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**SUBSTITUTE SENATE BILL 5361**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Holy, L. Wilson, MacEwen, Dozier, Braun, Lovick, Gildon, Boehnke, Schoesler, Randall, Wagoner, Padden, Warnick, Fortunato, Liias, Short, King, Muzzall, Van De Wege, Cleveland, Conway, Torres, and C. Wilson)

AN ACT Relating to incentivizing cities and counties to increase employment of commissioned law enforcement officers; reenacting and amending RCW 43.101.200; adding a new section to chapter 82.14 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds the people of Washington have more reason to fear for their safety, with the incidence of violent crimes such as murder, rape, and aggravated assault reaching 25-year highs in the past few years, while the rate of property crime has ranked second highest in the nation over the past five years. The legislature also finds Washington ranks last in the nation for law enforcement officers per capita.

(2) The legislature finds the counties and cities of Washington should be served by a number of law enforcement officers at least equal to the national average per capita, and that law enforcement agencies should be encouraged to invest in innovative crime reduction efforts when possible. To avoid placing more burden on local governments and to promote equitable and consistent enforcement of laws among jurisdictions, it is therefore the intent of the legislature to provide a source of funding to support additional local investments in law enforcement and public safety, with the goal of reducing violent and property crime.

NEW SECTION. **Sec.**  A new section is added to chapter 82.14 RCW to read as follows:

(1)(a) A county or city legislative authority may impose a sales and use tax in accordance with the terms of this chapter. The rate of tax under this section is 0.10 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax.

(b) For a city imposing the sales and use tax under this section, if the county in which the city is located also imposes the tax, the city sales and use tax must be credited against the county tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The tax authorized under this section is a credit against the state tax under chapter 82.08 or 82.12 RCW. The department must perform the collection of such taxes on behalf of the county or city at no cost to the county or city and must remit the tax to the jurisdiction as provided in RCW 82.14.060.

(3)(a) Subject to (b) of this subsection, all money received under this section must be used solely for employing additional commissioned law enforcement officers.

(b) If the local commissioned rate per 1,000 population is greater than the national commissioned rate per 1,000 population, the city or county may use money received under this section in the current calendar year for criminal justice purposes. To determine the local and national commissioned rate per 1,000 population, law enforcement employment data and jurisdictional population data provided to the federal uniform crime program, as of October of the prior calendar year, must be used.

(4) For the purposes of this section, the following definitions apply.

(a) "Criminal justice purposes" means activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. After May 13, 2021, through December 31, 2024, criminal justice purposes includes local government programs that have a reasonable relationship to reducing the number of people interacting with the criminal justice system including, but not limited to, reducing homelessness and improving behavioral health.

(b) "Local commissioned rate per 1,000 population" means the total full-time commissioned law enforcement officers of the city or county, divided by the population, and multiplied by 1,000.

(c) "National commissioned rate per 1,000 population" means the total full-time commissioned law enforcement officers for all agencies, divided by the total agency population, and multiplied by 1,000.

(d) "Uniform crime program" means the federal law enforcement reporting and statistics program operated by the criminal justice information services division of the federal bureau of investigation.

**Sec.**  RCW 43.101.200 and 2021 c 334 s 977 and 2021 c 323 s 31 are each reenacted and amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as provided in RCW 43.101.170, the commission shall provide the aforementioned training and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

(3) Beginning with fiscal year 2024, the commission must provide up to 25 basic law enforcement training classes. Beginning with fiscal year 2025, the commission must provide up to 27 basic law enforcement training classes each fiscal year. The legislature must appropriate sufficient funding to the commission for this purpose.

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