

SENATE BILL REPORT

SB 5218

As of January 25, 2017

Title: An act relating to requiring notification to law enforcement of persons with an arrest warrant who are on public agency property.

Brief Description: Requiring notification to law enforcement of persons with an arrest warrant who are on public agency property.

Sponsors: Senator Zeiger.

Brief History:

Committee Activity: Law & Justice: 1/24/17.

Brief Summary of Bill

- Requires an employee of a public agency to report to local law enforcement if the employee has reasonable cause to believe a person located on agency property has an outstanding warrant for the person's arrest.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: Generally, an ordinary citizen does not have a duty to report a crime or do anything to stop it. However, the Legislature has carved out several exceptions to that general rule.

As soon as reasonably possible, a person must notify the prosecuting attorney, law enforcement, medical assistance, or other public official if the person witnesses:

- the actual commission of a violent offense or preparations for the commission of a violent offense;
- a sexual offense against a child or an attempt to commit such a sexual offense; or
- an assault of a child that appears reasonably likely to cause substantial bodily harm.

Requirements to report also apply to people within certain professions in which they are likely to gain information regarding the type of offense the law seeks to deter. Professionals

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such as medical or health care professionals, teachers, child care providers, and employees of the Department of Social and Health Services (DSHS) are required to report to DSHS or law enforcement if they have reasonable cause to believe that a child has suffered abuse or neglect. Likewise, persons who work with vulnerable adults are mandated to report if there is reasonable cause to believe that a vulnerable adult is subject to abandonment, abuse, financial exploitation, or neglect.

Summary of Bill: When any employee of a public agency has reasonable cause to believe that a person located on the property has a warrant issued for the person's arrest, the employee must immediately make a report or cause a report to be made to a local law enforcement agency.

Immediately, public agency, and reasonable cause are defined. Nothing in the section requires an employee to investigate whether there is a warrant for the person's arrest.

Appropriation: None.

Fiscal Note: Not requested.

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

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

Staff Summary of Public Testimony: PRO: This bill is making sure that state agencies are good partners and doing their civic duty. Sometimes DSHS has information on its system as to whether there is an arrest warrant for the person's arrest. It makes sense that the employee would notify local law enforcement. This bill would make sure that occurs.

CON: In practicality, this bill requires state employees, which includes public defenders, to turn in their own client. A defender will oftentimes know that the client has a warrant in another jurisdiction. Requiring the attorney to turn the person in will undermine confidence of the client in their attorney. When the person goes to get chemical or mental health treatment, they are also utilizing state resources. The person should not be forced to avoid services in order to avoid going into custody. This bill also does not specify the consequences for the failure to report. A person needs to know the consequence of not reporting as a matter of due process.

Persons Testifying: PRO: Senator Hans Zeiger.

CON: Laura Shaver, WA Defender Association and WA Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: No one.