
HOUSE BILL 2322

State of Washington

58th Legislature

2004 Regular Session

By Representatives McDonald, Delvin, Kristiansen, Pearson, Lovick and Shabro

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1 AN ACT Relating to requiring prehire screening for law enforcement
2 applicants; and amending RCW 43.101.080 and 43.43.020.

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

4 **Sec. 1.** RCW 43.101.080 and 2001 c 166 s 1 are each amended to read
5 as follows:

6 The commission shall have all of the following powers:

7 (1) To meet at such times and places as it may deem proper;

8 (2) To adopt any rules and regulations as it may deem necessary;

9 (3) To contract for services as it deems necessary in order to
10 carry out its duties and responsibilities;

11 (4) To cooperate with and secure the cooperation of any department,
12 agency, or instrumentality in state, county, and city government, and
13 other commissions affected by or concerned with the business of the
14 commission;

15 (5) To do any and all things necessary or convenient to enable it
16 fully and adequately to perform its duties and to exercise the power
17 granted to it;

18 (6) To select and employ an executive director, and to empower him
19 to perform such duties and responsibilities as it may deem necessary;

1 (7) To assume legal, fiscal, and program responsibility for all
2 training conducted by the commission;

3 (8) To establish, by rule and regulation, standards for the
4 training of criminal justice personnel where such standards are not
5 prescribed by statute;

6 (9) To own, establish, and operate, or to contract with other
7 qualified institutions or organizations for the operation of, training
8 and education programs for criminal justice personnel and to purchase,
9 lease, or otherwise acquire, subject to the approval of the department
10 of general administration, a training facility or facilities necessary
11 to the conducting of such programs;

12 (10) To establish, by rule and regulation, minimum curriculum
13 standards for all training programs conducted for employed criminal
14 justice personnel;

15 (11) To review and approve or reject standards for instructors of
16 training programs for criminal justice personnel, and to employ
17 personnel on a temporary basis as instructors without any loss of
18 employee benefits to those instructors;

19 (12) To direct the development of alternative, innovate, and
20 interdisciplinary training techniques;

21 (13) To review and approve or reject training programs conducted
22 for criminal justice personnel and rules establishing and prescribing
23 minimum training and education standards recommended by the training
24 standards and education boards;

25 (14) To allocate financial resources among training and education
26 programs conducted by the commission;

27 (15) To allocate training facility space among training and
28 education programs conducted by the commission;

29 (16) To issue diplomas certifying satisfactory completion of any
30 training or education program conducted or approved by the commission
31 to any person so completing such a program;

32 (17) To provide for the employment of such personnel as may be
33 practical to serve as temporary replacements for any person engaged in
34 a basic training program as defined by the commission;

35 (18) To establish rules and regulations recommended by the training
36 standards and education boards prescribing minimum standards relating
37 to physical, mental and moral fitness which shall govern the
38 recruitment of criminal justice personnel where such standards are not

1 prescribed by statute or constitutional provision. The minimum
2 standards must include, but not be limited to, the requirement that
3 county, city, and state agencies administer psychological examinations
4 and polygraph tests to persons applying for law enforcement personnel
5 positions, including part-time positions and positions for reserve
6 officers, with the county, city, or state agency.

7 All rules and regulations adopted by the commission shall be
8 adopted and administered pursuant to the administrative procedure act,
9 chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

10 **Sec. 2.** RCW 43.43.020 and 1983 c 144 s 1 are each amended to read
11 as follows:

12 The governor, with the advice and consent of the senate, shall
13 appoint the chief of the Washington state patrol, determine his
14 compensation, and may remove him at will.

15 The chief shall appoint a sufficient number of competent persons to
16 act as Washington state patrol officers, may remove them for cause, as
17 provided in this chapter, and shall make promotional appointments,
18 determine their compensation, and define their rank and duties, as
19 hereinafter provided. Before a person may be appointed to act as a
20 Washington state patrol officer, the person shall meet the minimum
21 standards for employment with the Washington state patrol, including
22 successful completion of a psychological examination and polygraph
23 examination administered by the chief or his or her designee.

24 The chief may appoint employees of the Washington state patrol to
25 serve as special deputies, with such restricted police authority as the
26 chief shall designate as being necessary and consistent with their
27 assignment to duty. Such appointment and conferral of authority shall
28 not qualify said employees for membership in the Washington state
29 patrol retirement system, nor shall it grant tenure of office as a
30 regular officer of the Washington state patrol.

31 The chief may personally appoint, with the consent of the state
32 treasurer, employees of the office of the state treasurer who are
33 qualified under the standards of the criminal justice training
34 commission, or who have comparable training and experience, to serve as
35 special deputies. The law enforcement powers of any special deputies
36 appointed in the office of the state treasurer shall be designated by
37 the chief and shall be restricted to those powers necessary to provide

1 for statewide security of the holdings or property of or under the
2 custody of the office of the state treasurer. These appointments may
3 be revoked by the chief at any time and shall be revoked upon the
4 written request of the state treasurer or by operation of law upon
5 termination of the special deputy's employment with the office of the
6 state treasurer or thirty days after the chief who made the appointment
7 leaves office. The chief shall be civilly immune for the acts of such
8 special deputies. Such appointment and conferral of authority shall
9 not qualify such employees for membership in the Washington state
10 patrol retirement system, nor shall it grant tenure of office as a
11 regular officer of the Washington state patrol.

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