

HOUSE BILL REPORT

HB 2664

As Passed House:
February 12, 2020

Title: An act relating to sheriff's office qualifications.

Brief Description: Concerning sheriff's office qualifications.

Sponsors: Representatives Lovick, Klippert, Goodman and Fey.

Brief History:

Committee Activity:

Public Safety: 1/28/20, 2/4/20 [DP].

Floor Activity:

Passed House: 2/12/20, 90-7.

Brief Summary of Bill

- Requires persons filing a declaration of candidacy for sheriff to be certified as a general authority peace officer, exempt from peace officer certification, or have a certificate of completion for a sheriff preparation course.
- Requires the Criminal Justice Training Commission to establish and administer a sheriff preparation course, and applies a surcharge to declaration of candidacy filings for the office of sheriff in order to partially fund the course.
- Requires newly elected sheriffs to have a certificate of completion for a new sheriff training program within 12 months of assuming office.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Appleton, 2nd Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Omeara Harrington (786-7136).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Criminal Justice Training Commission and Peace Officer Certification.

The Criminal Justice Training Commission (CJTC) provides training and educational programs to law enforcement, corrections officers, and other public safety professionals in Washington.

The CJTC also certifies and, when necessary, decertifies officers. All general authority peace officers, including local law enforcement officers and those employed by the state agencies, are required to obtain and maintain certification. In the certification process an applicant must submit to a background investigation, the results of which are used to determine the applicant's suitability for employment as a commissioned officer. Certification may be denied or revoked if a person is or becomes unsuitable for law enforcement, and certification lapses when an officer has a break in service lasting more than 24 months.

Sheriff's Office Qualifications and Duties.

The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of the office, the sheriff and the sheriff's deputies make arrests of persons committing offenses, defend the county against threats to public peace or safety, execute warrants and process and orders of the court, and attend sessions of the courts. The office of the sheriff is also responsible for issuing concealed pistol licenses and carrying out other processes related to firearms, and for registering sex offenders, among other duties.

The county sheriff is an elected position. A person who files a declaration of candidacy for the office of sheriff must have, within 12 months of assuming office, a certificate of completion of a basic law enforcement training program.

Summary of Bill:

The CJTC must establish and administer a sheriff preparation course for individuals who are not certified peace officers. In establishing the course, the CJTC must adopt rules outlining the duration and curricula required to properly equip a person who is not a certified peace officer with the knowledge and skills necessary to occupy the office of sheriff. The course must be held at least once every four years.

After September 1, 2020, in order to file a declaration of candidacy for the office of sheriff, a person must produce: (1) valid documentation showing that the person is currently certified as a general authority peace officer in the State of Washington; (2) a bona fide letter from the CJTC showing that the person has been approved by the CJTC to receive a peace officer certification exemption or waiver; or (3) a certificate of completion for the sheriff preparation course that is not more than four years old.

In addition to any other applicable filing fees, any person filing a declaration of candidacy for the office of sheriff must pay a filing fee surcharge of equal to 0.5 percent of the annual salary of the office at the time of filing to fund the sheriff preparation course. If the candidate lacks sufficient funds for the surcharge, he or she must submit an additional number of unique signatures of registered voters that is equal to the number of dollars of the filing fee. All costs associated with the sheriff preparation course that are not covered by the

surcharge must be entirely self-funded by those attending the course, and the CJTC must establish and assess a fee to each enrolled participant.

Within 12 months of assuming office, a newly elected sheriff must have a certificate of completion of a new sheriff training program, rather than a basic law enforcement training program.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) We must have a qualified individual serving as sheriff. The training provided in this bill is going to be tremendous for new sheriffs and will ensure that the chief law enforcement officer of the county is equipped with the expertise and skills necessary to perform their duties. Currently, newly elected sheriffs go to a two-week equivalency class at the CJTC, covering things like the responsibilities of county officials, public records training, and other topics. Sheriffs have a lot of authority and responsibility. There could be serious problems if that person does not know what probable cause is or the parameters around use of force.

This bill is about professionalism. There are certain expectations of law enforcement. The sheriff should be held in high regard; he or she represents the community they serve. In order to be a prosecutor or judge, a person cannot file a declaration of candidacy without a bar license. However, there are no qualifications or knowledge of law enforcement required to become the head of law enforcement for a county. The vast majority of sheriffs are law enforcement, but this bill preserves the option for someone who is not law enforcement to become sheriff. It is important to have the upfront requirement in order to file because there would be no recourse once a sheriff is elected if they decide not to participate in the course. The course is funded in part by a surcharge on filing fees, and the rest is incumbent upon the person taking the class. The bill will not affect any current election. There should be certain qualifications for the office, but, appropriately, there is no polygraph or psychological evaluation required because the person conducting these tests could be the opponent in the race.

(Opposed) None.

(Other) The CJTC does not want to be an impediment for people filing for sheriff. In current law people are supposed to go through the basic law enforcement class, which is five months long. The CJTC is trying to develop a training that provides all the tenets of what is required of law enforcement.

Persons Testifying: (In support) Representative Lovick, prime sponsor; James McMahan, Washington Association of Sheriffs and Police Chiefs; and John Snaza, Thurston County Sheriff.

(Other) Derek Zable, Criminal Justice Training Commission.

Persons Signed In To Testify But Not Testifying: None.