34 and); the provisions of chapters 82.24 and 82.26 RCW; and the
35 provisions of Titles 9, 9A, and 46 RCW and chapter 69.50 RCW while
36 conducting their enforcement duties related to alcohol, tobacco, and
37 marijuana, or working in partnership with state, county, and
38 municipal peace officers.

1 **Sec. 2.** RCW 10.93.020 and 2006 c 284 s 16 are each amended to
2 read as follows:

3 ~~((As used in this chapter, the following terms have the meanings~~
4 ~~indicated))~~ The definitions in this section apply throughout this
5 chapter unless the context clearly requires otherwise.

6 (1) "General authority Washington law enforcement agency" means
7 any agency, department, or division of a municipal corporation,
8 political subdivision, or other unit of local government of this
9 state, and any agency, department, or division of state government,
10 having as its primary function the detection and apprehension of
11 persons committing infractions or violating the traffic or criminal
12 laws in general, as distinguished from a limited authority Washington
13 law enforcement agency, and any other unit of government expressly
14 designated by statute as a general authority Washington law
15 enforcement agency. The Washington state patrol and the department of
16 fish and wildlife are general authority Washington law enforcement
17 agencies.

18 (2) "Limited authority Washington law enforcement agency" means
19 any agency, political subdivision, or unit of local government of
20 this state, and any agency, department, or division of state
21 government, having as one of its functions the apprehension or
22 detection of persons committing infractions or violating the traffic
23 or criminal laws relating to limited subject areas, including but not
24 limited to, the state departments of natural resources and social and
25 health services, the state gambling commission, the state lottery
26 commission, the state parks and recreation commission, the state
27 utilities and transportation commission, the state liquor control
28 board, the office of the insurance commissioner, and the state
29 department of corrections.

30 (3) "General authority Washington peace officer" means any full-
31 time, fully compensated and elected, appointed, or employed officer
32 of a general authority Washington law enforcement agency who is
33 commissioned to enforce the criminal laws of the state of Washington
34 generally.

35 (4) "Limited authority Washington peace officer" means any full-
36 time, fully compensated officer of a limited authority Washington law
37 enforcement agency empowered by that agency to detect or apprehend
38 violators of the laws in some or all of the limited subject areas for
39 which that agency is responsible. A limited authority Washington

1 peace officer may be a specially commissioned Washington peace
2 officer if otherwise qualified for such status under this chapter.

3 (5) "Specially commissioned Washington peace officer", for the
4 purposes of this chapter, means any officer, whether part-time or
5 full-time, compensated or not, commissioned by a general authority
6 Washington law enforcement agency to enforce some or all of the
7 criminal laws of the state of Washington, who does not qualify under
8 this chapter as a general authority Washington peace officer for that
9 commissioning agency, specifically including reserve peace officers,
10 and specially commissioned full-time, fully compensated peace
11 officers duly commissioned by the states of Oregon or Idaho or any
12 such peace officer commissioned by a unit of local government of
13 Oregon or Idaho. A reserve peace officer is an individual who is an
14 officer of a Washington law enforcement agency who does not serve
15 such agency on a full-time basis but who, when called by the agency
16 into active service, is fully commissioned on the same basis as full-
17 time peace officers to enforce the criminal laws of the state.

18 (6) "Federal peace officer" means any employee or agent of the
19 United States government who has the authority to carry firearms and
20 make warrantless arrests and whose duties involve the enforcement of
21 criminal laws of the United States.

22 (7) "Agency with primary territorial jurisdiction" means a city
23 or town police agency which has responsibility for police activity
24 within its boundaries; or a county police or sheriff's department
25 which has responsibility with regard to police activity in the
26 unincorporated areas within the county boundaries; or a statutorily
27 authorized port district police agency or four-year state college or
28 university police agency which has responsibility for police activity
29 within the statutorily authorized enforcement boundaries of the port
30 district, state college, or university.

31 (8) "Primary commissioning agency" means (a) the employing agency
32 in the case of a general authority Washington peace officer, a
33 limited authority Washington peace officer, an Indian tribal peace
34 officer, or a federal peace officer, and (b) the commissioning agency
35 in the case of a specially commissioned Washington peace officer (i)
36 who is performing functions within the course and scope of the
37 special commission and (ii) who is not also a general authority
38 Washington peace officer, a limited authority Washington peace
39 officer, an Indian tribal peace officer, or a federal peace officer.

1 (9) "Primary function of an agency" means that function to which
2 greater than fifty percent of the agency's resources are allocated.

3 (10) "Mutual law enforcement assistance" includes, but is not
4 limited to, one or more law enforcement agencies aiding or assisting
5 one or more other such agencies, including the Washington state
6 liquor control board, through loans or exchanges of personnel or of
7 material resources, for law enforcement purposes.

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