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SENATE BILL 6319

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State of Washington

64th Legislature

2016 Regular Session

By Senators Jayapal, Litzow, Billig, Mullet, Hobbs, Fain, Hasegawa, and Habib

Read first time 01/14/16. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to civil service qualifications; amending RCW  
2 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and  
3 adding a new section to chapter 41.04 RCW.

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

5 **Sec. 1.** RCW 41.08.070 and 1972 ex.s. c 37 s 2 are each amended  
6 to read as follows:

7 An applicant for a position of any kind under civil service under  
8 the provisions of this chapter, must be a citizen of the United  
9 States of America or a lawful permanent resident who can read and  
10 write the English language.

11 An applicant for a position of any kind under civil service must  
12 be of an age suitable for the position applied for, in ordinary good  
13 health, of good moral character and of temperate and industrious  
14 habits; these facts to be ascertained in such manner as the  
15 commission may deem advisable.

16 **Sec. 2.** RCW 41.12.070 and 1972 ex.s. c 37 s 3 are each amended  
17 to read as follows:

18 An applicant for a position of any kind under civil service under  
19 the provisions of this chapter, must be a citizen of the United

1 States of America or a lawful permanent resident who can read and  
2 write the English language.

3 An applicant for a position of any kind under civil service must  
4 be of an age suitable for the position applied for, in ordinary good  
5 health, of good moral character and of temperate and industrious  
6 habits; these facts to be ascertained in such manner as the  
7 commission may deem advisable.

8 **Sec. 3.** RCW 41.14.100 and 1963 c 95 s 3 are each amended to read  
9 as follows:

10 An applicant for a position of any kind under civil service under  
11 the provisions of this chapter, must be a citizen of the United  
12 States or a lawful permanent resident who can read and write the  
13 English language.

14 **Sec. 4.** RCW 43.101.080 and 2015 c 225 s 90 are each amended to  
15 read as follows:

16 The commission shall have all of the following powers:

- 17 (1) To meet at such times and places as it may deem proper;
- 18 (2) To adopt any rules and regulations as it may deem necessary;
- 19 (3) To contract for services as it deems necessary in order to  
20 carry out its duties and responsibilities;
- 21 (4) To cooperate with and secure the cooperation of any  
22 department, agency, or instrumentality in state, county, and city  
23 government, and other commissions affected by or concerned with the  
24 business of the commission;
- 25 (5) To do any and all things necessary or convenient to enable it  
26 fully and adequately to perform its duties and to exercise the power  
27 granted to it;
- 28 (6) To select and employ an executive director, and to empower  
29 him or her to perform such duties and responsibilities as it may deem  
30 necessary;
- 31 (7) To assume legal, fiscal, and program responsibility for all  
32 training conducted by the commission;
- 33 (8) To establish, by rule and regulation, standards for the  
34 training of criminal justice personnel where such standards are not  
35 prescribed by statute;
- 36 (9) To own, establish, and operate, or to contract with other  
37 qualified institutions or organizations for the operation of,  
38 training and education programs for criminal justice personnel and to

1 purchase, lease, or otherwise acquire, subject to the approval of the  
2 department of enterprise services, a training facility or facilities  
3 necessary to the conducting of such programs;

4 (10) To establish, by rule and regulation, minimum curriculum  
5 standards for all training programs conducted for employed criminal  
6 justice personnel;

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

11 (12) To direct the development of alternative, (~~innovate~~  
12 ~~[innovative]~~) innovative, and interdisciplinary training techniques;

13 (13) To review and approve or reject training programs conducted  
14 for criminal justice personnel and rules establishing and prescribing  
15 minimum training and education standards recommended by the training  
16 standards and education boards;

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

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

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

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

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

32 (19) To require county, city, or state law enforcement agencies  
33 that make a conditional offer of employment to an applicant as a  
34 fully commissioned peace officer or a reserve officer to administer a  
35 background investigation including a check of criminal history,  
36 verification of immigrant or citizenship status as either a citizen  
37 of the United States of America or a lawful permanent resident, a  
38 psychological examination, and a polygraph test or similar assessment  
39 to each applicant, the results of which shall be used by the employer  
40 to determine the applicant's suitability for employment as a fully

1 commissioned peace officer or a reserve officer. The background  
2 investigation, psychological examination, and the polygraph  
3 examination shall be administered in accordance with the requirements  
4 of RCW 43.101.095(2). The employing county, city, or state law  
5 enforcement agency may require that each peace officer or reserve  
6 officer who is required to take a psychological examination and a  
7 polygraph or similar test pay a portion of the testing fee based on  
8 the actual cost of the test or four hundred dollars, whichever is  
9 less. County, city, and state law enforcement agencies may establish  
10 a payment plan if they determine that the peace officer or reserve  
11 officer does not readily have the means to pay for his or her portion  
12 of the testing fee;

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

21 All rules and regulations adopted by the commission shall be  
22 adopted and administered pursuant to the administrative procedure  
23 act, chapter 34.05 RCW, and the open public meetings act, chapter  
24 42.30 RCW.

25 **Sec. 5.** RCW 43.101.095 and 2011 c 234 s 2 are each amended to  
26 read as follows:

27 (1) As a condition of continuing employment as peace officers,  
28 all Washington peace officers: (a) Shall timely obtain certification  
29 as peace officers, or timely obtain certification or exemption  
30 therefrom, by meeting all requirements of RCW 43.101.200, as that  
31 section is administered under the rules of the commission, as well by  
32 meeting any additional requirements under this chapter; and (b) shall  
33 maintain the basic certification as peace officers under this  
34 chapter.

35 (2)(a) As a condition of continuing employment for any applicant  
36 who has been offered a conditional offer of employment as a fully  
37 commissioned peace officer or a reserve officer after July 24, 2005,  
38 including any person whose certification has lapsed as a result of a  
39 break of more than twenty-four consecutive months in the officer's

1 service as a fully commissioned peace officer or reserve officer, the  
2 applicant shall submit to a background investigation including a  
3 check of criminal history, verification of immigrant or citizenship  
4 status as either a citizen of the United States of America or a  
5 lawful permanent resident, a psychological examination, and a  
6 polygraph or similar assessment as administered by the county, city,  
7 or state law enforcement agency, the results of which shall be used  
8 to determine the applicant's suitability for employment as a fully  
9 commissioned peace officer or a reserve officer.

10 (i) The background investigation including a check of criminal  
11 history shall be administered by the county, city, or state law  
12 enforcement agency that made the conditional offer of employment in  
13 compliance with standards established in the rules of the commission.

14 (ii) The psychological examination shall be administered by a  
15 psychiatrist licensed in the state of Washington pursuant to chapter  
16 18.71 RCW or a psychologist licensed in the state of Washington  
17 pursuant to chapter 18.83 RCW, in compliance with standards  
18 established in rules of the commission.

19 (iii) The polygraph test shall be administered by an experienced  
20 polygrapher who is a graduate of a polygraph school accredited by the  
21 American polygraph association and in compliance with standards  
22 established in rules of the commission.

23 (iv) Any other test or assessment to be administered as part of  
24 the background investigation shall be administered in compliance with  
25 standards established in rules of the commission.

26 (b) The employing county, city, or state law enforcement agency  
27 may require that each peace officer or reserve officer who is  
28 required to take a psychological examination and a polygraph or  
29 similar test pay a portion of the testing fee based on the actual  
30 cost of the test or four hundred dollars, whichever is less. County,  
31 city, and state law enforcement agencies may establish a payment plan  
32 if they determine that the peace officer or reserve officer does not  
33 readily have the means to pay for his or her portion of the testing  
34 fee.

35 (3) The commission shall certify peace officers who have  
36 satisfied, or have been exempted by statute or by rule from, the  
37 basic training requirements of RCW 43.101.200 on or before January 1,  
38 2002. Thereafter, the commission may revoke certification pursuant to  
39 this chapter.

1 (4) The commission shall allow a peace officer to retain status  
2 as a certified peace officer as long as the officer: (a) Timely meets  
3 the basic law enforcement training requirements, or is exempted  
4 therefrom, in whole or in part, under RCW 43.101.200 or under rule of  
5 the commission; (b) meets or is exempted from any other requirements  
6 under this chapter as administered under the rules adopted by the  
7 commission; (c) is not denied certification by the commission under  
8 this chapter; and (d) has not had certification revoked by the  
9 commission.

10 (5) As a prerequisite to certification, as well as a prerequisite  
11 to pursuit of a hearing under RCW 43.101.155, a peace officer must,  
12 on a form devised or adopted by the commission, authorize the release  
13 to the commission of his or her personnel files, termination papers,  
14 criminal investigation files, or other files, papers, or information  
15 that are directly related to a certification matter or  
16 decertification matter before the commission.

17 (6) The commission is authorized to receive criminal history  
18 record information that includes nonconviction data for any purpose  
19 associated with employment by the commission or peace officer  
20 certification under this chapter. Dissemination or use of  
21 nonconviction data for purposes other than that authorized in this  
22 section is prohibited.

23 (7) For a national criminal history records check, the commission  
24 shall require fingerprints be submitted and searched through the  
25 Washington state patrol identification and criminal history section.  
26 The Washington state patrol shall forward the fingerprints to the  
27 federal bureau of investigation.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 41.04  
29 RCW to read as follows:

30 "Lawful permanent resident" has the same meaning afforded a  
31 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
32 1101(a)(20), as of the effective date of this section.

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