

SENATE BILL REPORT

ESHB 1369

As Reported by Senate Committee On:
Law & Justice, March 22, 2023

Title: An act relating to off-duty employment of fish and wildlife officers.

Brief Description: Concerning off-duty employment of fish and wildlife officers.

Sponsors: House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Griffey, Bronoske, Riccelli, Maycumber, Couture, Abbarno, Volz, Barkis, Christian and Leavitt).

Brief History: Passed House: 3/4/23, 96-0.

Committee Activity: Law & Justice: 3/22/23 [DPA].

Brief Summary of Amended Bill

- Permits Washington Department of Fish and Wildlife (WDFW) officers to engage in off-duty employment.
- Requires the Chief of the WDFW law enforcement to adopt guidelines to ensure integrity and professionalism.
- Requires officers to complete training prior to off-duty employment on reservation, trust, or allotted lands.
- Specifies the state is not liable for tortious conduct by off-duty WDFW officers.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Tim Ford (786-7423)

Background: No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in their official custody, for the private benefit or gain of the officer, employee, or another.

There is no express authority for, or prohibition against, Washington Department of Fish and Wildlife (WDFW) officers engaging in off-duty law enforcement employment for private benefit.

Summary of Amended Bill: WDFW officers may engage in private law enforcement off-duty employment, in uniform or in plainclothes for private benefit. Private employment is subject to guidelines adopted by the chief of Fish and Wildlife enforcement. These guidelines must ensure that the integrity and professionalism of the Washington Fish and Wildlife enforcement is preserved.

Use of WDFW officer's uniforms shall be considered de minimis use of state property.

The state is not liable for tortious conduct by WDFW officers that occurs while such officers are engaged in private law enforcement off-duty employment. Prior to employment, officers engaging in private employment must notify the private employer in writing of the state's immunity from liability.

If an officer accepts off-duty employment on reservation, trust, or allotted lands of a federally-recognized Indian tribe, the officer must complete the Criminal Justice Training Commission's violence de-escalation and mental health training, including the curriculum of the history of police interactions with Native American communities, and the private employer must have obtained permission from the affected federally recognized Indian tribe.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

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

Appropriation: None.

Fiscal Note: Available.

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 on Engrossed Substitute House Bill: *The*

committee recommended a different version of the bill than what was heard. No public hearing was held.

Persons Testifying: N/A

Persons Signed In To Testify But Not Testifying: N/A