
SUBSTITUTE SENATE BILL 5089

State of Washington

67th Legislature

2021 Regular Session

By Senate Law & Justice (originally sponsored by Senators Kuderer, Pedersen, Darneille, Das, Dhingra, Hasegawa, Hunt, Liias, Nguyen, and Wilson, C.)

READ FIRST TIME 01/29/21.

1 AN ACT Relating to peace officer hiring and certification;
2 amending RCW 41.12.070, 41.12.100, 41.14.100, 41.14.130, 43.43.020,
3 and 43.43.360; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature believes the diversity of
6 the police force is essential to maintaining public trust and
7 confidence in the criminal justice system. With this act, the
8 legislature intends to provide for a diverse workforce with a variety
9 of experiences and backgrounds that will ensure officers have the
10 maturity and empathy to serve the citizens of Washington. The
11 legislature is persuaded by research evidencing that adolescent brain
12 development continues until a person reaches the age of 26. Law
13 enforcement officers are entrusted with the tools and ability to
14 effect life and liberty. We believe that increasing the qualification
15 age of an officer to age 23 will help ensure the requisite maturity
16 for these responsibilities.

17 **Sec. 2.** RCW 41.12.070 and 2018 c 32 s 2 are each amended to read
18 as follows:

19 (1) An applicant for a position of any kind under civil service
20 under the provisions of this chapter(~~(7)~~) must be a citizen of the

1 United States of America or a lawful permanent resident who can read
2 and write the English language((~~-~~

3 ~~An applicant for a position of any kind under civil service must~~
4 ~~be)); and of an age suitable for the position applied for, in~~
5 ordinary good health, of good moral character, and of temperate and
6 industrious habits; these facts to be ascertained in such manner as
7 the commission may deem advisable.

8 (2) An applicant for a position with a law enforcement agency
9 must be at least 23 years of age and:

10 (a) Have an associate of arts or science degree;

11 (b) Complete an associate of arts or science degree prior to the
12 end of the person's probationary period as provided in RCW 41.12.100;
13 or

14 (c) Have two years' full-time experience working in domestic
15 violence services, mental or behavioral health care, homelessness
16 programs, crisis intervention services, or other social services
17 professions.

18 (3) An application for a position with a law enforcement agency
19 may be rejected if the law enforcement agency deems that it does not
20 have the resources to conduct the background investigation required
21 pursuant to chapter 43.101 RCW. Resources means materials, funding,
22 and staff time.

23 (4) (a) Consistent with the scoring scheme outlined in RCW
24 41.04.010, a hiring law enforcement agency shall add a maximum of 10
25 percent to the passing mark, grade, or rating of any applicant for
26 any of the following qualifications:

27 (i) Proficiency, as defined by the local jurisdiction, in a
28 language other than English; or

29 (ii) Two or more years of professional or volunteer experience in
30 the peace corps, AmeriCorps, domestic violence counseling, mental or
31 behavioral health care, homelessness programs, or other social
32 services professions.

33 (b) Preference points under this subsection and RCW 41.04.010 may
34 not be aggregated to exceed more than 10 percent of the applicant's
35 examination score.

36 (5) Nothing in this section impairs an applicant's rights under
37 state antidiscrimination laws.

38 **Sec. 3.** RCW 41.12.100 and 2007 c 218 s 15 are each amended to
39 read as follows:

1 (1) Whenever a position in the classified service becomes vacant,
2 the appointing power, if it desires to fill the vacancy, shall make
3 requisition upon the commission for the name and address of a person
4 eligible for appointment thereto. The commission shall certify the
5 name of the person highest on the eligible list for the class to
6 which the vacant position has been allocated, who is willing to
7 accept employment. If there is no appropriate eligible list for the
8 class, the commission shall certify the name of the person standing
9 highest on said list held appropriate for such class. If more than
10 one vacancy is to be filled an additional name shall be certified for
11 each additional vacancy. The appointing power shall forthwith appoint
12 such person to such vacant position.

13 (2) Whenever requisition is to be made, or whenever a position is
14 held by a temporary appointee and an eligible list for the class of
15 such position exists, the commission shall forthwith certify the name
16 of the person eligible for appointment to the appointing power, and
17 said appointing power shall forthwith appoint the person so certified
18 to said position. No person so certified shall be laid off,
19 suspended, or given leave of absence from duty, transferred or
20 reduced in pay or grade, except for reasons which will promote the
21 good of the service, specified in writing, and after an opportunity
22 to be heard by the commission and then only with its consent and
23 approval.

24 (3) To enable the appointing power to exercise a choice in the
25 filling of positions, no appointment, employment or promotion in any
26 position in the classified service shall be deemed complete until
27 after the expiration of a period of (~~three to six months~~)
28 probationary service, as may be provided in the rules of the civil
29 service commission during which the appointing power may terminate
30 the employment of the person certified to him or her, or it, if
31 during the performance test thus afforded, upon observation or
32 consideration of the performance of duty, the appointing power deems
33 him or her unfit or unsatisfactory for service in the department,
34 whereupon the appointing power shall designate the person certified
35 as standing next highest on any such list and such person shall
36 likewise enter upon said duties until some person is found who is
37 deemed fit for appointment, employment or promotion for the
38 probationary period provided therefor, whereupon the appointment,
39 employment or promotion shall be deemed to be complete. The
40 probationary period of a person appointed or hired:

1 (a) As a new law enforcement officer, must be no less than 24
2 months from the date of successful completion of the basic law
3 enforcement academy;

4 (b) In any other position, must be between three and six months
5 from the date of appointment or hire.

6 **Sec. 4.** RCW 41.14.100 and 2018 c 32 s 3 are each amended to read
7 as follows:

8 (1) An applicant for a position of any kind under civil service
9 under the provisions of this chapter, must be a citizen of the United
10 States or a lawful permanent resident who can read and write the
11 English language.

12 (2) An applicant for a position with a law enforcement agency
13 must be at least 23 years of age and:

14 (a) Have an associate of arts or science degree;

15 (b) Complete an associate of arts or science degree prior to the
16 end of the person's probationary period as provided in RCW 41.14.130;
17 or

18 (c) Have two years' full-time experience working in domestic
19 violence services, mental or behavioral health care, homelessness
20 programs, crisis intervention services, or other social services
21 professions.

22 (3) An application for a position with a law enforcement agency
23 may be rejected if the law enforcement agency deems that it does not
24 have the resources to conduct the background investigation required
25 pursuant to chapter 43.101 RCW. Resources means materials, funding,
26 and staff time.

27 (4) (a) Consistent with the scoring scheme outlined in RCW
28 41.04.010, a hiring law enforcement agency shall add a maximum of 10
29 percent to the passing mark, grade, or rating of any applicant for
30 any of the following qualifications:

31 (i) Proficiency, as defined by the local jurisdiction, in a
32 language other than English; or

33 (ii) Two or more years of professional or volunteer experience in
34 the peace corps, AmeriCorps, domestic violence counseling, mental or
35 behavioral health care, homelessness programs, or other social
36 services professions.

37 (b) Preference points under this subsection and RCW 41.04.010 may
38 not be aggregated to exceed more than 10 percent of the applicant's
39 examination score.

1 (5) Nothing in this section impairs an applicant's rights under
2 state antidiscrimination laws.

3 **Sec. 5.** RCW 41.14.130 and 2020 c 14 s 2 are each amended to read
4 as follows:

5 (1) Whenever a position in the classified service becomes vacant,
6 the appointing power, if it desires to fill the vacancy, shall
7 requisition the commission for the names and addresses of persons
8 eligible for appointment thereto. Before a requisition can be made,
9 the appointing authority shall give employees of the appointing
10 authority who are in layoff status or who have been notified of an
11 intended layoff an opportunity to qualify for any class within the
12 office of the appointing authority. The commission shall certify the
13 names of the five persons highest on the eligible list for the class
14 to which the vacant position has been allocated, who are willing to
15 accept employment. If there is no appropriate eligible list for the
16 class, the commission shall certify the names of the five persons
17 standing highest on the list held appropriate for such class. If more
18 than one vacancy is to be filled an additional name shall be
19 certified for each additional vacancy. The appointing power shall
20 forthwith appoint a person from those certified to the vacant
21 position.

22 (2) To enable the appointing power to exercise a greater degree
23 of choice in the filling of positions, no appointment, employment, or
24 promotion in any position in the classified service shall be deemed
25 complete until after the expiration of a period of one year's
26 probationary service, as may be provided in the rules of the civil
27 service commission, during which the appointing power may terminate
28 the employment of the person appointed, if during the performance
29 test thus afforded, upon observation or consideration of the
30 performance of duty, the appointing power deems such person unfit or
31 unsatisfactory for service in the office of county sheriff. Thereupon
32 the appointing power shall again requisition the commission for the
33 names and addresses of persons eligible for appointment in the manner
34 provided by this section and the person appointed in the manner
35 provided by this section shall likewise enter upon said duties for
36 the probationary period, until some person is found who is deemed fit
37 for appointment, employment, or promotion whereupon the appointment,
38 employment, or promotion shall be deemed complete. The probationary
39 period of a person appointed or hired:

1 (a) As a new law enforcement officer, must be no less than 24
2 months from the date of successful completion of the basic law
3 enforcement academy;

4 (b) In any other position, must be no less than one year from the
5 date of appointment or hire.

6 **Sec. 6.** RCW 43.43.020 and 2005 c 434 s 4 are each amended to
7 read as follows:

8 (1) The governor, with the advice and consent of the senate,
9 shall appoint the chief of the Washington state patrol, determine his
10 compensation, and may remove him at will.

11 (2)(a) The chief shall appoint a sufficient number of competent
12 persons to act as Washington state patrol officers, may remove them
13 for cause, as provided in this chapter, and shall make promotional
14 appointments, determine their compensation, and define their rank and
15 duties, as hereinafter provided.

16 (b) Before a person may be appointed to act as a Washington state
17 patrol officer, in addition to the requirements in (c) of this
18 subsection, the person shall meet the minimum standards for
19 employment with the Washington state patrol, including successful
20 completion of a psychological examination and polygraph examination
21 or similar assessment procedure administered by the chief or his or
22 her designee in accordance with the requirements of RCW
23 43.101.095(2).

24 (c) A person appointed as a Washington state patrol officer must
25 be at least 23 years of age and:

26 (i) Have an associate of arts or science degree;

27 (ii) Complete an associate of arts or science degree prior to the
28 end of the person's probationary period as provided in RCW 43.43.360;
29 or

30 (iii) Have two years' full-time experience working in domestic
31 violence services, mental or behavioral health care, homelessness
32 programs, crisis intervention services, or other social services
33 professions.

34 (3)(a) Consistent with the scoring scheme outlined in RCW
35 41.04.010, a hiring law enforcement agency shall add a maximum of 10
36 percent to the passing mark, grade, or rating of any applicant for
37 any of the following qualifications:

38 (i) Proficiency, as defined by the local jurisdiction, in a
39 language other than English; or

1 (ii) Two or more years of professional or volunteer experience in
2 the peace corps, AmeriCorps, domestic violence counseling, mental or
3 behavioral health care, homelessness programs, or other social
4 services professions.

5 (b) Preference points under this subsection and RCW 41.04.010 may
6 not be aggregated to exceed more than 10 percent of the applicant's
7 examination score.

8 (4) The chief may appoint employees of the Washington state
9 patrol to serve as special deputies, with such restricted police
10 authority as the chief shall designate as being necessary and
11 consistent with their assignment to duty. Such appointment and
12 conferral of authority shall not qualify said employees for
13 membership in the Washington state patrol retirement system, nor
14 shall it grant tenure of office as a regular officer of the
15 Washington state patrol.

16 (5) The chief may personally appoint, with the consent of the
17 state treasurer, employees of the office of the state treasurer who
18 are qualified under the standards of the criminal justice training
19 commission, or who have comparable training and experience, to serve
20 as special deputies. The law enforcement powers of any special
21 deputies appointed in the office of the state treasurer shall be
22 designated by the chief and shall be restricted to those powers
23 necessary to provide for statewide security of the holdings or
24 property of or under the custody of the office of the state
25 treasurer. These appointments may be revoked by the chief at any time
26 and shall be revoked upon the written request of the state treasurer
27 or by operation of law upon termination of the special deputy's
28 employment with the office of the state treasurer or thirty days
29 after the chief who made the appointment leaves office. The chief
30 shall be civilly immune for the acts of such special deputies. Such
31 appointment and conferral of authority shall not qualify such
32 employees for membership in the Washington state patrol retirement
33 system, nor shall it grant tenure of office as a regular officer of
34 the Washington state patrol.

35 **Sec. 7.** RCW 43.43.360 and 1984 c 141 s 5 are each amended to
36 read as follows:

37 All newly appointed (~~or promoted~~) officers shall serve a
38 probationary period of (~~one year after appointment or promotion~~) 24
39 months from the date of successful completion of the basic law

1 enforcement academy and all promoted officers shall serve a
2 probationary period of 12 months from the date of promotion,
3 whereupon their probationary status shall terminate, and they shall
4 acquire regular status in the particular grade, unless given notice
5 in writing to the contrary by the chief prior to the expiration of
6 the probationary period.

7 NEW SECTION. **Sec. 8.** Any provision in a collective bargaining
8 agreement or other agreement entered into or amended after the
9 effective date of this section that is contrary to the provisions of
10 this act is void and unenforceable. No jurisdiction's law, policies,
11 rules, contracts, or other agreements may contravene any of this act.

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