

**ESSB 5424** - H COMM AMD

By Committee on Community Safety, Justice, & Reentry

**ADOPTED 02/28/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 49.28  
4 RCW to read as follows:

5 (1) Every general authority and limited authority Washington law  
6 enforcement agency may adopt a flexible work policy. The policy may  
7 allow for general authority and limited authority Washington peace  
8 officers to work at less than full time when feasible, such as  
9 supplementing work during peak hours with part-time officers. The  
10 flexible work policy may include alternative shift and work schedules  
11 that fit the needs of the law enforcement agency.

12 (2) The flexible work policy adopted in subsection (1) of this  
13 section may require an officer have a certain number of years of  
14 experience as a full-time officer or have additional training for the  
15 officer to work part time or be eligible for any other types of  
16 flexible work.

17 (3) The flexible work policy adopted in subsection (1) of this  
18 section may not cause the layoff or otherwise displace any full-time  
19 officer.

20 (4) This section does not alter any existing collective  
21 bargaining unit, the provisions of any existing collective bargaining  
22 agreement, or the duty of a law enforcement agency to meet their duty  
23 to bargain under chapter 41.56 or 41.80 RCW. Full-time and part-time  
24 officers working for the same law enforcement agency who are covered  
25 by a collective bargaining agreement must be in the same bargaining  
26 unit.

27 (5) This section does not alter any laws or workplace policies  
28 relating to restrictions on secondary employment for general  
29 authority and limited authority Washington peace officers.

30 (6) For the purposes of this section, the definitions in this  
31 subsection apply.

1 (a) "General authority and limited authority Washington law  
2 enforcement agency" has the same meaning as "general authority  
3 Washington law enforcement agency" and "limited authority Washington  
4 law enforcement agency" as defined in RCW 10.93.020 (3) and (5),  
5 respectively.

6 (b) "General authority and limited authority Washington peace  
7 officers" has the same meaning as "general authority Washington peace  
8 officer" and "limited authority Washington peace officer" as defined  
9 in RCW 10.93.020 (4) and (6), respectively.

10 **Sec. 2.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted  
11 and amended to read as follows:

12 As used in this chapter, the following terms have the meanings  
13 indicated unless the context clearly requires otherwise.

14 (1) "Agency with primary territorial jurisdiction" means a city  
15 or town police agency which has responsibility for police activity  
16 within its boundaries; or a county police or sheriff's department  
17 which has responsibility with regard to police activity in the  
18 unincorporated areas within the county boundaries; or a statutorily  
19 authorized port district police agency or four-year state college or  
20 university police agency which has responsibility for police activity  
21 within the statutorily authorized enforcement boundaries of the port  
22 district, state college, or university.

23 (2) "Federal peace officer" means any employee or agent of the  
24 United States government who has the authority to carry firearms and  
25 make warrantless arrests and whose duties involve the enforcement of  
26 criminal laws of the United States.

27 (3) "General authority Washington law enforcement agency" means  
28 any agency, department, or division of a municipal corporation,  
29 political subdivision, or other unit of local government of this  
30 state, and any agency, department, or division of state government,  
31 having as its primary function the detection and apprehension of  
32 persons committing infractions or violating the traffic or criminal  
33 laws in general, as distinguished from a limited authority Washington  
34 law enforcement agency, and any other unit of government expressly  
35 designated by statute as a general authority Washington law  
36 enforcement agency. The Washington state patrol and the department of  
37 fish and wildlife are general authority Washington law enforcement  
38 agencies.

1 (4) "General authority Washington peace officer" means any  
2 (~~full-time,~~) fully compensated and elected, appointed, or employed  
3 officer of a general authority Washington law enforcement agency who  
4 is commissioned to enforce the criminal laws of the state of  
5 Washington generally.

6 (5) "Limited authority Washington law enforcement agency" means  
7 any agency, political subdivision, or unit of local government of  
8 this state, and any agency, department, or division of state  
9 government, having as one of its functions the apprehension or  
10 detection of persons committing infractions or violating the traffic  
11 or criminal laws relating to limited subject areas, including but not  
12 limited to, the state departments of natural resources and social and  
13 health services, the state gambling commission, the state lottery  
14 commission, the state parks and recreation commission, the state  
15 utilities and transportation commission, the state liquor and  
16 cannabis board, the office of the insurance commissioner, the state  
17 department of corrections, and the office of independent  
18 investigations.

19 (6) "Limited authority Washington peace officer" means any  
20 (~~full-time,~~) fully compensated officer of a limited authority  
21 Washington law enforcement agency empowered by that agency to detect  
22 or apprehend violators of the laws in some or all of the limited  
23 subject areas for which that agency is responsible. A limited  
24 authority Washington peace officer may be a specially commissioned  
25 Washington peace officer if otherwise qualified for such status under  
26 this chapter.

27 (7) "Mutual law enforcement assistance" includes, but is not  
28 limited to, one or more law enforcement agencies aiding or assisting  
29 one or more other such agencies through loans or exchanges of  
30 personnel or of material resources, for law enforcement purposes.

31 (8) "Primary commissioning agency" means (a) the employing agency  
32 in the case of a general authority Washington peace officer, a  
33 limited authority Washington peace officer, a tribal peace officer  
34 from a federally recognized tribe, or a federal peace officer, and  
35 (b) the commissioning agency in the case of a specially commissioned  
36 Washington peace officer (i) who is performing functions within the  
37 course and scope of the special commission and (ii) who is not also a  
38 general authority Washington peace officer, a limited authority  
39 Washington peace officer, a tribal peace officer from a federally  
40 recognized tribe, or a federal peace officer.

1 (9) "Primary function of an agency" means that function to which  
2 greater than fifty percent of the agency's resources are allocated.

3 (10) "Reserve officer" means any person who does not serve as a  
4 regularly employed, fully compensated peace officer of this state,  
5 but who, when called by an agency into active service, is fully  
6 commissioned on the same basis as regularly employed, fully  
7 compensated officers to enforce the criminal laws of this state.

8 (11) "Specially commissioned Washington peace officer," for the  
9 purposes of this chapter, means any officer, whether part-time or  
10 full-time, compensated or not, commissioned by a general authority  
11 Washington law enforcement agency to enforce some or all of the  
12 criminal laws of the state of Washington, who does not qualify under  
13 this chapter as a general authority Washington peace officer for that  
14 commissioning agency, specifically including reserve peace officers,  
15 and specially commissioned full-time, fully compensated peace  
16 officers duly commissioned by the states of Oregon or Idaho or any  
17 such peace officer commissioned by a unit of local government of  
18 Oregon or Idaho. (~~(A reserve peace officer is an individual who is an~~  
19 ~~officer of a Washington law enforcement agency who does not serve~~  
20 ~~such agency on a full-time basis but who, when called by the agency~~  
21 ~~into active service, is fully commissioned on the same basis as full-~~  
22 ~~time peace officers to enforce the criminal laws of the state.)~~)

23 **Sec. 3.** RCW 41.26.030 and 2021 c 12 s 2 are each amended to read  
24 as follows:

25 As used in this chapter, unless a different meaning is plainly  
26 required by the context:

27 (1) "Accumulated contributions" means the employee's  
28 contributions made by a member, including any amount paid under RCW  
29 41.50.165(2), plus accrued interest credited thereon.

30 (2) "Actuarial reserve" means a method of financing a pension or  
31 retirement plan wherein reserves are accumulated as the liabilities  
32 for benefit payments are incurred in order that sufficient funds will  
33 be available on the date of retirement of each member to pay the  
34 member's future benefits during the period of retirement.

35 (3) "Actuarial valuation" means a mathematical determination of  
36 the financial condition of a retirement plan. It includes the  
37 computation of the present monetary value of benefits payable to  
38 present members, and the present monetary value of future employer  
39 and employee contributions, giving effect to mortality among active

1 and retired members and also to the rates of disability, retirement,  
2 withdrawal from service, salary and interest earned on investments.

3 (4) (a) "Basic salary" for plan 1 members, means the basic monthly  
4 rate of salary or wages, including longevity pay but not including  
5 overtime earnings or special salary or wages, upon which pension or  
6 retirement benefits will be computed and upon which employer  
7 contributions and salary deductions will be based.

8 (b) "Basic salary" for plan 2 members, means salaries or wages  
9 earned by a member during a payroll period for personal services,  
10 including overtime payments, and shall include wages and salaries  
11 deferred under provisions established pursuant to sections 403(b),  
12 414(h), and 457 of the United States Internal Revenue Code, but shall  
13 exclude lump sum payments for deferred annual sick leave, unused  
14 accumulated vacation, unused accumulated annual leave, or any form of  
15 severance pay. In any year in which a member serves in the  
16 legislature the member shall have the option of having such member's  
17 basic salary be the greater of:

18 (i) The basic salary the member would have received had such  
19 member not served in the legislature; or

20 (ii) Such member's actual basic salary received for  
21 nonlegislative public employment and legislative service combined.  
22 Any additional contributions to the retirement system required  
23 because basic salary under (b) (i) of this subsection is greater than  
24 basic salary under (b) (ii) of this subsection shall be paid by the  
25 member for both member and employer contributions.

26 (5) (a) "Beneficiary" for plan 1 members, means any person in  
27 receipt of a retirement allowance, disability allowance, death  
28 benefit, or any other benefit described herein.

29 (b) "Beneficiary" for plan 2 members, means any person in receipt  
30 of a retirement allowance or other benefit provided by this chapter  
31 resulting from service rendered to an employer by another person.

32 (6) (a) "Child" or "children" means an unmarried person who is  
33 under the age of eighteen or mentally or physically disabled as  
34 determined by the department, except a person who is disabled and in  
35 the full time care of a state institution, who is:

36 (i) A natural born child;

37 (ii) A stepchild where that relationship was in existence prior  
38 to the date benefits are payable under this chapter;

39 (iii) A posthumous child;

1 (iv) A child legally adopted or made a legal ward of a member  
2 prior to the date benefits are payable under this chapter; or

3 (v) An illegitimate child legitimized prior to the date any  
4 benefits are payable under this chapter.

5 (b) A person shall also be deemed to be a child up to and  
6 including the age of twenty years and eleven months while attending  
7 any high school, college, or vocational or other educational  
8 institution accredited, licensed, or approved by the state, in which  
9 it is located, including the summer vacation months and all other  
10 normal and regular vacation periods at the particular educational  
11 institution after which the child returns to school.

12 (7) "Department" means the department of retirement systems  
13 created in chapter 41.50 RCW.

14 (8) "Director" means the director of the department.

15 (9) "Disability board" for plan 1 members means either the county  
16 disability board or the city disability board established in RCW  
17 41.26.110.

18 (10) "Disability leave" means the period of six months or any  
19 portion thereof during which a member is on leave at an allowance  
20 equal to the member's full salary prior to the commencement of  
21 disability retirement. The definition contained in this subsection  
22 shall apply only to plan 1 members.

23 (11) "Disability retirement" for plan 1 members, means the period  
24 following termination of a member's disability leave, during which  
25 the member is in receipt of a disability retirement allowance.

26 (12) "Domestic partners" means two adults who have registered as  
27 domestic partners under RCW 26.60.020.

28 (13) "Employee" means any law enforcement officer or firefighter  
29 as defined in subsections (17) and (19) of this section.

30 (14)(a) "Employer" for plan 1 members, means the legislative  
31 authority of any city, town, county, district, or regional fire  
32 protection service authority or the elected officials of any  
33 municipal corporation that employs any law enforcement officer and/or  
34 firefighter, any authorized association of such municipalities, and,  
35 except for the purposes of RCW 41.26.150, any labor guild,  
36 association, or organization, which represents the firefighters or  
37 law enforcement officers of at least seven cities of over 20,000  
38 population and the membership of each local lodge or division of  
39 which is composed of at least sixty percent law enforcement officers  
40 or firefighters as defined in this chapter.

1 (b) "Employer" for plan 2 members, means the following entities  
2 to the extent that the entity employs any law enforcement officer  
3 and/or firefighter:

4 (i) The legislative authority of any city, town, county,  
5 district, public corporation, or regional fire protection service  
6 authority established under RCW 35.21.730 to provide emergency  
7 medical services as defined in RCW 18.73.030;

8 (ii) The elected officials of any municipal corporation;

9 (iii) The governing body of any other general authority law  
10 enforcement agency;

11 (iv) A four-year institution of higher education having a fully  
12 operational fire department as of January 1, 1996; or

13 (v) The department of social and health services or the  
14 department of corrections when employing firefighters serving at a  
15 prison or civil commitment center on an island.

16 (c) Except as otherwise specifically provided in this chapter,  
17 "employer" does not include a government contractor. For purposes of  
18 this subsection, a "government contractor" is any entity, including a  
19 partnership, limited liability company, for-profit or nonprofit  
20 corporation, or person, that provides services pursuant to a contract  
21 with an "employer." The determination whether an employer-employee  
22 relationship has been established is not based on the relationship  
23 between a government contractor and an "employer," but is based  
24 solely on the relationship between a government contractor's employee  
25 and an "employer" under this chapter.

26 (15)(a) "Final average salary" for plan 1 members, means (i) for  
27 a member holding the same position or rank for a minimum of twelve  
28 months preceding the date of retirement, the basic salary attached to  
29 such same position or rank at time of retirement; (ii) for any other  
30 member, including a civil service member who has not served a minimum  
31 of twelve months in the same position or rank preceding the date of  
32 retirement, the average of the greatest basic salaries payable to  
33 such member during any consecutive twenty-four month period within  
34 such member's last ten years of service for which service credit is  
35 allowed, computed by dividing the total basic salaries payable to  
36 such member during the selected twenty-four month period by twenty-  
37 four; (iii) in the case of disability of any member, the basic salary  
38 payable to such member at the time of disability retirement; (iv) in  
39 the case of a member who hereafter vests pursuant to RCW 41.26.090,  
40 the basic salary payable to such member at the time of vesting.

1 (b) "Final average salary" for plan 2 members, means the monthly  
2 average of the member's basic salary for the highest consecutive  
3 sixty service credit months of service prior to such member's  
4 retirement, termination, or death. Periods constituting authorized  
5 unpaid leaves of absence may not be used in the calculation of final  
6 average salary.

7 (c) In calculating final average salary under (a) or (b) of this  
8 subsection, the department of retirement systems shall include:

9 (i) Any compensation forgone by a member employed by a state  
10 agency or institution during the 2009-2011 fiscal biennium as a  
11 result of reduced work hours, mandatory or voluntary leave without  
12 pay, temporary reduction in pay implemented prior to December 11,  
13 2010, or temporary layoffs if the reduced compensation is an integral  
14 part of the employer's expenditure reduction efforts, as certified by  
15 the employer;

16 (ii) Any compensation forgone by a member employed by the state  
17 or a local government employer during the 2011-2013 fiscal biennium  
18 as a result of reduced work hours, mandatory leave without pay,  
19 temporary layoffs, or reductions to current pay if the reduced  
20 compensation is an integral part of the employer's expenditure  
21 reduction efforts, as certified by the employer. Reductions to  
22 current pay shall not include elimination of previously agreed upon  
23 future salary increases; and

24 (iii) Any compensation forgone by a member employed by the state  
25 or a local government employer during the 2019-2021 and 2021-2023  
26 fiscal biennia as a result of reduced work hours, mandatory leave  
27 without pay, temporary layoffs, furloughs, reductions to current pay,  
28 or other similar measures resulting from the COVID-19 budgetary  
29 crisis, if the reduced compensation is an integral part of the  
30 employer's expenditure reduction efforts, as certified by the  
31 employer. Reductions to current pay shall not include elimination of  
32 previously agreed upon future salary increases.

33 (16) "Fire department" includes a fire station operated by the  
34 department of social and health services or the department of  
35 corrections when employing firefighters serving a prison or civil  
36 commitment center on an island.

37 (17) "Firefighter" means:

38 (a) Any person who is serving on a full time, fully compensated  
39 basis as a member of a fire department of an employer and who is



1 serving in a position which requires passing a civil service  
2 examination for firefighter, and who is actively employed as such;

3 (b) Anyone who is actively employed as a full time firefighter  
4 where the fire department does not have a civil service examination;

5 (c) Supervisory firefighter personnel;

6 (d) Any full time executive secretary of an association of fire  
7 protection districts authorized under RCW 52.12.031. The provisions  
8 of this subsection (17)(d) shall not apply to plan 2 members;

9 (e) The executive secretary of a labor guild, association or  
10 organization (which is an employer under subsection (14) of this  
11 section), if such individual has five years previous membership in a  
12 retirement system established in chapter 41.16 or 41.18 RCW. The  
13 provisions of this subsection (17)(e) shall not apply to plan 2  
14 members;

15 (f) Any person who is serving on a full time, fully compensated  
16 basis for an employer, as a fire dispatcher, in a department in  
17 which, on March 1, 1970, a dispatcher was required to have passed a  
18 civil service examination for firefighter;

19 (g) Any person who on March 1, 1970, was employed on a full time,  
20 fully compensated basis by an employer, and who on May 21, 1971, was  
21 making retirement contributions under the provisions of chapter 41.16  
22 or 41.18 RCW; and

23 (h) Any person who is employed on a full-time, fully compensated  
24 basis by an employer as an emergency medical technician that meets  
25 the requirements of RCW 18.71.200 or 18.73.030(~~((12))~~) (13), and  
26 whose duties include providing emergency medical services as defined  
27 in RCW 18.73.030.

28 (18) "General authority law enforcement agency" means any agency,  
29 department, or division of a municipal corporation, political  
30 subdivision, or other unit of local government of this state, and any  
31 agency, department, or division of state government, having as its  
32 primary function the detection and apprehension of persons committing  
33 infractions or violating the traffic or criminal laws in general, but  
34 not including the Washington state patrol. Such an agency,  
35 department, or division is distinguished from a limited authority law  
36 enforcement agency having as one of its functions the apprehension or  
37 detection of persons committing infractions or violating the traffic  
38 or criminal laws relating to limited subject areas, including but not  
39 limited to, the state departments of natural resources and social and  
40 health services, the state gambling commission, the state lottery

1 commission, the state parks and recreation commission, the state  
2 utilities and transportation commission, the state liquor and  
3 cannabis board, and the state department of corrections. A general  
4 authority law enforcement agency under this chapter does not include  
5 a government contractor.

6 (19) "Law enforcement officer" beginning January 1, 1994, means  
7 any person who is commissioned and employed by an employer on a full  
8 time, fully compensated basis to enforce the criminal laws of the  
9 state of Washington generally, with the following qualifications:

10 (a) No person who is serving in a position that is basically  
11 clerical or secretarial in nature, and who is not commissioned shall  
12 be considered a law enforcement officer;

13 (b) Only those deputy sheriffs, including those serving under a  
14 different title pursuant to county charter, who have successfully  
15 completed a civil service examination for deputy sheriff or the  
16 equivalent position, where a different title is used, and those  
17 persons serving in unclassified positions authorized by RCW 41.14.070  
18 except a private secretary will be considered law enforcement  
19 officers;

20 (c) Only such full time commissioned law enforcement personnel as  
21 have been appointed to offices, positions, or ranks in the police  
22 department which have been specifically created or otherwise  
23 expressly provided for and designated by city charter provision or by  
24 ordinance enacted by the legislative body of the city shall be  
25 considered city police officers;

26 (d) The term "law enforcement officer" also includes the  
27 executive secretary of a labor guild, association or organization  
28 (which is an employer under subsection (14) of this section) if that  
29 individual has five years previous membership in the retirement  
30 system established in chapter 41.20 RCW. The provisions of this  
31 subsection (19)(d) shall not apply to plan 2 members; (~~and~~)

32 (e) The term "law enforcement officer" also includes a person  
33 employed on or after January 1, 1993, as a public safety officer or  
34 director of public safety, so long as the job duties substantially  
35 involve only either police or fire duties, or both, and no other  
36 duties in a city or town with a population of less than ten thousand.  
37 The provisions of this subsection (19)(e) shall not apply to any  
38 public safety officer or director of public safety who is receiving a  
39 retirement allowance under this chapter as of May 12, 1993; and

1 (f) Beginning July 1, 2024, the term "law enforcement officer"  
2 also includes any person who is commissioned and employed by an  
3 employer on a fully compensated basis to enforce the criminal laws of  
4 the state of Washington generally, on a less than full-time basis,  
5 with the qualifications in (a) through (e) of this subsection.

6 (20) "Medical services" for plan 1 members, shall include the  
7 following as minimum services to be provided. Reasonable charges for  
8 these services shall be paid in accordance with RCW 41.26.150.

9 (a) Hospital expenses: These are the charges made by a hospital,  
10 in its own behalf, for

11 (i) Board and room not to exceed semiprivate room rate unless  
12 private room is required by the attending physician due to the  
13 condition of the patient.

14 (ii) Necessary hospital services, other than board and room,  
15 furnished by the hospital.

16 (b) Other medical expenses: The following charges are considered  
17 "other medical expenses," provided that they have not been considered  
18 as "hospital expenses".

19 (i) The fees of the following:

20 (A) A physician or surgeon licensed under the provisions of  
21 chapter 18.71 RCW;

22 (B) An osteopathic physician and surgeon licensed under the  
23 provisions of chapter 18.57 RCW;

24 (C) A chiropractor licensed under the provisions of chapter 18.25  
25 RCW.

26 (ii) The charges of a registered graduate nurse other than a  
27 nurse who ordinarily resides in the member's home, or is a member of  
28 the family of either the member or the member's spouse.

29 (iii) The charges for the following medical services and  
30 supplies:

31 (A) Drugs and medicines upon a physician's prescription;

32 (B) Diagnostic X-ray and laboratory examinations;

33 (C) X-ray, radium, and radioactive isotopes therapy;

34 (D) Anesthesia and oxygen;

35 (E) Rental of iron lung and other durable medical and surgical  
36 equipment;

37 (F) Artificial limbs and eyes, and casts, splints, and trusses;

38 (G) Professional ambulance service when used to transport the  
39 member to or from a hospital when injured by an accident or stricken  
40 by a disease;

1 (H) Dental charges incurred by a member who sustains an  
2 accidental injury to his or her teeth and who commences treatment by  
3 a legally licensed dentist within ninety days after the accident;

4 (I) Nursing home confinement or hospital extended care facility;

5 (J) Physical therapy by a registered physical therapist;

6 (K) Blood transfusions, including the cost of blood and blood  
7 plasma not replaced by voluntary donors;

8 (L) An optometrist licensed under the provisions of chapter 18.53  
9 RCW.

10 (21) "Member" means any firefighter, law enforcement officer, or  
11 other person as would apply under subsection (17) or (19) of this  
12 section whose membership is transferred to the Washington law  
13 enforcement officers' and firefighters' retirement system on or after  
14 March 1, 1970, and every law enforcement officer and firefighter who  
15 is employed in that capacity on or after such date.

16 (22) "Plan 1" means the law enforcement officers' and  
17 firefighters' retirement system, plan 1 providing the benefits and  
18 funding provisions covering persons who first became members of the  
19 system prior to October 1, 1977.

20 (23) "Plan 2" means the law enforcement officers' and  
21 firefighters' retirement system, plan 2 providing the benefits and  
22 funding provisions covering persons who first became members of the  
23 system on and after October 1, 1977.

24 (24) "Position" means the employment held at any particular time,  
25 which may or may not be the same as civil service rank.

26 (25) "Regular interest" means such rate as the director may  
27 determine.

28 (26) "Retiree" for persons who establish membership in the  
29 retirement system on or after October 1, 1977, means any member in  
30 receipt of a retirement allowance or other benefit provided by this  
31 chapter resulting from service rendered to an employer by such  
32 member.

33 (27) "Retirement fund" means the "Washington law enforcement  
34 officers' and firefighters' retirement system fund" as provided for  
35 herein.

36 (28) "Retirement system" means the "Washington law enforcement  
37 officers' and firefighters' retirement system" provided herein.

38 (29)(a) "Service" for plan 1 members, means all periods of  
39 employment for an employer as a firefighter or law enforcement  
40 officer, for which compensation is paid, together with periods of

1 suspension not exceeding thirty days in duration. For the purposes of  
2 this chapter service shall also include service in the armed forces  
3 of the United States as provided in RCW 41.26.190. Credit shall be  
4 allowed for all service credit months of service rendered by a member  
5 from and after the member's initial commencement of employment as a  
6 firefighter or law enforcement officer, during which the member  
7 worked for seventy or more hours, or was on disability leave or  
8 disability retirement. Only service credit months of service shall be  
9 counted in the computation of any retirement allowance or other  
10 benefit provided for in this chapter.

11 (i) For members retiring after May 21, 1971 who were employed  
12 under the coverage of a prior pension act before March 1, 1970,  
13 "service" shall also include (A) such military service not exceeding  
14 five years as was creditable to the member as of March 1, 1970, under  
15 the member's particular prior pension act, and (B) such other periods  
16 of service as were then creditable to a particular member under the  
17 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no  
18 event shall credit be allowed for any service rendered prior to March  
19 1, 1970, where the member at the time of rendition of such service  
20 was employed in a position covered by a prior pension act, unless  
21 such service, at the time credit is claimed therefor, is also  
22 creditable under the provisions of such prior act.

23 (ii) A member who is employed by two employers at the same time  
24 shall only be credited with service to one such employer for any  
25 month during which the member rendered such dual service.

26 (iii) Reduction efforts such as furloughs, reduced work hours,  
27 mandatory leave without pay, temporary layoffs, or other similar  
28 situations as contemplated by subsection (15)(c)(iii) of this section  
29 do not result in a reduction in service credit that otherwise would  
30 have been earned for that month of work, and the member shall receive  
31 the full service credit for the hours that were scheduled to be  
32 worked before the reduction.

33 (b) (i) "Service" for plan 2 members, means periods of employment  
34 by a member for one or more employers for which basic salary is  
35 earned for ninety or more hours per calendar month which shall  
36 constitute a service credit month. Periods of employment by a member  
37 for one or more employers for which basic salary is earned for at  
38 least seventy hours but less than ninety hours per calendar month  
39 shall constitute one-half service credit month. Periods of employment  
40 by a member for one or more employers for which basic salary is

1 earned for less than seventy hours shall constitute a one-quarter  
2 service credit month.

3 (ii) Members of the retirement system who are elected or  
4 appointed to a state elective position may elect to continue to be  
5 members of this retirement system.

6 (iii) Service credit years of service shall be determined by  
7 dividing the total number of service credit months of service by  
8 twelve. Any fraction of a service credit year of service as so  
9 determined shall be taken into account in the computation of such  
10 retirement allowance or benefits.

11 (iv) If a member receives basic salary from two or more employers  
12 during any calendar month, the individual shall receive one service  
13 credit month's service credit during any calendar month in which  
14 multiple service for ninety or more hours is rendered; or one-half  
15 service credit month's service credit during any calendar month in  
16 which multiple service for at least seventy hours but less than  
17 ninety hours is rendered; or one-quarter service credit month during  
18 any calendar month in which multiple service for less than seventy  
19 hours is rendered.

20 (v) Reduction efforts such as furloughs, reduced work hours,  
21 mandatory leave without pay, temporary layoffs, or other similar  
22 situations as contemplated by subsection (15)(c)(iii) of this section  
23 do not result in a reduction in service credit that otherwise would  
24 have been earned for that month of work, and the member shall receive  
25 the full service credit for the hours that were scheduled to be  
26 worked before the reduction.

27 (30) "Service credit month" means a full service credit month or  
28 an accumulation of partial service credit months that are equal to  
29 one.

30 (31) "Service credit year" means an accumulation of months of  
31 service credit which is equal to one when divided by twelve.

32 (32) "State actuary" or "actuary" means the person appointed  
33 pursuant to RCW 44.44.010(2).

34 (33) "State elective position" means any position held by any  
35 person elected or appointed to statewide office or elected or  
36 appointed as a member of the legislature.

37 (34) "Surviving spouse" means the surviving widow or widower of a  
38 member. "Surviving spouse" shall not include the divorced spouse of a  
39 member except as provided in RCW 41.26.162.

1       **Sec. 4.** RCW 41.26.030 and 2023 c 77 s 1 are each amended to read  
2 as follows:

3       As used in this chapter, unless a different meaning is plainly  
4 required by the context:

5       (1) "Accumulated contributions" means the employee's  
6 contributions made by a member, including any amount paid under RCW  
7 41.50.165(2), plus accrued interest credited thereon.

8       (2) "Actuarial reserve" means a method of financing a pension or  
9 retirement plan wherein reserves are accumulated as the liabilities  
10 for benefit payments are incurred in order that sufficient funds will  
11 be available on the date of retirement of each member to pay the  
12 member's future benefits during the period of retirement.

13       (3) "Actuarial valuation" means a mathematical determination of  
14 the financial condition of a retirement plan. It includes the  
15 computation of the present monetary value of benefits payable to  
16 present members, and the present monetary value of future employer  
17 and employee contributions, giving effect to mortality among active  
18 and retired members and also to the rates of disability, retirement,  
19 withdrawal from service, salary and interest earned on investments.

20       (4)(a) "Basic salary" for plan 1 members, means the basic monthly  
21 rate of salary or wages, including longevity pay but not including  
22 overtime earnings or special salary or wages, upon which pension or  
23 retirement benefits will be computed and upon which employer  
24 contributions and salary deductions will be based.

25       (b) "Basic salary" for plan 2 members, means salaries or wages  
26 earned by a member during a payroll period for personal services,  
27 including overtime payments, and shall include wages and salaries  
28 deferred under provisions established pursuant to sections 403(b),  
29 414(h), and 457 of the United States Internal Revenue Code, but shall  
30 exclude lump sum payments for deferred annual sick leave, unused  
31 accumulated vacation, unused accumulated annual leave, or any form of  
32 severance pay. In any year in which a member serves in the  
33 legislature the member shall have the option of having such member's  
34 basic salary be the greater of:

35       (i) The basic salary the member would have received had such  
36 member not served in the legislature; or

37       (ii) Such member's actual basic salary received for  
38 nonlegislative public employment and legislative service combined.  
39 Any additional contributions to the retirement system required  
40 because basic salary under (b)(i) of this subsection is greater than

1 basic salary under (b)(ii) of this subsection shall be paid by the  
2 member for both member and employer contributions.

3 (5)(a) "Beneficiary" for plan 1 members, means any person in  
4 receipt of a retirement allowance, disability allowance, death  
5 benefit, or any other benefit described herein.

6 (b) "Beneficiary" for plan 2 members, means any person in receipt  
7 of a retirement allowance or other benefit provided by this chapter  
8 resulting from service rendered to an employer by another person.

9 (6)(a) "Child" or "children" means an unmarried person who is  
10 under the age of eighteen or mentally or physically disabled as  
11 determined by the department, except a person who is disabled and in  
12 the full time care of a state institution, who is:

13 (i) A natural born child;

14 (ii) A stepchild where that relationship was in existence prior  
15 to the date benefits are payable under this chapter;

16 (iii) A posthumous child;

17 (iv) A child legally adopted or made a legal ward of a member  
18 prior to the date benefits are payable under this chapter; or

19 (v) An illegitimate child legitimized prior to the date any  
20 benefits are payable under this chapter.

21 (b) A person shall also be deemed to be a child up to and  
22 including the age of twenty years and eleven months while attending  
23 any high school, college, or vocational or other educational  
24 institution accredited, licensed, or approved by the state, in which  
25 it is located, including the summer vacation months and all other  
26 normal and regular vacation periods at the particular educational  
27 institution after which the child returns to school.

28 (7) "Department" means the department of retirement systems  
29 created in chapter 41.50 RCW.

30 (8) "Director" means the director of the department.

31 (9) "Disability board" for plan 1 members means either the county  
32 disability board or the city disability board established in RCW  
33 41.26.110.

34 (10) "Disability leave" means the period of six months or any  
35 portion thereof during which a member is on leave at an allowance  
36 equal to the member's full salary prior to the commencement of  
37 disability retirement. The definition contained in this subsection  
38 shall apply only to plan 1 members.



1 (11) "Disability retirement" for plan 1 members, means the period  
2 following termination of a member's disability leave, during which  
3 the member is in receipt of a disability retirement allowance.

4 (12) "Domestic partners" means two adults who have registered as  
5 domestic partners under RCW 26.60.020.

6 (13) "Employee" means any law enforcement officer or firefighter  
7 as defined in subsections (17) and (19) of this section.

8 (14)(a) "Employer" for plan 1 members, means the legislative  
9 authority of any city, town, county, district, or regional fire  
10 protection service authority or the elected officials of any  
11 municipal corporation that employs any law enforcement officer and/or  
12 firefighter, any authorized association of such municipalities, and,  
13 except for the purposes of RCW 41.26.150, any labor guild,  
14 association, or organization, which represents the firefighters or  
15 law enforcement officers of at least seven cities of over 20,000  
16 population and the membership of each local lodge or division of  
17 which is composed of at least sixty percent law enforcement officers  
18 or firefighters as defined in this chapter.

19 (b) "Employer" for plan 2 members, means the following entities  
20 to the extent that the entity employs any law enforcement officer  
21 and/or firefighter:

22 (i) The legislative authority of any city, town, county,  
23 district, public corporation, or regional fire protection service  
24 authority established under RCW 35.21.730 to provide emergency  
25 medical services as defined in RCW 18.73.030;

26 (ii) The elected officials of any municipal corporation;

27 (iii) The governing body of any other general authority law  
28 enforcement agency;

29 (iv) A four-year institution of higher education having a fully  
30 operational fire department as of January 1, 1996; or

31 (v) The department of social and health services or the  
32 department of corrections when employing firefighters serving at a  
33 prison or civil commitment center on an island.

34 (c) Except as otherwise specifically provided in this chapter,  
35 "employer" does not include a government contractor. For purposes of  
36 this subsection, a "government contractor" is any entity, including a  
37 partnership, limited liability company, for-profit or nonprofit  
38 corporation, or person, that provides services pursuant to a contract  
39 with an "employer." The determination whether an employer-employee  
40 relationship has been established is not based on the relationship

1 between a government contractor and an "employer," but is based  
2 solely on the relationship between a government contractor's employee  
3 and an "employer" under this chapter.

4 (15)(a) "Final average salary" for plan 1 members, means (i) for  
5 a member holding the same position or rank for a minimum of twelve  
6 months preceding the date of retirement, the basic salary attached to  
7 such same position or rank at time of retirement; (ii) for any other  
8 member, including a civil service member who has not served a minimum  
9 of twelve months in the same position or rank preceding the date of  
10 retirement, the average of the greatest basic salaries payable to  
11 such member during any consecutive twenty-four month period within  
12 such member's last ten years of service for which service credit is  
13 allowed, computed by dividing the total basic salaries payable to  
14 such member during the selected twenty-four month period by twenty-  
15 four; (iii) in the case of disability of any member, the basic salary  
16 payable to such member at the time of disability retirement; (iv) in  
17 the case of a member who hereafter vests pursuant to RCW 41.26.090,  
18 the basic salary payable to such member at the time of vesting.

19 (b) "Final average salary" for plan 2 members, means the monthly  
20 average of the member's basic salary for the highest consecutive  
21 sixty service credit months of service prior to such member's  
22 retirement, termination, or death. Periods constituting authorized  
23 unpaid leaves of absence may not be used in the calculation of final  
24 average salary.

25 (c) In calculating final average salary under (a) or (b) of this  
26 subsection, the department of retirement systems shall include:

27 (i) Any compensation forgone by a member employed by a state  
28 agency or institution during the 2009-2011 fiscal biennium as a  
29 result of reduced work hours, mandatory or voluntary leave without  
30 pay, temporary reduction in pay implemented prior to December 11,  
31 2010, or temporary layoffs if the reduced compensation is an integral  
32 part of the employer's expenditure reduction efforts, as certified by  
33 the employer;

34 (ii) Any compensation forgone by a member employed by the state  
35 or a local government employer during the 2011-2013 fiscal biennium  
36 as a result of reduced work hours, mandatory leave without pay,  
37 temporary layoffs, or reductions to current pay if the reduced  
38 compensation is an integral part of the employer's expenditure  
39 reduction efforts, as certified by the employer. Reductions to

1 current pay shall not include elimination of previously agreed upon  
2 future salary increases; and

3 (iii) Any compensation forgone by a member employed by the state  
4 or a local government employer during the 2019-2021 and 2021-2023  
5 fiscal biennia as a result of reduced work hours, mandatory leave  
6 without pay, temporary layoffs, furloughs, reductions to current pay,  
7 or other similar measures resulting from the COVID-19 budgetary  
8 crisis, if the reduced compensation is an integral part of the  
9 employer's expenditure reduction efforts, as certified by the  
10 employer. Reductions to current pay shall not include elimination of  
11 previously agreed upon future salary increases.

12 (16) "Fire department" includes a fire station operated by the  
13 department of social and health services or the department of  
14 corrections when employing firefighters serving a prison or civil  
15 commitment center on an island.

16 (17) "Firefighter" means:

17 (a) Any person who is serving on a full time, fully compensated  
18 basis as a member of a fire department of an employer and who is  
19 serving in a position which requires passing a civil service  
20 examination for firefighter, and who is actively employed as such;

21 (b) Anyone who is actively employed as a full time firefighter  
22 where the fire department does not have a civil service examination;

23 (c) Supervisory firefighter personnel;

24 (d) Any full time executive secretary of an association of fire  
25 protection districts authorized under RCW 52.12.031. The provisions  
26 of this subsection (17)(d) shall not apply to plan 2 members;

27 (e) The executive secretary of a labor guild, association or  
28 organization (which is an employer under subsection (14) of this  
29 section), if such individual has five years previous membership in a  
30 retirement system established in chapter 41.16 or 41.18 RCW. The  
31 provisions of this subsection (17)(e) shall not apply to plan 2  
32 members;

33 (f) Any person who is serving on a full time, fully compensated  
34 basis for an employer, as a fire dispatcher, in a department in  
35 which, on March 1, 1970, a dispatcher was required to have passed a  
36 civil service examination for firefighter;

37 (g) Any person who on March 1, 1970, was employed on a full time,  
38 fully compensated basis by an employer, and who on May 21, 1971, was  
39 making retirement contributions under the provisions of chapter 41.16  
40 or 41.18 RCW; and

1 (h) Any person who is employed on a full-time, fully compensated  
2 basis by an employer as an emergency medical technician that meets  
3 the requirements of RCW 18.71.200 or 18.73.030(13), and whose duties  
4 include providing emergency medical services as defined in RCW  
5 18.73.030.

6 (18) "General authority law enforcement agency" means any agency,  
7 department, or division of a municipal corporation, political  
8 subdivision, or other unit of local government of this state, the  
9 government of a federally recognized tribe, and any agency,  
10 department, or division of state government, having as its primary  
11 function the detection and apprehension of persons committing  
12 infractions or violating the traffic or criminal laws in general, but  
13 not including the Washington state patrol. Such an agency,  
14 department, or division is distinguished from a limited authority law  
15 enforcement agency having as one of its functions the apprehension or  
16 detection of persons committing infractions or violating the traffic  
17 or criminal laws relating to limited subject areas, including but not  
18 limited to, the state departments of natural resources and social and  
19 health services, the state gambling commission, the state lottery  
20 commission, the state parks and recreation commission, the state  
21 utilities and transportation commission, the state liquor and  
22 cannabis board, and the state department of corrections. A general  
23 authority law enforcement agency under this chapter does not include  
24 a government contractor.

25 (19) "Law enforcement officer" beginning January 1, 1994, means  
26 any person who is commissioned and employed by an employer on a full  
27 time, fully compensated basis to enforce the criminal laws of the  
28 state of Washington generally, with the following qualifications:

29 (a) No person who is serving in a position that is basically  
30 clerical or secretarial in nature, and who is not commissioned shall  
31 be considered a law enforcement officer;

32 (b) Only those deputy sheriffs, including those serving under a  
33 different title pursuant to county charter, who have successfully  
34 completed a civil service examination for deputy sheriff or the  
35 equivalent position, where a different title is used, and those  
36 persons serving in unclassified positions authorized by RCW 41.14.070  
37 except a private secretary will be considered law enforcement  
38 officers;

39 (c) Only such full time commissioned law enforcement personnel as  
40 have been appointed to offices, positions, or ranks in the police

1 department which have been specifically created or otherwise  
2 expressly provided for and designated by city charter provision or by  
3 ordinance enacted by the legislative body of the city shall be  
4 considered city police officers;

5 (d) The term "law enforcement officer" also includes the  
6 executive secretary of a labor guild, association or organization  
7 (which is an employer under subsection (14) of this section) if that  
8 individual has five years previous membership in the retirement  
9 system established in chapter 41.20 RCW. The provisions of this  
10 subsection (19)(d) shall not apply to plan 2 members;

11 (e) The term "law enforcement officer" also includes a person  
12 employed on or after January 1, 1993, as a public safety officer or  
13 director of public safety, so long as the job duties substantially  
14 involve only either police or fire duties, or both, and no other  
15 duties in a city or town with a population of less than ten thousand.  
16 The provisions of this subsection (19)(e) shall not apply to any  
17 public safety officer or director of public safety who is receiving a  
18 retirement allowance under this chapter as of May 12, 1993; (~~and~~)

19 (f) The term "law enforcement officer" also includes a person who  
20 is employed on or after January 1, 2024, on a full-time basis by the  
21 government of a federally recognized tribe within the state of  
22 Washington that meets the terms and conditions of RCW 41.26.565, is  
23 employed in a police department maintained by that tribe, and who is  
24 currently certified as a general authority peace officer under  
25 chapter 43.101 RCW; and

26 (g) Beginning July 1, 2024, the term "law enforcement officer"  
27 also includes any person who is commissioned and employed by an  
28 employer on a fully compensated basis to enforce the criminal laws of  
29 the state of Washington generally, on a less than full-time basis,  
30 with the qualifications in (a) through (e) of this subsection.

31 (20) "Medical services" for plan 1 members, shall include the  
32 following as minimum services to be provided. Reasonable charges for  
33 these services shall be paid in accordance with RCW 41.26.150.

34 (a) Hospital expenses: These are the charges made by a hospital,  
35 in its own behalf, for

36 (i) Board and room not to exceed semiprivate room rate unless  
37 private room is required by the attending physician due to the  
38 condition of the patient.

39 (ii) Necessary hospital services, other than board and room,  
40 furnished by the hospital.

1 (b) Other medical expenses: The following charges are considered  
2 "other medical expenses," provided that they have not been considered  
3 as "hospital expenses."

4 (i) The fees of the following:

5 (A) A physician or surgeon licensed under the provisions of  
6 chapter 18.71 RCW;

7 (B) An osteopathic physician and surgeon licensed under the  
8 provisions of chapter 18.57 RCW;

9 (C) A chiropractor licensed under the provisions of chapter 18.25  
10 RCW.

11 (ii) The charges of a registered graduate nurse other than a  
12 nurse who ordinarily resides in the member's home, or is a member of  
13 the family of either the member or the member's spouse.

14 (iii) The charges for the following medical services and  
15 supplies:

16 (A) Drugs and medicines upon a physician's prescription;

17 (B) Diagnostic X-ray and laboratory examinations;

18 (C) X-ray, radium, and radioactive isotopes therapy;

19 (D) Anesthesia and oxygen;

20 (E) Rental of iron lung and other durable medical and surgical  
21 equipment;

22 (F) Artificial limbs and eyes, and casts, splints, and trusses;

23 (G) Professional ambulance service when used to transport the  
24 member to or from a hospital when injured by an accident or stricken  
25 by a disease;

26 (H) Dental charges incurred by a member who sustains an  
27 accidental injury to his or her teeth and who commences treatment by  
28 a legally licensed dentist within ninety days after the accident;

29 (I) Nursing home confinement or hospital extended care facility;

30 (J) Physical therapy by a registered physical therapist;

31 (K) Blood transfusions, including the cost of blood and blood  
32 plasma not replaced by voluntary donors;

33 (L) An optometrist licensed under the provisions of chapter 18.53  
34 RCW.

35 (21) "Member" means any firefighter, law enforcement officer, or  
36 other person as would apply under subsection (17) or (19) of this  
37 section whose membership is transferred to the Washington law  
38 enforcement officers' and firefighters' retirement system on or after  
39 March 1, 1970, and every law enforcement officer and firefighter who  
40 is employed in that capacity on or after such date.

1 (22) "Plan 1" means the law enforcement officers' and  
2 firefighters' retirement system, plan 1 providing the benefits and  
3 funding provisions covering persons who first became members of the  
4 system prior to October 1, 1977.

5 (23) "Plan 2" means the law enforcement officers' and  
6 firefighters' retirement system, plan 2 providing the benefits and  
7 funding provisions covering persons who first became members of the  
8 system on and after October 1, 1977.

9 (24) "Position" means the employment held at any particular time,  
10 which may or may not be the same as civil service rank.

11 (25) "Regular interest" means such rate as the director may  
12 determine.

13 (26) "Retiree" for persons who establish membership in the  
14 retirement system on or after October 1, 1977, means any member in  
15 receipt of a retirement allowance or other benefit provided by this  
16 chapter resulting from service rendered to an employer by such  
17 member.

18 (27) "Retirement fund" means the "Washington law enforcement  
19 officers' and firefighters' retirement system fund" as provided for  
20 herein.

21 (28) "Retirement system" means the "Washington law enforcement  
22 officers' and firefighters' retirement system" provided herein.

23 (29)(a) "Service" for plan 1 members, means all periods of  
24 employment for an employer as a firefighter or law enforcement  
25 officer, for which compensation is paid, together with periods of  
26 suspension not exceeding thirty days in duration. For the purposes of  
27 this chapter service shall also include service in the armed forces  
28 of the United States as provided in RCW 41.26.190. Credit shall be  
29 allowed for all service credit months of service rendered by a member  
30 from and after the member's initial commencement of employment as a  
31 firefighter or law enforcement officer, during which the member  
32 worked for seventy or more hours, or was on disability leave or  
33 disability retirement. Only service credit months of service shall be  
34 counted in the computation of any retirement allowance or other  
35 benefit provided for in this chapter.

36 (i) For members retiring after May 21, 1971 who were employed  
37 under the coverage of a prior pension act before March 1, 1970,  
38 "service" shall also include (A) such military service not exceeding  
39 five years as was creditable to the member as of March 1, 1970, under  
40 the member's particular prior pension act, and (B) such other periods

1 of service as were then creditable to a particular member under the  
2 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no  
3 event shall credit be allowed for any service rendered prior to March  
4 1, 1970, where the member at the time of rendition of such service  
5 was employed in a position covered by a prior pension act, unless  
6 such service, at the time credit is claimed therefor, is also  
7 creditable under the provisions of such prior act.

8 (ii) A member who is employed by two employers at the same time  
9 shall only be credited with service to one such employer for any  
10 month during which the member rendered such dual service.

11 (iii) Reduction efforts such as furloughs, reduced work hours,  
12 mandatory leave without pay, temporary layoffs, or other similar  
13 situations as contemplated by subsection (15)(c)(iii) of this section  
14 do not result in a reduction in service credit that otherwise would  
15 have been earned for that month of work, and the member shall receive  
16 the full service credit for the hours that were scheduled to be  
17 worked before the reduction.

18 (b)(i) "Service" for plan 2 members, means periods of employment  
19 by a member for one or more employers for which basic salary is  
20 earned for ninety or more hours per calendar month which shall  
21 constitute a service credit month. Periods of employment by a member  
22 for one or more employers for which basic salary is earned for at  
23 least seventy hours but less than ninety hours per calendar month  
24 shall constitute one-half service credit month. Periods of employment  
25 by a member for one or more employers for which basic salary is  
26 earned for less than seventy hours shall constitute a one-quarter  
27 service credit month.

28 (ii) Members of the retirement system who are elected or  
29 appointed to a state elective position may elect to continue to be  
30 members of this retirement system.

31 (iii) Service credit years of service shall be determined by  
32 dividing the total number of service credit months of service by  
33 twelve. Any fraction of a service credit year of service as so  
34 determined shall be taken into account in the computation of such  
35 retirement allowance or benefits.

36 (iv) If a member receives basic salary from two or more employers  
37 during any calendar month, the individual shall receive one service  
38 credit month's service credit during any calendar month in which  
39 multiple service for ninety or more hours is rendered; or one-half  
40 service credit month's service credit during any calendar month in



1 which multiple service for at least seventy hours but less than  
2 ninety hours is rendered; or one-quarter service credit month during  
3 any calendar month in which multiple service for less than seventy  
4 hours is rendered.

5 (v) Reduction efforts such as furloughs, reduced work hours,  
6 mandatory leave without pay, temporary layoffs, or other similar  
7 situations as contemplated by subsection (15)(c)(iii) of this section  
8 do not result in a reduction in service credit that otherwise would  
9 have been earned for that month of work, and the member shall receive  
10 the full service credit for the hours that were scheduled to be  
11 worked before the reduction.

12 (30) "Service credit month" means a full service credit month or  
13 an accumulation of partial service credit months that are equal to  
14 one.

15 (31) "Service credit year" means an accumulation of months of  
16 service credit which is equal to one when divided by twelve.

17 (32) "State actuary" or "actuary" means the person appointed  
18 pursuant to RCW 44.44.010(2).

19 (33) "State elective position" means any position held by any  
20 person elected or appointed to statewide office or elected or  
21 appointed as a member of the legislature.

22 (34) "Surviving spouse" means the surviving widow or widower of a  
23 member. "Surviving spouse" shall not include the divorced spouse of a  
24 member except as provided in RCW 41.26.162.

25 **Sec. 5.** RCW 43.101.010 and 2023 c 168 s 1 are each amended to  
26 read as follows:

27 When used in this chapter:

28 (1) "Applicant" means an individual who has received a  
29 conditional offer of employment with a law enforcement or corrections  
30 agency.

31 (2) "Chief for a day program" means a program in which  
32 commissioners and staff partner with local, state, and federal law  
33 enforcement agencies, hospitals, and the community to provide a day  
34 of special attention to chronically ill children. Each child is  
35 selected and sponsored by a law enforcement agency. The event, "chief  
36 for a day," occurs on one day, annually or every other year and may  
37 occur on the grounds and in the facilities of the commission. The  
38 program may include any appropriate honoring of the child as a  
39 "chief," such as a certificate swearing them in as a chief, a badge,

1 a uniform, and donated gifts such as games, puzzles, and art  
2 supplies.

3 (3) "Commission" means the Washington state criminal justice  
4 training commission.

5 (4) "Convicted" means at the time a plea of guilty, nolo  
6 contendere, or deferred sentence has been accepted, or a verdict of  
7 guilty or finding of guilt has been filed, notwithstanding the  
8 pendency of any future proceedings, including but not limited to  
9 sentencing, posttrial or postfact-finding motions and appeals.  
10 "Conviction" includes all instances in which a plea of guilty or nolo  
11 contendere is the basis for conviction, all proceedings in which  
12 there is a case disposition agreement, and any equivalent disposition  
13 by a court in a jurisdiction other than the state of Washington.

14 (5) "Correctional personnel" means any employee or volunteer who  
15 by state, county, municipal, or combination thereof, statute has the  
16 responsibility for the confinement, care, management, training,  
17 treatment, education, supervision, or counseling of those individuals  
18 whose civil rights have been limited in some way by legal sanction.

19 (6) "Corrections officer" means any corrections agency employee  
20 whose primary job function is to provide for the custody, safety, and  
21 security of adult persons in jails and detention facilities in the  
22 state. "Corrections officer" does not include individuals employed by  
23 state agencies.

24 (7) "Criminal justice personnel" means any person who serves as a  
25 peace officer, reserve officer, or corrections officer.

26 (8) "Finding" means a determination based on a preponderance of  
27 the evidence whether alleged misconduct occurred; did not occur;  
28 occurred, but was consistent with law and policy; or could neither be  
29 proven or disproven.

30 (9) "Law enforcement personnel" means any person elected,  
31 appointed, or employed as a general authority Washington peace  
32 officer as defined in RCW 10.93.020 or as a limited authority  
33 Washington peace officer as defined in RCW 10.93.020 who as a normal  
34 part of their duties has powers of arrest and carries a firearm. For  
35 the purposes of this chapter, "law enforcement personnel" does not  
36 include individuals employed by the department of corrections.

37 (10) "Peace officer" has the same meaning as a general authority  
38 Washington peace officer as defined in RCW 10.93.020. Commissioned  
39 officers of the Washington state patrol, whether they have been or  
40 may be exempted by rule of the commission from the basic training

1 requirement of RCW 43.101.200, are included as peace officers for  
2 purposes of this chapter. Fish and wildlife officers with enforcement  
3 powers for all criminal laws under RCW 77.15.075 are peace officers  
4 for purposes of this chapter. Limited authority Washington peace  
5 officers as defined in RCW 10.93.020, who have powers of arrest and  
6 carry a firearm as part of their normal duty, are peace officers for  
7 purposes of this chapter. For the purposes of this chapter, "peace  
8 officer" does not include individuals employed by the department of  
9 corrections.

10 (11) ~~"Reserve officer" ((means any person who does not serve as a~~  
11 ~~peace officer of this state on a full-time basis, but who, when~~  
12 ~~called by an agency into active service, is fully commissioned on the~~  
13 ~~same basis as full-time officers to enforce the criminal laws of this~~  
14 ~~state and includes:~~

15 ~~(a))~~ has the same meaning as provided in RCW 10.93.020.

16 (12) "Specially commissioned Washington peace officer((s—as  
17 defined))" has the same meaning as provided in RCW 10.93.020((÷

18 ~~(b) Persons employed as security by public institutions of higher~~  
19 ~~education as defined in RCW 28B.10.016; and~~

20 ~~(c) Persons employed for the purpose of providing security in the~~  
21 ~~K-12 Washington state public school system as defined in RCW~~  
22 ~~28A.150.010 and who are authorized to use force in fulfilling their~~  
23 ~~responsibilities)).~~

24 ~~((12))~~ (13) "Tribal police officer" means any person employed  
25 and commissioned by a tribal government to enforce the criminal laws  
26 of that government.

27 NEW SECTION. Sec. 6. Section 3 of this act expires July 1,  
28 2025.

29 NEW SECTION. Sec. 7. Section 4 of this act takes effect July 1,  
30 2025."

31 Correct the title.

EFFECT: • Retains all provisions of the underlying bill and aligns the definitions of reserve officer and specially commissioned Washington peace officer in the Washington Mutual Aid Peace Officers Powers Act and the state law governing the Criminal Justice Training Commission.

• Modifies the definition of "reserve officer" to mean any person who does not serve as a regularly employed, fully compensated peace

officer, but who, when called by an agency into active service, is fully commissioned on the same basis as regularly employed, fully compensated officers.

- Removes from the definition of a "specially commissioned Washington peace officer" persons employed for security purposes by public institutions of higher education and the K-12 public school system.

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