

**ESHB 1369** - S COMM AMD

By Committee on Law & Justice

**ADOPTED 04/11/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15  
4 RCW to read as follows:

5 Washington fish and wildlife officers may engage in private law  
6 enforcement off-duty employment, in uniform or in plainclothes for  
7 private benefit, subject to guidelines adopted by the chief of fish  
8 and wildlife enforcement. These guidelines must ensure that the  
9 integrity and professionalism of the Washington fish and wildlife  
10 enforcement is preserved. Use of Washington fish and wildlife  
11 officer's uniforms shall be considered de minimis use of state  
12 property. For any employment authorized under this section that  
13 occurs on reservation, trust, or allotted lands of a federally-  
14 recognized Indian tribe, a Washington fish and wildlife officer must  
15 have taken the violence de-escalation and mental health training  
16 provided by the criminal justice training commission, including the  
17 curriculum of the history of police interactions with Native American  
18 communities; and the private employer must have obtained permission  
19 from the affected federally recognized Indian tribe.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.92 RCW  
21 to read as follows:

22 (1) The state is not liable for tortious conduct by department of  
23 fish and wildlife officers that occurs while such officers are  
24 engaged in private law enforcement off-duty employment.

25 (2) Upon petition of the state any suit, for which immunity is  
26 granted to the state under subsection (1) of this section, shall be  
27 dismissed.

28 (3) Department of fish and wildlife officers engaged in private  
29 law enforcement off-duty employment shall notify, in writing, prior  
30 to such employment, anyone who employs department of fish and

1 wildlife officers in private off-duty employment of the specific  
2 provisions of subsections (1) and (2) of this section."

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3 On page 1, line 2 of the title, after "officers;" strike the  
4 remainder of the title and insert "adding a new section to chapter  
5 77.15 RCW; and adding a new section to chapter 4.92 RCW."

EFFECT: Requires the private employer to obtain permission from  
the affected federally recognized Indian tribe.

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