

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2499

Chapter 119, Laws of 2020

66th Legislature
2020 Regular Session

CORRECTIONS OFFICERS--CERTIFICATION

EFFECTIVE DATE: June 11, 2020

Passed by the House March 10, 2020
Yeas 96 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 6, 2020
Yeas 27 Nays 22

CYRUS HABIB

President of the Senate

Approved March 25, 2020 3:06 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2499** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 26, 2020

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2499

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

State of Washington 66th Legislature 2020 Regular Session

By House Appropriations (originally sponsored by Representatives Appleton, Klippert, and Goodman)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to the certification of corrections officers;
2 amending RCW 43.101.085, 43.101.010, 43.101.380, 43.101.400,
3 43.101.080, and 43.101.220; and adding new sections to chapter 43.101
4 RCW.

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

6 **Sec. 1.** RCW 43.101.085 and 2006 c 22 s 1 are each amended to
7 read as follows:

8 In addition to its other powers granted under this chapter, the
9 commission has authority and power to:

10 (1) Adopt, amend, or repeal rules as necessary to carry out this
11 chapter;

12 (2) Issue subpoenas and administer oaths in connection with
13 investigations, hearings, or other proceedings held under this
14 chapter;

15 (3) Take or cause to be taken depositions and other discovery
16 procedures as needed in investigations, hearings, and other
17 proceedings held under this chapter;

18 (4) Appoint members of a hearings board as provided under RCW
19 43.101.380;

1 (5) Enter into contracts for professional services determined by
2 the commission to be necessary for adequate enforcement of this
3 chapter;

4 (6) Grant, deny, or revoke certification of peace officers and
5 corrections officers under the provisions of this chapter;

6 (7) Designate individuals authorized to sign subpoenas and
7 statements of charges under the provisions of this chapter;

8 (8) Employ such investigative, administrative, and clerical staff
9 as necessary for the enforcement of this chapter; and

10 (9) (~~(7)~~) Grant, deny, or revoke certification of tribal police
11 officers whose tribal governments have agreed to participate in the
12 tribal police officer certification process.

13 **Sec. 2.** RCW 43.101.010 and 2008 c 69 s 2 are each amended to
14 read as follows:

15 When used in this chapter:

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

18 (2) The term "boards" means the education and training standards
19 boards, the establishment of which are authorized by this chapter.

20 (3) The term "criminal justice personnel" means any person who
21 serves in a county, city, state, or port commission agency engaged in
22 crime prevention, crime reduction, or enforcement of the criminal
23 law.

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

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

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

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

20 (8) (a) "Discharged for disqualifying misconduct" (~~means~~) has
21 the following meanings:

22 (i) A peace officer terminated from employment for: (~~(+)~~) (A)
23 Conviction of (~~(+)~~) (I) any crime committed under color of
24 authority as a peace officer, (~~(+)~~) (II) any crime involving
25 dishonesty or false statement within the meaning of Evidence Rule
26 609(a), (~~(+)~~) (III) the unlawful use or possession of a
27 controlled substance, or (~~(+)~~) (IV) any other crime the conviction
28 of which disqualifies a Washington citizen from the legal right to
29 possess a firearm under state or federal law; (~~(+)~~) (B) conduct
30 that would constitute any of the crimes addressed in (a) (i) (A) of
31 this subsection; or (~~(+)~~) (C) knowingly making materially false
32 statements during disciplinary investigations, where the false
33 statements are the sole basis for the termination; or

34 (ii) A corrections officer terminated from employment for: (A)
35 Conviction of (I) any crime committed under color of authority as a
36 corrections officer, (II) any crime involving dishonesty or false
37 statement within the meaning of Evidence Rule 609(a), or (III) the
38 unlawful use or possession of a controlled substance; (B) conduct
39 that would constitute any of the crimes addressed in (a) (ii) (A) of
40 this subsection; or (C) knowingly making materially false statements

1 during disciplinary investigations, where the false statements are
2 the sole basis for the termination.

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

12 ~~((10))~~ (9) When used in context of proceedings referred to in
13 this chapter, "final" means that the peace officer or corrections
14 officer has exhausted all available civil service appeals, collective
15 bargaining remedies, and all other such direct administrative
16 appeals, and the officer has not been reinstated as the result of the
17 action. Finality is not affected by the pendency or availability of
18 state or federal administrative or court actions for discrimination,
19 or by the pendency or availability of any remedies other than direct
20 civil service and collective bargaining remedies.

21 ~~((11))~~ (10) "Peace officer" means any law enforcement personnel
22 subject to the basic law enforcement training requirement of RCW
23 43.101.200 and any other requirements of that section,
24 notwithstanding any waiver or exemption granted by the commission,
25 and notwithstanding the statutory exemption based on date of initial
26 hire under RCW 43.101.200. Commissioned officers of the Washington
27 state patrol, whether they have been or may be exempted by rule of
28 the commission from the basic training requirement of RCW 43.101.200,
29 are included as peace officers for purposes of this chapter. Fish and
30 wildlife officers with enforcement powers for all criminal laws under
31 RCW 77.15.075 are peace officers for purposes of this chapter.

32 (11) "Corrections officer" means any corrections agency employee
33 whose primary job function is to provide for the custody, safety, and
34 security of adult prisoners in jails and detention facilities and who
35 is subject to the basic corrections training requirement of RCW
36 43.101.220 and any other requirements of that section,
37 notwithstanding any waiver or exemption granted by the commission,
38 and notwithstanding the statutory exemption based on date of initial
39 hire under RCW 43.101.220. For the purpose of sections 3 through 13

1 of this act, "corrections officer" does not include individuals
2 employed by state agencies.

3 NEW SECTION. **Sec. 3.** (1) As a condition of continuing
4 employment as corrections officers, all Washington state corrections
5 officers shall: (a) Timely obtain certification as corrections
6 officers, or timely obtain exemption therefrom, by meeting all
7 requirements of RCW 43.101.220, as that section is administered under
8 the rules of the commission, as well as by meeting any additional
9 requirements under this chapter; and (b) maintain the basic
10 certification as corrections officers under this chapter. The
11 commission shall certify corrections officers who have satisfied, or
12 have been exempted by statute or by rule from, the basic training
13 requirements of RCW 43.101.220 on or before the effective date of
14 this section. Thereafter, the commission may revoke certification
15 pursuant to this chapter.

16 (2) As a condition of continuing employment for any applicant who
17 has been offered a conditional offer of employment as a corrections
18 officer after July 1, 2021, including any person whose certification
19 has lapsed as a result of a break of more than twenty-four
20 consecutive months in the officer's service as a corrections officer,
21 the applicant shall submit to a background investigation including a
22 check of criminal history, verification of immigrant or citizenship
23 status as either a citizen of the United States or a lawful permanent
24 resident, a psychological examination, and a polygraph or similar
25 assessment as administered by the corrections agency, the results of
26 which shall be used to determine the applicant's suitability for
27 employment as a corrections officer.

28 (3) The commission shall allow a corrections officer to retain
29 status as a certified corrections officer as long as the officer: (a)
30 Timely meets the basic corrections officer training requirements, or
31 is exempted therefrom, in whole or in part, under RCW 43.101.220 or
32 under rule of the commission; (b) meets or is exempted from any other
33 requirements under this chapter as administered under the rules
34 adopted by the commission; (c) is not denied certification by the
35 commission under this chapter; and (d) has not had certification
36 revoked by the commission.

37 (4) As a prerequisite to certification, as well as a prerequisite
38 to pursuit of a hearing under section 9 of this act, a corrections
39 officer must, on a form devised or adopted by the commission,

1 authorize the release to the commission of his or her personnel
2 files, termination papers, criminal investigation files, or other
3 files, papers, or information that are directly related to a
4 certification matter or decertification matter before the commission.

5 NEW SECTION. **Sec. 4.** Upon request by a corrections officer's
6 employer or on its own initiative, the commission may deny or revoke
7 certification of any corrections officer after written notice and
8 hearing, if a hearing is timely requested by the corrections officer
9 under section 9 of this act, based upon a finding of one or more of
10 the following conditions:

11 (1) The corrections officer has failed to timely meet all
12 requirements for obtaining a certificate of basic corrections
13 training, or a certificate of exemption from the training;

14 (2) The corrections officer has knowingly falsified or omitted
15 material information on an application for training or certification
16 to the commission;

17 (3) The corrections officer has been convicted at any time of a
18 felony offense under the laws of this state or has been convicted of
19 a federal or out-of-state offense comparable to a felony under the
20 laws of this state; except that if a certified corrections officer
21 was convicted of a felony before being employed as a corrections
22 officer, and the circumstances of the prior felony conviction were
23 fully disclosed to his or her employer before being hired, the
24 commission may revoke certification only with the agreement of the
25 employing corrections agency;

26 (4) The corrections officer has been discharged for disqualifying
27 misconduct, the discharge is final, and some or all of the acts or
28 omissions forming the basis for the discharge proceedings occurred on
29 or after the effective date of this section;

30 (5) The corrections officer's certificate was previously issued
31 by administrative error on the part of the commission; or

32 (6) The corrections officer has interfered with an investigation
33 or action for denial or revocation of certificate by: (a) Knowingly
34 making a materially false statement to the commission; or (b) in any
35 matter under investigation by or otherwise before the commission,
36 tampering with evidence or tampering with or intimidating any
37 witness.

1 NEW SECTION. **Sec. 5.** (1) A person denied a certification based
2 upon dismissal or withdrawal from a basic corrections academy for any
3 reason not also involving discharge for disqualifying misconduct is
4 eligible for readmission and certification upon meeting standards
5 established in rules of the commission, which rules may provide for
6 probationary terms on readmission.

7 (2) A person whose certification is denied or revoked based upon
8 prior administrative error of issuance, failure to cooperate, or
9 interference with an investigation is eligible for certification upon
10 meeting standards established in rules of the commission, rules which
11 may provide for a probationary period of certification in the event
12 of reinstatement of eligibility.

13 (3) A person whose certification is denied or revoked based upon
14 a felony criminal conviction is not eligible for certification at any
15 time.

16 (4) A corrections officer whose certification is denied or
17 revoked based upon discharge for disqualifying misconduct, but not
18 also based upon a felony criminal conviction, may, five years after
19 the revocation or denial, petition the commission for reinstatement
20 of the certificate or for eligibility for reinstatement. The
21 commission shall hold a hearing on the petition to consider
22 reinstatement, and the commission may allow reinstatement based upon
23 standards established in rules of the commission. If the certificate
24 is reinstated or eligibility for certification is determined, the
25 commission may establish a probationary period of certification.

26 (5) A corrections officer whose certification is revoked based
27 solely upon a criminal conviction may petition the commission for
28 reinstatement immediately upon a final judicial reversal of the
29 conviction. The commission shall hold a hearing on request to
30 consider reinstatement, and the commission may allow reinstatement
31 based on standards established in rules of the commission. If the
32 certificate is reinstated or if eligibility for certification is
33 determined, the commission may establish a probationary period of
34 certification.

35 NEW SECTION. **Sec. 6.** A corrections officer's certification
36 lapses automatically when there is a break of more than twenty-four
37 consecutive months in the officer's service as a full-time
38 corrections officer. A break in full-time corrections service which
39 is due solely to the pendency of direct review or appeal from a

1 disciplinary discharge, or to the pendency of a work-related injury,
2 does not cause a lapse in certification. The officer may petition the
3 commission for reinstatement of certification. Upon receipt of a
4 petition for reinstatement of a lapsed certificate, the commission
5 shall determine under this chapter and any applicable rules of the
6 commission if the corrections officer's certification status is to be
7 reinstated, and the commission shall also determine any requirements
8 which the officer must meet for reinstatement. The commission may
9 adopt rules establishing requirements for reinstatement.

10 NEW SECTION. **Sec. 7.** Upon termination of a corrections officer
11 for any reason, including resignation, the agency of termination
12 shall, within fifteen days of the termination, notify the commission
13 on a personnel action report form provided by the commission. The
14 agency of termination shall, upon request of the commission, provide
15 such additional documentation or information as the commission deems
16 necessary to determine whether the termination provides grounds for
17 revocation under section 4 of this act. The commission shall maintain
18 these notices in a permanent file, subject to RCW 43.101.400.

19 NEW SECTION. **Sec. 8.** A corrections officer or duly authorized
20 representative of a corrections agency may submit a written complaint
21 to the commission charging that a corrections officer's certificate
22 should be denied or revoked, and specifying the grounds for the
23 charge. Filing a complaint does not make a complainant a party to the
24 commission's action. The commission has sole discretion whether to
25 investigate a complaint, and the commission has sole discretion
26 whether to investigate matters relating to certification, denial of
27 certification, or revocation of certification on any other basis,
28 without restriction as to the source or the existence of a complaint.
29 A person who files a complaint in good faith under this section is
30 immune from suit or any civil action related to the filing or the
31 contents of the complaint.

32 NEW SECTION. **Sec. 9.** (1) If the commission determines, upon
33 investigation, that there is probable cause to believe that a
34 corrections officer's certification should be denied or revoked under
35 section 4 of this act, the commission must prepare and serve upon the
36 officer a statement of charges. Service on the officer must be by
37 mail or by personal service on the officer. Notice of the charges

1 must also be mailed to or otherwise served upon the officer's agency
2 of termination and any current corrections employer. The statement of
3 charges must be accompanied by a notice that to receive a hearing on
4 the denial or revocation, the officer must, within sixty days of
5 communication of the statement of charges, request a hearing before
6 the hearings panel appointed under RCW 43.101.380. Failure of the
7 officer to request a hearing within the sixty-day period constitutes
8 a default, whereupon the commission may enter an order under RCW
9 34.05.440.

10 (2) If a hearing is requested, the date of the hearing must be
11 scheduled not earlier than ninety days nor later than one hundred
12 eighty days after the officer requests a hearing; the one hundred
13 eighty-day period may be extended on mutual agreement of the parties
14 or for good cause. The commission shall give written notice of
15 hearing at least twenty days prior to the hearing, specifying the
16 time, date, and place of hearing.

17 **Sec. 10.** RCW 43.101.380 and 2010 1st sp.s. c 7 s 14 are each
18 amended to read as follows:

19 (1) The procedures governing adjudicative proceedings before
20 agencies under chapter 34.05 RCW, the administrative procedure act,
21 govern hearings before the commission and govern all other actions
22 before the commission unless otherwise provided in this chapter. The
23 standard of proof in actions before the commission is clear, cogent,
24 and convincing evidence.

25 (2) In all hearings requested under RCW 43.101.155 or section 9
26 of this act, a five-member hearings panel shall both hear the case
27 and make the commission's final administrative decision. Members of
28 the commission may, but need not, be appointed to the hearings
29 panels. The commission shall appoint as follows two or more panels to
30 hear (~~appeals from~~) certification actions:

31 (a) When a hearing is requested in relation to a certification
32 action of a Washington peace officer who is not a peace officer of
33 the Washington state patrol, the commission shall appoint to the
34 panel: (i) One police chief; (ii) one sheriff; (iii) two certified
35 Washington peace officers who are at or below the level of first line
36 supervisor, one of whom is from a city or county law enforcement
37 agency, and who have at least ten years' experience as peace
38 officers; and (iv) one person who is not currently a peace officer

1 and who represents a community college or four-year college or
2 university.

3 (b) When a hearing is requested in relation to a certification
4 action of a peace officer of the Washington state patrol, the
5 commission shall appoint to the panel: (i) Either one police chief or
6 one sheriff; (ii) one administrator of the state patrol; (iii) one
7 certified Washington peace officer who is at or below the level of
8 first line supervisor, who is not a state patrol officer, and who has
9 at least ten years' experience as a peace officer; (iv) one state
10 patrol officer who is at or below the level of first line supervisor,
11 and who has at least ten years' experience as a peace officer; and
12 (v) one person who is not currently a peace officer and who
13 represents a community college or four-year college or university.

14 (c) When a hearing is requested in relation to a certification
15 action of a Washington corrections officer, the commission shall
16 appoint to the panel: (i) Two heads of either a city or county
17 corrections agency or facility or of a Washington state department of
18 corrections facility; (ii) two corrections officers who are at or
19 below the level of first line supervisor, who are from city, county,
20 or state corrections agencies, and who have at least ten years'
21 experience as corrections officers; and (iii) one person who is not
22 currently a corrections officer and who represents a community
23 college or four-year college or university.

24 (d) When a hearing is requested in relation to a certification
25 action of a tribal police officer, the commission shall appoint to
26 the panel (i) either one police chief or one sheriff; (ii) one tribal
27 police chief; (iii) one certified Washington peace officer who is at
28 or below the level of first line supervisor, and who has at least ten
29 years' experience as a peace officer; (iv) one tribal police officer
30 who is at or below the level of first line supervisor, and who has at
31 least ten years' experience as a peace officer; and (v) one person
32 who is not currently a peace officer and who represents a community
33 college or four-year college or university.

34 (~~(d)~~) (e) Persons appointed to hearings panels by the
35 commission shall, in relation to any certification action on which
36 they sit, have the powers, duties, and immunities, and are entitled
37 to the emoluments, including travel expenses in accordance with RCW
38 43.03.050 and 43.03.060, of regular commission members.

39 (3) Where the charge upon which revocation or denial is based is
40 that a peace officer or corrections officer was "discharged for

1 disqualifying misconduct," and the discharge is "final," within the
2 meaning of RCW 43.101.105(1)(d) or section 4(4) of this act, and the
3 officer received a civil service hearing or arbitration hearing
4 culminating in an affirming decision following separation from
5 service by the employer, the hearings panel may revoke or deny
6 certification if the hearings panel determines that the discharge
7 occurred and was based on disqualifying misconduct; the hearings
8 panel need not redetermine the underlying facts but may make this
9 determination based solely on review of the records and decision
10 relating to the employment separation proceeding. However, the
11 hearings panel may, in its discretion, consider additional evidence
12 to determine whether such a discharge occurred and was based on such
13 disqualifying misconduct. The hearings panel shall, upon written
14 request by the subject peace officer or corrections officer, allow
15 the peace officer or corrections officer to present additional
16 evidence of extenuating circumstances.

17 Where the charge upon which revocation or denial of certification
18 is based is that a peace officer or corrections officer "has been
19 convicted at any time of a felony offense" within the meaning of RCW
20 43.101.105(1)(c) or section 4(3) of this act, the hearings panel
21 shall revoke or deny certification if it determines that the peace
22 officer or corrections officer was convicted of a felony. The
23 hearings panel need not redetermine the underlying facts but may make
24 this determination based solely on review of the records and decision
25 relating to the criminal proceeding. However, the hearings panel
26 shall, upon the panel's determination of relevancy, consider
27 additional evidence to determine whether the peace officer or
28 corrections officer was convicted of a felony.

29 Where the charge upon which revocation or denial is based is
30 under RCW 43.101.105(1) (a), (b), (e), or (f) or section 4 (1), (2),
31 (5), or (6) of this act, the hearings panel shall determine the
32 underlying facts relating to the charge upon which revocation or
33 denial of certification is based.

34 (4) The commission's final administrative decision is subject to
35 judicial review under RCW 34.05.510 through 34.05.598.

36 NEW SECTION. **Sec. 11.** An individual whose peace officer
37 certification is denied or revoked pursuant to this chapter may not
38 thereafter be certified as a corrections officer without first
39 satisfying the requirements of eligibility for certification or

1 reinstatement of certification. A corrections officer whose
2 corrections officer certification is denied or revoked pursuant to
3 this chapter may not thereafter be certified as a peace officer
4 without first satisfying the requirements of eligibility for
5 certification or reinstatement of certification.

6 **Sec. 12.** RCW 43.101.400 and 2001 c 167 s 12 are each amended to
7 read as follows:

8 (1) Except as provided under subsection (2) of this section, the
9 following records of the commission are confidential and exempt from
10 public disclosure: (a) The contents of personnel action reports filed
11 under RCW 43.101.135 or section 7 of this act; (b) all files, papers,
12 and other information obtained by the commission pursuant to RCW
13 43.101.095(~~((3))~~) (5) or section 3 of this act; and (c) all
14 investigative files of the commission compiled in carrying out the
15 responsibilities of the commission under this chapter. Such records
16 are not subject to public disclosure, subpoena, or discovery
17 proceedings in any civil action, except as provided in subsection (5)
18 of this section.

19 (2) Records which are otherwise confidential and exempt under
20 subsection (1) of this section may be reviewed and copied: (a) By the
21 officer involved or the officer's counsel or authorized
22 representative, who may review the officer's file and may submit any
23 additional exculpatory or explanatory evidence, statements, or other
24 information, any of which must be included in the file; (b) by a duly
25 authorized representative of (i) the agency of termination, or (ii) a
26 current employing law enforcement or corrections agency, which may
27 review and copy its employee-officer's file; or (c) by a
28 representative of or investigator for the commission.

29 (3) Records which are otherwise confidential and exempt under
30 subsection (1) of this section may also be inspected at the offices
31 of the commission by a duly authorized representative of a law
32 enforcement or corrections agency considering an application for
33 employment by a person who is the subject of a record. A copy of
34 records which are otherwise confidential and exempt under subsection
35 (1) of this section may later be obtained by an agency after it hires
36 the applicant. In all other cases under this subsection, the agency
37 may not obtain a copy of the record.

38 (4) Upon a determination that a complaint is without merit, that
39 a personnel action report filed under RCW 43.101.135 does not merit

1 action by the commission, or that a matter otherwise investigated by
2 the commission does not merit action, the commission shall purge
3 records addressed in subsection (1) of this section.

4 (5) The hearings, but not the deliberations, of the hearings
5 board are open to the public. The transcripts, admitted evidence, and
6 written decisions of the hearings board on behalf of the commission
7 are not confidential or exempt from public disclosure, and are
8 subject to subpoena and discovery proceedings in civil actions.

9 (6) Every individual, legal entity, and agency of federal, state,
10 or local government is immune from civil liability, whether direct or
11 derivative, for providing information to the commission in good
12 faith.

13 **Sec. 13.** RCW 43.101.080 and 2018 c 32 s 4 are each amended to
14 read as follows:

15 The commission shall have all of the following powers:

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

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

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

20 (4) To cooperate with and secure the cooperation of any
21 department, agency, or instrumentality in state, county, and city
22 government, and other commissions affected by or concerned with the
23 business of the commission;

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

27 (6) To select and employ an executive director, and to empower
28 him or her to perform such duties and responsibilities as it may deem
29 necessary;

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

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

35 (9) To own, establish, and operate, or to contract with other
36 qualified institutions or organizations for the operation of,
37 training and education programs for criminal justice personnel and to
38 purchase, lease, or otherwise acquire, subject to the approval of the

1 department of enterprise services, a training facility or facilities
2 necessary to the conducting of such programs;

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

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

10 (12) To direct the development of alternative, innovative, and
11 interdisciplinary training techniques;

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

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

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

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

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

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

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

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

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

25 All rules and regulations adopted by the commission shall be
26 adopted and administered pursuant to the administrative procedure
27 act, chapter 34.05 RCW, and the open public meetings act, chapter
28 42.30 RCW.

29 **Sec. 14.** RCW 43.101.220 and 2019 c 415 s 970 are each amended to
30 read as follows:

31 (1) The corrections personnel of the state and all counties and
32 municipal corporations initially employed on or after January 1,
33 1982, shall engage in basic corrections training which complies with
34 standards adopted by the commission. The standards adopted must
35 provide for basic corrections training of at least ten weeks in
36 length for any corrections officers subject to the certification
37 requirement under section 3 of this act who are hired on or after
38 July 1, 2021, or on an earlier date set by the commission. The
39 training shall be successfully completed during the first six months

1 of employment of the personnel, unless otherwise extended or waived
2 by the commission, and shall be requisite to the continuation of
3 employment.

4 (2) The commission shall provide the training required in this
5 section, together with facilities, supplies, materials, and the room
6 and board for noncommuting attendees, except during the 2017-2019 and
7 2019-2021 fiscal biennia, when the employing county, municipal
8 corporation, or state agency shall reimburse the commission for
9 twenty-five percent of the cost of training its personnel.

10 (3) (a) Subsections (1) and (2) of this section do not apply to
11 the Washington state department of corrections prisons division. The
12 Washington state department of corrections is responsible for
13 identifying training standards, designing curricula and programs, and
14 providing the training for those corrections personnel employed by
15 it. In doing so, the secretary of the department of corrections shall
16 consult with staff development experts and correctional professionals
17 both inside and outside of the agency, to include soliciting input
18 from labor organizations.

19 (b) The commission and the department of corrections share the
20 responsibility of developing and defining training standards and
21 providing training for community corrections officers employed within
22 the community corrections division of the department of corrections.

23 NEW SECTION. **Sec. 15.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 16.** Sections 3 through 9 and 11 of this act
28 are each added to chapter 43.101 RCW.

Passed by the House March 10, 2020.
Passed by the Senate March 6, 2020.
Approved by the Governor March 25, 2020.
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