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**HOUSE BILL 1387**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Ramos, Goodman, Callan, Ryu, Ramel, and Pollet

Read first time 01/17/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to requiring the criminal justice training  
2 commission to establish a program to recruit and train a pool of  
3 applicants who may be employed by certain law enforcement agencies in  
4 the state; amending RCW 43.101.095; reenacting and amending RCW  
5 43.101.010; adding new sections to chapter 43.101 RCW; and creating a  
6 new section.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101  
9 RCW to read as follows:

10 (1) By January 1, 2025, the commission shall establish a program  
11 to recruit, and issue certifications to, a pool of candidates who may  
12 be hired as peace officers by city and county law enforcement  
13 agencies in the state.

14 (2) When recruiting candidates to participate in the pool, the  
15 commission shall utilize best human resources practices to produce an  
16 applicant pool with a broad spectrum of backgrounds and experience.

17 (3) To be eligible to participate in the pool established in this  
18 section, an applicant must meet the same requirements as a person who  
19 has received a conditional offer of employment from a law enforcement  
20 agency, including a background check under RCW 43.101.095.

1 (4) Once an applicant is accepted into the pool, the applicant  
2 shall successfully complete basic law enforcement training and may be  
3 certified by the commission under this chapter. For purposes of  
4 prioritizing training availability, the commission shall treat a pool  
5 applicant the same as an applicant with a conditional offer of  
6 employment from a law enforcement agency.

7 (5) The commission may utilize contractors to meet the  
8 requirements of this section to the extent allowed by law.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101  
10 RCW to read as follows:

11 (1) The following types of city or county law enforcement  
12 agencies may issue an offer of employment to any applicant who is  
13 participating in the pool established in section 1 of this act:

14 (a) A law enforcement agency for a city with a population of less  
15 than 100,000; or

16 (b) A county law enforcement agency for a county with a  
17 population of less than 300,000.

18 (2) A city or county law enforcement agency may issue an offer of  
19 employment to a pool applicant at any time, including prior to the  
20 applicant successfully completing basic law enforcement training. An  
21 offer of employment to an applicant prior to the applicant's  
22 successful completion of basic law enforcement training shall be  
23 considered to be a conditional offer of employment for purposes of  
24 this chapter and does not affect the requirement that the applicant  
25 successfully complete the training prior to certification. After an  
26 applicant is hired by a law enforcement agency under this subsection,  
27 the applicant is considered an employee of the law enforcement agency  
28 for purposes of this chapter.

29 (3) A law enforcement agency employing a peace officer under this  
30 section shall reimburse the commission for the per capita costs of  
31 training that officer in an amount established in rule by the  
32 commission. When calculating the per capita training costs for  
33 purposes of this subsection, the commission may not include costs it  
34 has incurred in establishing the program under section 1 of this act.

35 **Sec. 3.** RCW 43.101.010 and 2021 c 323 s 1 are each reenacted and  
36 amended to read as follows:

37 When used in this chapter:

1 (1) "Applicant" means an individual who has received a  
2 conditional offer of employment with a law enforcement or corrections  
3 agency or an individual participating in the pool established in  
4 section 1 of this act.

5 (2) "Chief for a day program" means a program in which  
6 commissioners and staff partner with local, state, and federal law  
7 enforcement agencies, hospitals, and the community to provide a day  
8 of special attention to chronically ill children. Each child is  
9 selected and sponsored by a law enforcement agency. The event, "chief  
10 for a day," occurs on one day, annually or every other year and may  
11 occur on the grounds and in the facilities of the commission. The  
12 program may include any appropriate honoring of the child as a  
13 "chief," such as a certificate swearing them in as a chief, a badge,  
14 a uniform, and donated gifts such as games, puzzles, and art  
15 supplies.

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

18 (4) "Convicted" means at the time a plea of guilty, nolo  
19 contendere, or deferred sentence has been accepted, or a verdict of  
20 guilty or finding of guilt has been filed, notwithstanding the  
21 pendency of any future proceedings, including but not limited to  
22 sentencing, posttrial or postfact-finding motions and appeals.  
23 "Conviction" includes all instances in which a plea of guilty or nolo  
24 contendere is the basis for conviction, all proceedings in which  
25 there is a case disposition agreement, and any equivalent disposition  
26 by a court in a jurisdiction other than the state of Washington.

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

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

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

39 (8) "Finding" means a determination based on a preponderance of  
40 the evidence whether alleged misconduct occurred; did not occur;

1 occurred, but was consistent with law and policy; or could neither be  
2 proven or disproven.

3 (9) "Law enforcement personnel" means any person elected,  
4 appointed, or employed as a general authority Washington peace  
5 officer as defined in RCW 10.93.020.

6 (10) "Peace officer" has the same meaning as a general authority  
7 Washington peace officer as defined in RCW 10.93.020. Commissioned  
8 officers of the Washington state patrol, whether they have been or  
9 may be exempted by rule of the commission from the basic training  
10 requirement of RCW 43.101.200, are included as peace officers for  
11 purposes of this chapter. Fish and wildlife officers with enforcement  
12 powers for all criminal laws under RCW 77.15.075 are peace officers  
13 for purposes of this chapter. Individuals participating in the pool  
14 established in section 1 of this act who have successfully completed  
15 basic law enforcement training are not peace officers for purposes of  
16 this chapter unless they are employed by a law enforcement agency  
17 under section 2 of this act.

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

23 (a) Specially commissioned Washington peace officers as defined  
24 in RCW 10.93.020;

25 (b) Limited authority Washington peace officers as defined in RCW  
26 10.93.020;

27 (c) Persons employed as security by public institutions of higher  
28 education as defined in RCW 28B.10.016; and

29 (d) Persons employed for the purpose of providing security in the  
30 K-12 Washington state public school system as defined in RCW  
31 28A.150.010 and who are authorized to use force in fulfilling their  
32 responsibilities.

33 (12) "Tribal police officer" means any person employed and  
34 commissioned by a tribal government to enforce the criminal laws of  
35 that government.

36 **Sec. 4.** RCW 43.101.095 and 2021 c 323 s 8 are each amended to  
37 read as follows:

38 (1) As a condition of employment, all Washington peace officers  
39 and corrections officers are required to obtain certification as a

1 peace officer or corrections officer or exemption therefrom and  
2 maintain certification as required by this chapter and the rules of  
3 the commission.

4 (2) (a) (i) Any applicant who has been offered a conditional offer  
5 of employment as a peace officer or reserve officer or offered a  
6 conditional offer of employment as a corrections officer after July  
7 1, 2021, including any person whose certification has lapsed as a  
8 result of a break of more than 24 consecutive months in the officer's  
9 service for a reason other than being recalled to military service,  
10 must submit to a background investigation to determine the  
11 applicant's suitability for employment. Employing agencies may only  
12 make a conditional offer of employment pending completion of the  
13 background check and shall verify in writing to the commission that  
14 they have complied with all background check requirements prior to  
15 making any nonconditional offer of employment.

16 (ii) Any applicant for participation in the pool established in  
17 section 1 of this act must submit to a background investigation to  
18 determine the applicant's suitability for employment prior to  
19 participating in the program.

20 (b) The background check must include:

21 (i) A check of criminal history, any national decertification  
22 index, commission records, and all disciplinary records by any  
23 previous law enforcement or correctional employer, including  
24 complaints or investigations of misconduct and the reason for  
25 separation from employment. Law enforcement or correctional agencies  
26 that previously employed the applicant shall disclose employment  
27 information within 30 days of receiving a written request from the  
28 employing agency conducting the background investigation, including  
29 the reason for the officer's separation from the agency. Complaints  
30 or investigations of misconduct must be disclosed regardless of the  
31 result of the investigation or whether the complaint was unfounded;

32 (ii) Inquiry to the local prosecuting authority in any  
33 jurisdiction in which the applicant has served as to whether the  
34 applicant is on any potential impeachment disclosure list;

35 (iii) Inquiry into whether the applicant has any past or present  
36 affiliations with extremist organizations, as defined by the  
37 commission;

38 (iv) A review of the applicant's social media accounts;

1 (v) Verification of immigrant or citizenship status as either a  
2 citizen of the United States of America or a lawful permanent  
3 resident;

4 (vi) A psychological examination administered by a psychiatrist  
5 licensed in the state of Washington pursuant to chapter 18.71 RCW or  
6 a psychologist licensed in the state of Washington pursuant to  
7 chapter 18.83 RCW, in compliance with standards established in rules  
8 of the commission;

9 (vii) A polygraph or similar assessment administered by an  
10 experienced professional with appropriate training and in compliance  
11 with standards established in rules of the commission; and

12 (viii) Except as otherwise provided in this section, any test or  
13 assessment to be administered as part of the background investigation  
14 shall be administered in compliance with standards established in  
15 rules of the commission.

16 (c) The commission may establish standards for the background  
17 check requirements in this section and any other preemployment  
18 background check requirement that may be imposed by an employing  
19 agency or the commission.

20 (d) The employing law enforcement agency or the commission may  
21 require that each person who is required to take a psychological  
22 examination and a polygraph or similar test pay a portion of the  
23 testing fee based on the actual cost of the test or \$400, whichever  
24 is less. Employing agencies or the commission may establish a payment  
25 plan if they determine that the person does not readily have the  
26 means to pay the testing fee.

27 (3) The commission shall allow a peace officer or corrections  
28 officer to retain status as a certified peace officer or corrections  
29 officer as long as the officer: (a) Timely meets the basic training  
30 requirements, or is exempted therefrom, in whole or in part, under  
31 RCW 43.101.200 or under rule of the commission; (b) timely meets or  
32 is exempted from any other requirements under this chapter as  
33 administered under the rules adopted by the commission; (c) is not  
34 denied certification by the commission under this chapter; and (d)  
35 has not had certification suspended or revoked by the commission.

36 (4) As a condition of certification or participation in the pool  
37 established in section 1 of this act, a peace officer or corrections  
38 officer must, on a form devised or adopted by the commission,  
39 authorize the release to the employing agency and commission of the  
40 officer's personnel files, including disciplinary, termination, civil

1 or criminal investigation, or other records or information that are  
2 directly related to a certification matter or decertification matter  
3 before the commission. The peace officer or corrections officer must  
4 also consent to and facilitate a review of the officer's social media  
5 accounts, however, consistent with RCW 49.44.200, the officer is not  
6 required to provide login information. The release of information may  
7 not be delayed, limited, or precluded by any agreement or contract  
8 between the officer, or the officer's union, and the entity  
9 responsible for the records or information.

10 (5) The employing agency and commission are authorized to receive  
11 criminal history record information that includes nonconviction data  
12 for any purpose associated with employment or certification under  
13 this chapter. Dissemination or use of nonconviction data for purposes  
14 other than that authorized in this section is prohibited.

15 (6) For a national criminal history records check, the commission  
16 shall require fingerprints be submitted and searched through the  
17 Washington state patrol identification and criminal history section.  
18 The Washington state patrol shall forward the fingerprints to the  
19 federal bureau of investigation.

20 (7) (a) Prior to certification, the employing agency shall certify  
21 to the commission that the agency has completed the background check,  
22 no information has been found that would disqualify the applicant  
23 from certification, and the applicant is suitable for employment as a  
24 peace officer or corrections officer.

25 (b) Prior to participation in the pool established in section 1  
26 of this act, the commission must complete the background check and  
27 certify that no information has been found that would disqualify the  
28 applicant from certification and that the applicant is suitable for  
29 employment as a peace officer.

30 NEW SECTION. **Sec. 5.** The criminal justice training commission  
31 may adopt any rules necessary to implement this act.

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