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SENATE BILL 6218

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State of Washington                      63rd Legislature                      2014 Regular Session

By Senators Padden, Kline, Rivers, and Darneille

Read first time 01/17/14. Referred to Committee on Law & Justice.

1            AN ACT Relating to peace officer certification; and amending RCW  
2 43.101.105.

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

4            **Sec. 1.** RCW 43.101.105 and 2011 c 234 s 3 are each amended to read  
5 as follows:

6            (1) Upon request by a peace officer's employer or on its own  
7 initiative, the commission may deny or revoke certification of any  
8 peace officer, after written notice and hearing, if a hearing is timely  
9 requested by the peace officer under RCW 43.101.155, based upon a  
10 finding of one or more of the following conditions:

11            (a) The peace officer has failed to timely meet all requirements  
12 for obtaining a certificate of basic law enforcement training, a  
13 certificate of basic law enforcement training equivalency, or a  
14 certificate of exemption from the training;

15            (b) The peace officer has knowingly falsified or omitted material  
16 information on an application for training or certification to the  
17 commission;

18            (c) The peace officer has been convicted at any time of a felony  
19 offense under the laws of this state or has been convicted of a federal

1 or out-of-state offense comparable to a felony under the laws of this  
2 state; except that if a certified peace officer was convicted of a  
3 felony before being employed as a peace officer, and the circumstances  
4 of the prior felony conviction were fully disclosed to his or her  
5 employer before being hired, the commission may revoke certification  
6 only with the agreement of the employing law enforcement agency;

7 (d) The peace officer has been discharged for disqualifying  
8 misconduct, the discharge is final, and some or all of the acts or  
9 omissions forming the basis for the discharge proceedings occurred on  
10 or after January 1, 2002;

11 (e) The peace officer has a sustained finding for untruthfulness  
12 that is an intentional and knowing misstatement of a material fact in  
13 an official proceeding that alters, or could reasonably alter, the  
14 outcome of the proceeding or decisions of others; or felony level  
15 criminal activity or gross misdemeanor activity while on duty, or any  
16 felony criminal activity and the following gross misdemeanor crimes:  
17 Assault in the fourth degree, theft in the third degree or malicious  
18 mischief in the third degree while off duty, and some or all of the  
19 acts or omissions forming the basis for the finding occurred on or  
20 after July 1, 2014;

21 (f) The peace officer's certificate was previously issued by  
22 administrative error on the part of the commission; or

23 ((+f)) (g) The peace officer has interfered with an investigation  
24 or action for denial or revocation of certificate by: (i) Knowingly  
25 making a materially false statement to the commission; or (ii) in any  
26 matter under investigation by or otherwise before the commission,  
27 tampering with evidence or tampering with or intimidating any witness.

28 (2) After July 24, 2005, the commission shall deny certification to  
29 any applicant who has lost his or her certification as a result of a  
30 break in service of more than twenty-four consecutive months if that  
31 applicant failed to comply with the requirements set forth in RCW  
32 43.101.080(19) and 43.101.095(2).

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