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**SENATE BILL 5274**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Valdez, Dhingra, Keiser, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford, Wellman, and C. Wilson

AN ACT Relating to expanding eligibility in certain public employment positions for lawful permanent residents; amending RCW 36.27.040, 41.08.070, 41.12.070, 41.14.100, and 77.15.075; and adding a new section to chapter 10.93 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 10.93 RCW to read as follows:

A general authority Washington law enforcement agency or limited authority Washington law enforcement agency may consider the application of a citizen of the United States or a lawful permanent resident for any office, place, position, or employment within the agency.

**Sec.**  RCW 36.27.040 and 2009 c 549 s 4047 are each amended to read as follows:

The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney, except that such deputy need not be a resident of the county in which he or she serves nor a qualified elector therein. Each deputy appointed may be a citizen of the United States or a lawful permanent resident. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys upon a contract or fee basis whose authority shall be limited to the purposes stated in the writing signed by the prosecuting attorney and filed in the county auditor's office. Such special deputy prosecuting attorney shall be admitted to practice as an attorney before the courts of this state but need not be a resident of the county in which he or she serves and shall not be under the legal disabilities attendant upon prosecuting attorneys or their deputies except to avoid any conflict of interest with the purpose for which he or she has been engaged by the prosecuting attorney. The prosecuting attorney shall be responsible for the acts of his or her deputies and may revoke appointments at will.

Two or more prosecuting attorneys may agree that one or more deputies for any one of them may serve temporarily as deputy for any other of them on terms respecting compensation which are acceptable to said prosecuting attorneys. Any such deputy thus serving shall have the same power in all respects as if he or she were serving permanently.

The provisions of chapter 39.34 RCW shall not apply to such agreements.

The provisions of RCW 41.56.030((~~(2)~~)) (12) shall not be interpreted to permit a prosecuting attorney to alter the at-will relationship established between the prosecuting attorney and his or her appointed deputies by this section for a period of time exceeding his or her term of office. Neither shall the provisions of RCW 41.56.030((~~(2)~~)) (12) require a prosecuting attorney to alter the at-will relationship established by this section.

**Sec.**  RCW 41.08.070 and 2018 c 32 s 1 are each amended to read as follows:

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

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

**Sec.**  RCW 41.12.070 and 2018 c 32 s 2 are each amended to read as follows:

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

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

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

**Sec.**  RCW 41.14.100 and 2018 c 32 s 3 are each amended to read as follows:

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

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

**Sec.**  RCW 77.15.075 and 2020 c 38 s 1 are each amended to read as follows:

(1) Fish and wildlife officers shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. Fish and wildlife officers are general authority Washington peace officers.

(2) An applicant for a fish and wildlife officer position must be a citizen of the United States of America or a lawful permanent resident ((~~who can read and write the English language~~)). Before a person may be appointed to act as a fish and wildlife officer, the person shall meet the minimum standards for employment with the department, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered in accordance with the requirements of RCW 43.101.095(2).

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

**--- END ---**