CERTIFICATION OF ENROLLMENT

HOUSE BILL 2999

Chapter 69, Laws of 2008

60th Legislature
2008 Regular Session

CHIEF FOR A DAY PROGRAM

EFFECTIVE DATE: 06/12/08

Passed by the House February 12, 2008
Yeas 97  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 7, 2008
Yeas 48  Nays 0

BRAD OWEN
President of the Senate

Approved March 18, 2008, 2:16 p.m.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 2999 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
March 19, 2008

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to the "chief for a day" program; amending RCW 43.101.010 and 43.101.080; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that the Washington state criminal justice commission's participation in charitable work, such as the "chief for a day" program that provides special attention to chronically ill children through recognition by various law enforcement agencies within the state, advances the overall purposes of the commission by promoting positive relationships between law enforcement and the citizens of the state of Washington.

Sec. 2. RCW 43.101.010 and 2003 c 39 s 27 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.
(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

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

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

(7) A peace officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

((7a)) (8) "Discharged for disqualifying misconduct" means terminated from employment for: (a) Conviction of (i) any crime
committed under color of authority as a peace officer, (ii) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (iii) the unlawful use or possession of a controlled substance, or (iv) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (b) conduct that would constitute any of the crimes addressed in (a) of this subsection; or (c) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

(((8))) (9) A peace officer is "discharged for disqualifying misconduct" within the meaning of subsection (((7))) (8) of this section under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of subsection (((7))) (8) of this section.

(((9))) (10) When used in context of proceedings referred to in this chapter, "final" means that the peace officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

(((10))) (11) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.
Sec. 3. RCW 43.101.080 and 2005 c 434 s 1 are each amended to read as follows:

The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;
(2) To adopt any rules and regulations as it may deem necessary;
(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;
(6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;
(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;
(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;
(9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to purchase, lease, or otherwise acquire, subject to the approval of the department of general administration, a training facility or facilities necessary to the conducting of such programs;
(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;
(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;
(12) To direct the development of alternative, innovate, and interdisciplinary training techniques;
(13) To review and approve or reject training programs conducted
for criminal justice personnel and rules establishing and prescribing
minimum training and education standards recommended by the training
standards and education boards;

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

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

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

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

(18) To establish rules and regulations recommended by the training
standards and education boards prescribing minimum standards relating
to physical, mental and moral fitness which shall govern the
recruitment of criminal justice personnel where such standards are not
prescribed by statute or constitutional provision;

(19) To require that each applicant that has been offered a
conditional offer of employment as a fully commissioned peace officer
or a fully commissioned reserve officer take and successfully pass a
psychological examination and a polygraph test or similar assessment
procedure as administered by county, city, or state law enforcement
agencies as a condition of employment as a peace officer. The
psychological examination and the polygraph examination shall be
administered in accordance with the requirements of RCW 43.101.095(2).
The employing county, city, or state law enforcement agency may require
that each peace officer or reserve officer who is required to take a
psychological examination and a polygraph or similar test pay a portion
of the testing fee based on the actual cost of the test or four hundred
dollars, whichever is less. County, city, and state law enforcement
agencies may establish a payment plan if they determine that the peace
officer or reserve officer does not readily have the means to pay for
his or her portion of the testing fee;

(20) To promote positive relationships between law enforcement and
the citizens of the state of Washington by allowing commissioners and
staff to participate in the "chief for a day program." The executive
director shall designate staff who may participate. In furthermore of
this purpose, the commission may accept grants of funds and gifts and
may use its public facilities for such purpose. At all times, the
participation of commissioners and staff shall comply with chapter
42.52 RCW and chapter 292-110 WAC.

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

Passed by the House February 12, 2008.
Passed by the Senate March 7, 2008.
Approved by the Governor March 18, 2008.
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