

SENATE BILL REPORT

HB 2664

As Reported by Senate Committee On:
Law & Justice, February 27, 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: Passed House: 2/12/20, 90-7.

Committee Activity: Law & Justice: 2/20/20, 2/27/20 [DP, DNP].

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.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; Holy and Wilson, L..

Staff: Shani Bauer (786-7468)

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 (CJTC) is responsible for establishing and administering minimum curriculum standards for all 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.

The county sheriff is the chief executive officer and conservator of the peace in the county. The duties of the sheriff and deputies under the sheriff's supervision include:

- the arrest and commitment to prison of persons who break the law;
- defending the county from riot or other actions that endanger public safety; and
- executing the process of the courts and warrants.

The county sheriff is an elected position. A person running for sheriff does not need to be a law enforcement officer, but once elected, must, within 12 months of assuming office, obtain a certificate of completion of a basic law enforcement training program which complies with the standards adopted by the CJTC.

Summary of Bill: A person filing a declaration of candidacy for the office of sheriff after September 1, 2020, must produce one of the following documents:

- documentation showing the person is current a certified general authority peace officer in the state;
- a letter from the CJTC showing that the person has been approved to receive a peace officer certification exemption or waiver; or
- a certificate of completion not more than four years old of a sheriff preparation course.

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

In addition to other applicable filing fees, a person filing for the office of sheriff must pay a filing fee surcharge equal to 0.5 percent of the annual salary of the office of sheriff at the time of filing. If the candidate lacks sufficient funds for the surcharge, they must submit an additional number of unique signatures of registered voters that is equal to the number of dollars of the filing fee. The county auditor must remit the surcharge to the CJTC to be used for the costs of funding the sheriff preparation course. The CJTC must establish and assess a fee for participants to cover the costs associated with the course not covered by the surcharge.

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

These requirements do not apply to any sheriff holding office on September 1, 2020.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We must have the most qualified individuals serving our communities in the role of sheriff. This bill will ensure that chief law enforcement officers have the necessary skills and training to perform their duties. The CJTC does a great job and the training is an invaluable tool in preparing a newly elected person for the position.

Three quarters of WASPC's agenda this session is about professionalism and raising the standard of what we expect from law enforcement officers. The sheriff is the chief executive of county law enforcement and from whom all deputies derive their authority. Currently, to run for county sheriff, you need only be a registered voter in the county. In order to run for the position of prosecutor or judge, a person must have a law license. Similarly the sheriff should have certification requirements. This bill does not limit the position to current law enforcement officers by establishing additional training opportunities.

The surcharge should be more than enough to pay for the cost of the program. The added course fee is added as a fallback in case the funds aren't sufficient.

The community has an expectation that the sheriff will uphold the laws of the state and the constitution. Much of law enforcement training is based on legislative requirements. When I ask a sheriff from another county to arrest an individual, that sheriff needs to be able to trust that I have adequate knowledge and information to establish probable cause to arrest that person. Requiring a candidate to obtain adequate training is a reasonable expectation.

Persons Testifying: PRO: Representative John Lovick, Prime Sponsor; James McMahan, Washington Association of Sheriffs and Police Chiefs; John Snaza, Thurston County Sheriff.

Persons Signed In To Testify But Not Testifying: No one.