

HOUSE BILL REPORT

HB 1182

As Passed House:
February 15, 2017

Title: An act relating to civil service qualifications.

Brief Description: Addressing civil service qualifications.

Sponsors: Representatives Stokesbary, Ryu, Stambaugh, Pettigrew, Cody, Harris, Sells and Kilduff.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/24/17, 1/30/17 [DP].

Floor Activity:

Passed House: 2/15/17, 91-6.

Brief Summary of Bill

- Provides that city police and fire department and county sheriff civil service applicants may be lawful permanent residents as an alternative to United States citizens.
- Allows a city police or county sheriff law enforcement agency to reject an application if the agency deems that it does not have the resources to conduct the background investigation.
- Changes the background investigation for a fully commissioned peace officer or reserve officer to include proof of lawful permanent resident status as an alternative to United States citizenship.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Doglio and Frame.

Minority Report: Do not pass. Signed by 1 member: Representative Pike.

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

Staff: Joan Elgee (786-7106).

Background:

Law Enforcement.

Under state law, United States citizenship is required for city police and county sheriff civil service positions. Separate laws require the police chief and sheriff to be United States citizens.

Cities with more than six commissioned officers, including the chief, may exclude a number of positions from civil service depending on the size of the city. Civil service is not required for very small cities. For county sheriff's offices, all employees are classified civil service, except that the county may exclude a number of positions depending on the size of the sheriff's office.

The Criminal Justice Training Commission (CJTC) certifies applicants for fully commissioned peace officer and reserve officer positions. The CJTC has the power to require county, city, and state law enforcement agencies to administer a background investigation of applicants for these positions. Under the CJTC rules, proof of United States citizenship is required. Peace officers include, in addition to city and county law enforcement officers, commissioned Washington State Patrol officers and Department of Fish and Wildlife officers with enforcement powers for all criminal laws.

Fire Departments.

State law also requires United States citizenship for city fire department civil service positions. All full positions are classified civil service, except that a city may exclude the chief. A fire protection district may also provide for civil service.

Lawful Permanent Residents.

Under federal immigration law, a person "lawfully admitted for permanent residence" is a person who has been lawfully accorded the privilege of residing permanently in the United States as an immigrant. These persons are also known as green card holders. A person may become a lawful permanent resident through family, a job, or through other specified means.

Summary of Bill:

Lawful permanent resident status is an alternative to the requirement that city police and sheriff, and city fire department civil service applicants be United States citizens. The laws specifying requirements for civil service applicants are clarified to apply only to the respective civil service law. Citizenship continues to be a requirement for sheriffs and police chiefs. A city police or county sheriff law enforcement agency may reject an application if the agency deems that it does not have the resources to conduct the required background investigation. Resources means materials, funding, and staff time. An applicant's rights under state antidiscrimination laws are not impaired.

The background investigation for a fully commissioned peace officer or reserve officer includes verification of immigrant or citizen status as either a citizen of the United States or a lawful permanent resident. This qualification applies to city and county law enforcement personnel, Washington State Patrol officers, and Department of Fish and Wildlife officers with enforcement powers for all criminal laws.

A "lawful permanent resident" is a person "lawfully admitted for permanent residence" under federal law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is an issue of fairness. If a person can represent our country in the military they should be able to serve in law enforcement. Applicants have to undergo thorough background checks. There are 260,000 people in Washington who are lawful permanent residents who could be eligible to apply. The bill will help law enforcement gain the trust of the community as officers would better reflect their communities. Current law is an impediment to achieving that trust. Also, the bill will help address the officer shortage and veteran unemployment. Washington is out of step with other states. Federal law makes it unlawful to refuse to hire lawful permanent residents unless required by state law.

(Opposed) None.

Persons Testifying: Representative Stokesbary, prime sponsor; Ellicott Dandy, OneAmerica; and John Urquhart, King County Sheriff's Office.

Persons Signed In To Testify But Not Testifying: None.