
SENATE BILL 6181

State of Washington

68th Legislature

2024 Regular Session

By Senator Llias

1 AN ACT Relating to law enforcement officer definition; amending
2 RCW 43.101.010; and reenacting and amending RCW 10.93.020.

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

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

6 When used in this chapter:

7 (1) "Applicant" means an individual who has received a
8 conditional offer of employment with a law enforcement or corrections
9 agency.

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

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

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

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

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

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

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

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

35 (10) "Peace officer" has the same meaning as a general authority
36 Washington peace officer as defined in RCW 10.93.020. Commissioned
37 officers of the Washington state patrol, whether they have been or
38 may be exempted by rule of the commission from the basic training
39 requirement of RCW 43.101.200, are included as peace officers for
40 purposes of this chapter. Fish and wildlife officers with enforcement

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

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

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

14 (12) "Specially commissioned Washington peace officer~~((s—~~
15 ~~defined))"~~ has the same meaning as provided in RCW 10.93.020~~((†))~~ and
16 includes:

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

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

23 ~~((12))~~ (13) "Tribal police officer" means any person employed
24 and commissioned by a tribal government to enforce the criminal laws
25 of that government.

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

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

30 (1) "Agency with primary territorial jurisdiction" means a city
31 or town police agency which has responsibility for police activity
32 within its boundaries; or a county police or sheriff's department
33 which has responsibility with regard to police activity in the
34 unincorporated areas within the county boundaries; or a statutorily
35 authorized port district police agency or four-year state college or
36 university police agency which has responsibility for police activity
37 within the statutorily authorized enforcement boundaries of the port
38 district, state college, or university.

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

5 (3) "General authority Washington law enforcement agency" means
6 any agency, department, or division of a municipal corporation,
7 political subdivision, or other unit of local government of this
8 state, and any agency, department, or division of state government,
9 having as its primary function the detection and apprehension of
10 persons committing infractions or violating the traffic or criminal
11 laws in general, as distinguished from a limited authority Washington
12 law enforcement agency, and any other unit of government expressly
13 designated by statute as a general authority Washington law
14 enforcement agency. The Washington state patrol and the department of
15 fish and wildlife are general authority Washington law enforcement
16 agencies.

17 (4) "General authority Washington peace officer" means any full-
18 time, fully compensated and elected, appointed, or employed officer
19 of a general authority Washington law enforcement agency who is
20 commissioned to enforce the criminal laws of the state of Washington
21 generally.

22 (5) "Limited authority Washington law enforcement agency" means
23 any agency, political subdivision, or unit of local government of
24 this state, and any agency, department, or division of state
25 government, having as one of its functions the apprehension or
26 detection of persons committing infractions or violating the traffic
27 or criminal laws relating to limited subject areas, including but not
28 limited to, the state departments of natural resources and social and
29 health services, the state gambling commission, the state lottery
30 commission, the state parks and recreation commission, the state
31 utilities and transportation commission, the state liquor and
32 cannabis board, the office of the insurance commissioner, the state
33 department of corrections, and the office of independent
34 investigations.

35 (6) "Limited authority Washington peace officer" means any full-
36 time, fully compensated officer of a limited authority Washington law
37 enforcement agency empowered by that agency to detect or apprehend
38 violators of the laws in some or all of the limited subject areas for
39 which that agency is responsible. A limited authority Washington

1 peace officer may be a specially commissioned Washington peace
2 officer if otherwise qualified for such status under this chapter.

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

7 (8) "Primary commissioning agency" means (a) the employing agency
8 in the case of a general authority Washington peace officer, a
9 limited authority Washington peace officer, a tribal peace officer
10 from a federally recognized tribe, or a federal peace officer, and
11 (b) the commissioning agency in the case of a specially commissioned
12 Washington peace officer (i) who is performing functions within the
13 course and scope of the special commission and (ii) who is not also a
14 general authority Washington peace officer, a limited authority
15 Washington peace officer, a tribal peace officer from a federally
16 recognized tribe, or a federal peace officer.

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

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

24 (11) "Specially commissioned Washington peace officer," for the
25 purposes of this chapter, means any officer, whether part-time or
26 full-time, compensated or not, commissioned by a general authority
27 Washington law enforcement agency to enforce some or all of the
28 criminal laws of the state of Washington, who does not qualify under
29 this chapter as a general authority Washington peace officer for that
30 commissioning agency, specifically including reserve peace officers,
31 and specially commissioned full-time, fully compensated peace
32 officers duly commissioned by the states of Oregon or Idaho or any
33 such peace officer commissioned by a unit of local government of
34 Oregon or Idaho. (~~(A reserve peace officer is an individual who is an~~
35 ~~officer of a Washington law enforcement agency who does not serve~~
36 ~~such agency on a full-time basis but who, when called by the agency~~
37 ~~into active service, is fully commissioned on the same basis as full-~~
38 ~~time peace officers to enforce the criminal laws of the state.))~~

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