

HOUSE BILL REPORT

HB 1530

As Passed House:

March 6, 2023

Title: An act relating to expanding eligibility for employment to lawful permanent residents for positions with general authority Washington law enforcement agencies, limited authority Washington law enforcement agencies, and prosecuting attorney offices.

Brief Description: Expanding eligibility for employment of certain law enforcement and prosecutor office positions.

Sponsors: Representatives Cortes, Mena, Simmons, Ryu, Davis and Fosse.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 2/6/23, 2/13/23 [DP].

Floor Activity:

Passed House: 3/6/23, 95-0.

Brief Summary of Bill

- Allows law enforcement agencies to consider applications of United States citizens or lawful permanent residents for offices, places, positions, or employment.
- Specifies that deputy prosecutors do not have to be qualified electors in the county in which they serve, but must be United States citizens or lawful permanent residents.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

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

Staff: Jim Morishima (786-7191).

Background:

Law Enforcement Agencies.

A general authority peace officer is an individual commissioned to enforce the criminal laws of the State of Washington generally. A limited authority peace officer is an individual empowered by his or her employing agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which his or her employing agency is responsible.

All general authority peace officers must be certified by the Criminal Justice Training Commission as a condition of employment. The certification process includes a background check that verifies whether the peace officer is a citizen of the United States or a lawful permanent resident. Similarly, statutory provisions relating to civil service for city policy require that applicants be citizens of the United States or lawful permanent residents.

Prosecuting Attorneys.

To be qualified as a county prosecuting attorney, a person must be a qualified elector in the county in which he or she is running and an attorney licensed to practice in Washington. Prosecuting attorneys may appoint one or more deputies who have the same power as their principal. Each deputy must have the same qualifications as the prosecutor, except he or she does not need to reside in the county in which he or she serves.

Lawful Permanent Residents.

Under federal law, a lawful permanent resident (sometimes known as a "green card" holder) is a person who is legally authorized to reside permanently in the United States. A lawful permanent resident has many of the same rights as a United States citizen, including the ability to accept employment, own property, and join the United States armed forces.

Summary of Bill:

Law Enforcement Agencies.

A general authority law enforcement agency or a limited authority 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.

Prosecuting Attorneys.

A deputy prosecuting attorney is not required to be a qualified elector in the county in

which he or she serves. Each deputy must be a citizen of the United States or a lawful permanent resident.

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) The workforce for law enforcement and prosecutors is at a critical level. This bill helps address these workforce issues and will help law enforcement and prosecutors' offices to expand employment. The bill will allow law enforcement agencies to consider applications from citizens and lawful permanent residents. The bill will also expand the persons eligible for deputy prosecutor positions by removing the requirement that they be qualified electors. Washington is last in the nation in terms of law enforcement staffing ratios. This bill will expand eligibility for positions in law enforcement offices.

(Opposed) None.

Persons Testifying: Representative Julio Cortes, prime sponsor; and Taylor Gardner, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.