
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1423

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Sterk, Costa, Sheahan, McDonald, Koster, Robertson, Carrell, Sherstad, Hickel, Delvin, L. Thomas, O'Brien and Conway)

Read first time 03/10/97.

1 AN ACT Relating to criminal justice training; amending RCW
2 43.101.030; reenacting and amending RCW 43.101.200; adding new sections
3 to chapter 43.101 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 43.101.030 and 1981 c 132 s 3 are each amended to read
6 as follows:

7 The commission shall consist of (~~twelve~~) fourteen members, who
8 shall be selected as follows:

9 (1) The governor shall appoint two incumbent sheriffs and two
10 incumbent chiefs of police.

11 (2) The governor shall appoint one person employed in a county
12 correctional system and one person employed in the state correctional
13 system.

14 (3) The governor shall appoint one incumbent county prosecuting
15 attorney or municipal attorney.

16 (4) The governor shall appoint one elected official of a local
17 government.

18 (5) The governor shall appoint one private citizen.

1 (6) The governor shall appoint two peace officers representing
2 local law enforcement agencies. The appointments must be from a list
3 submitted by the Washington state council of police officers.

4 (7) The three remaining members shall be:

5 (a) The attorney general;

6 (b) The special agent in charge of the Seattle office of the
7 federal bureau of investigation; and

8 (c) The chief of the state patrol.

9 NEW SECTION. Sec. 2. A new section is added to chapter 43.101 RCW
10 to read as follows:

11 (1) The commission shall charge revenue recovery fees to all law
12 enforcement personnel who are subject to the mandatory basic law
13 enforcement training requirement of RCW 43.101.200 and who begin
14 training on or after July 1, 1997, in an amount equal to all or a
15 portion of the commission's pro rata cost of providing basic law
16 enforcement training at the time and place provided, plus interest as
17 provided for in subsection (2) of this section. The commission may
18 begin charging revenue recovery fees as of July 1, 1997, but no later
19 than July 1, 1998.

20 (2) The commission may establish a monthly payment schedule with
21 the law enforcement personnel for the payment of revenue recovery fees.
22 The monthly payment schedule is calculated based on the law enforcement
23 personnel's monthly salary, the total revenue recovery fee charged, and
24 any other factors the commission deems reasonable to consider. The
25 commission may charge a reasonable rate of interest, not to exceed
26 eight percent, on the total amount of the revenue recovery fee over the
27 entire period of the payment schedule.

28 (3) Revenue recovery fees authorized under subsections (1) and (2)
29 of this section may be charged only as prescribed by rule adopted by
30 the commission under chapter 34.05 RCW. In any such rule, the
31 commission shall, in its sole discretion, establish the percentage of
32 the pro rata cost to be charged, up to and including the full pro rata
33 cost, plus any interest as provided for in subsection (2) of this
34 section.

35 (4) The commission shall establish standards for waiver of all or
36 a portion of the pro rata training fees assessed in this section. The
37 standards for waiver must be based on a showing of low income or other
38 showing of need by an individual officer.

1 (5) Payment in full of all fees assessed by the commission under
2 this section is a prerequisite to the commission's approval or
3 certification of successful completion of the training for which the
4 fees have been assessed. If the payment of fees is based on a monthly
5 payment schedule, the law enforcement personnel's signature on an
6 obligation note reflecting the total fee owed plus interest is a
7 prerequisite to the commission's approval or certification of
8 successful completion of the training for which the fees have been
9 assessed.

10 (6) All fee payments received by the commission are deemed to be
11 revenue recoveries by the commission.

12 (7) All recoveries of revenue under this section must be deposited
13 in the public safety and education account created under RCW 43.08.250
14 and are subject to appropriation under that section.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW
16 to read as follows:

17 (1) Two separate training standards and education boards are
18 created and established, to be known and designated as (a) the board on
19 law enforcement training standards and education and (b) the board on
20 correctional training standards and education.

21 (2) The purpose of the board on law enforcement training standards
22 and education is to review and recommend to the commission programs and
23 standards for the training and education of law enforcement personnel.

24 (3) The purpose of the board on correctional training standards and
25 education is to review and recommend to the commission programs and
26 standards for the training and education of correctional personnel.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW
28 to read as follows:

29 (1) The board on law enforcement training standards and education
30 consists of thirteen members, appointed by the executive director and
31 subject to approval by the commission. Members must be selected as
32 follows: (a) Three must represent county law enforcement agencies, at
33 least two of whom must be incumbent sheriffs; (b) three must represent
34 city police agencies, at least two of whom must be incumbent police
35 chiefs, one of whom shall be from a city under five thousand; (c) one
36 must represent community colleges; (d) one must represent the four-year
37 colleges and universities; (e) four must represent the council of

1 police officers, two of whom must be training officers; and (f) one
2 must represent tribal law enforcement in Washington. The six officers
3 under (a) and (b) of this subsection may be appointed by the executive
4 director only after the Washington association of sheriffs and police
5 chiefs provides the director with the names of qualified officers. The
6 four officers under (e) of this subsection may be appointed by the
7 executive director only after the council of police officers provides
8 the director with the names of qualified officers.

9 (2) The board on correctional training standards and education
10 consists of fourteen members, appointed by the executive director and
11 subject to approval by the commission. Members must be selected as
12 follows: (a) Three must be employed in the state correctional system;
13 (b) three must be employed in county correctional systems; (c) two must
14 be employed in juvenile corrections or probation, one at the local
15 level and the other at the state level; (d) two must be employed in
16 community corrections; (e) one must represent community colleges; (f)
17 one must represent four-year colleges and universities; and (g) two
18 must be additional persons with experience and interest in correctional
19 training standards and education. At least one of the members
20 appointed under (a) of this subsection and at least one of the members
21 appointed under (b) of this subsection must be currently employed as
22 front line correctional officers.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW
24 to read as follows:

25 All members of each of the training standards and education boards
26 must be appointed for terms of six years, commencing on July 1st, and
27 expiring on June 30th. However, of the members first appointed three
28 will serve for terms of two years, four will serve for terms of four
29 years, and four will serve for terms of six years. A member chosen to
30 fill a vacancy that has been created other than by expiration of a term
31 must be appointed for the unexpired term of the member to be succeeded.
32 A member may be reappointed for additional terms.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101 RCW
34 to read as follows:

35 A member of either board appointed under section 4 of this act as
36 an incumbent official or because of employment status, ceases to be a

1 member of the board immediately upon the termination of the holding of
2 the qualifying office or employment.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.101 RCW
4 to read as follows:

5 Each training standards and education board shall elect a chair and
6 vice-chair from among its members. A simple majority of the members of
7 a training standards and education board constitutes a quorum. The
8 commission shall summon each of the training standards and education
9 boards to its first meeting.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.101 RCW
11 to read as follows:

12 Members of the training standards and education boards may be paid
13 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

14 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.101 RCW
15 to read as follows:

16 The training standards and education boards have the following
17 powers:

- 18 (1) To meet at such times and places as they may deem proper;
- 19 (2) To adopt bylaws for the conduct of their business as deemed
20 necessary by each board;
- 21 (3) To cooperate with and secure the cooperation of any department,
22 agency, or instrumentality in state, county, or city government, and
23 commissions affected by or concerned with the business of the
24 commission;
- 25 (4) To do any and all things necessary or convenient to enable them
26 fully and adequately to perform their duties and to exercise the powers
27 granted to them;
- 28 (5) To advise the commission of the training and education needs of
29 criminal justice personnel within their specific purview;
- 30 (6) To recommend to the commission standards for the training and
31 education of criminal justice personnel within their specific purview;
- 32 (7) To recommend to the commission minimum curriculum standards for
33 all training and education programs conducted for criminal justice
34 personnel within their specific purview;

1 (8) To recommend to the commission standards for instructors of
2 training and education programs for criminal justice personnel within
3 their specific purview;

4 (9) To recommend to the commission alternative, innovative, and
5 interdisciplinary training and education techniques for criminal
6 justice personnel within their specific purview;

7 (10) To review and recommend to the commission the approval of
8 training and education programs for criminal justice personnel within
9 their specific purview;

10 (11) To monitor and evaluate training and education programs for
11 criminal justice personnel with their specific purview.

12 Each training standards and education board shall report to the
13 commission at the end of each fiscal year on the effectiveness of
14 training and education programs for criminal justice personnel within
15 its specific purview.

16 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.101
17 RCW to read as follows:

18 For the purpose of raising the level of competence of criminal
19 justice personnel, the commission shall review the recommendations of
20 training standards and education boards made under section 9 of this
21 act.

22 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.101
23 RCW to read as follows:

24 (1) All law enforcement personnel initially hired to, transferred
25 to, or promoted to a supervisory or management position on or after
26 January 1, 1999, shall, within the first six months of entry into the
27 position, successfully complete the core training requirements
28 prescribed by rule of the commission for the position, or obtain a
29 waiver or extension of the core training requirements from the
30 commission.

31 (2) Within one year after completion of the core training
32 requirements of this section, all law enforcement personnel shall
33 successfully complete all remaining requirements for career level
34 certification prescribed by rule of the commission applicable to their
35 position or rank, or obtain a waiver or extension of the career level
36 training requirements from the commission.

1 (3) The commission shall provide the training required in this
2 section, together with facilities, supplies, materials, and the room
3 and board for attendees who do not live within fifty miles of the
4 training center. The training shall be delivered in the least
5 disruptive manner to local law enforcement agencies, and will include
6 but not be limited to regional on-site training, interactive training,
7 and credit for training given by the home department.

8 (4) Nothing in this section affects or impairs the employment
9 status of an employee whose employer does not provide the opportunity
10 to engage in the required training.

11 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.101
12 RCW to read as follows:

13 By January 1st of every odd-numbered year, the commission shall
14 provide a written report to the legislature addressing the following
15 items: (1) Status and satisfaction of service to its clients; (2)
16 detailed analysis of how it will maintain and update adequate
17 state-of-the-art training models and their delivery in the most
18 cost-effective and efficient manner; and (3) fiscal data projecting its
19 current and future funding requirements.

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.101
21 RCW to read as follows:

22 Each year the criminal justice training commission shall offer an
23 intensive training session on investigation of child abuse and neglect.
24 The training shall focus on the investigative duties of law enforcement
25 established under chapter 26.44 RCW with particular emphasis placed on
26 child interview techniques to increase the accuracy of statements taken
27 from children and decrease the need for additional interviews.

28 **Sec. 14.** RCW 43.101.200 and 1993 sp.s. c 24 s 920 and 1993 sp.s.
29 c 21 s 5 are each reenacted and amended to read as follows:

30 (1) All law enforcement personnel, except volunteers, and reserve
31 officers whether paid or unpaid, initially employed on or after January
32 1, 1978, shall engage in basic law enforcement training which complies
33 with standards adopted by the commission pursuant to RCW 43.101.080.
34 For personnel initially employed before January 1, 1990, such training
35 shall be successfully completed during the first fifteen months of
36 employment of such personnel unless otherwise extended or waived by the

1 commission and shall be requisite to the continuation of such
2 employment. Personnel initially employed on or after January 1, 1990,
3 shall commence basic training during the first six months of employment
4 unless the basic training requirement is otherwise waived or extended
5 by the commission. Successful completion of basic training is
6 requisite to the continuation of employment of such personnel initially
7 employed on or after January 1, 1990.

8 (2) Except as otherwise provided in this chapter, the commission
9 shall provide the aforementioned training together with necessary
10 facilities, supplies, materials, and the board and room of noncommuting
11 attendees for seven days per week. Additionally, to the extent funds
12 are provided for this purpose, the commission shall reimburse to
13 participating law enforcement agencies with ten or less full-time
14 commissioned patrol officers the cost of temporary replacement of each
15 officer who is enrolled in basic law enforcement training: PROVIDED,
16 That such reimbursement shall include only the actual cost of temporary
17 replacement not to exceed the total amount of salary and benefits
18 received by the replaced officer during his or her training period.

19 NEW SECTION. **Sec. 15.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

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