

HOUSE BILL REPORT

SB 5274

As Reported by House Committee On:
Community Safety, Justice, & Reentry

Title: An act relating to expanding eligibility in certain public employment positions for lawful permanent residents.

Brief Description: Expanding eligibility in certain public employment positions for lawful permanent residents.

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

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 3/21/23, 3/27/23 [DP].

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 may be United States citizens or lawful permanent residents.
- Removes language requiring that certain civil service applicants, or applicants for fish and wildlife officer positions, read and write the English language.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 6 members: Representatives Goodman, Chair; Simmons, Vice Chair; Davis, Farivar, Fosse 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.

Minority Report: Do not pass. Signed by 2 members: Representatives Mosbrucker, Ranking Minority Member; Graham.

Minority Report: Without recommendation. Signed by 1 member: Representative Griffey, Assistant Ranking Minority Member.

Staff: Michelle Rusk (786-7153).

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 police require that applicants be citizens of the United States or lawful permanent residents.

Prosecuting Attorneys.

To qualify as a prosecuting attorney, a person must be an attorney licensed to practice in Washington and a qualified elector in the county where he or she is running. A prosecuting attorney may appoint deputy prosecuting attorneys who possess the same power as their principal. Each deputy must have the same qualifications required of the prosecuting attorney, except that a deputy does not need to reside in the county where the deputy serves.

Civil Service Positions.

State civil service laws establish a system of employment for professions including city firefighters, city police, and county sheriff's offices. Civil service applicants for city police, city firefighters, or with a county sheriff's office must be a citizen of the United States or a lawful permanent resident who can read and write the English language.

Depending on the civil service position, other requirements may apply, including possessing good moral character and ordinary good health. Information concerning an applicant's eligibility may be ascertained in a manner deemed advisable by the civil service commission. Additionally, where an applicant has applied for a position with a law enforcement agency, an application may be rejected if the agency does not have the resources to conduct a background investigation pursuant to Criminal Justice Training Commission requirements.

Fish and Wildlife Officers.

Fish and wildlife officers are general authority peace officers, and generally possess the same powers and duties as sheriffs and peace officers. Applicants for these positions must be a U.S. citizen or lawful permanent resident and read and write the English language.

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 limited authority law enforcement agency may consider applications of a United States citizen or a lawful permanent resident for any office, place, position, or employment within that agency.

Prosecuting Attorneys.

Appointed deputy prosecuting attorneys are not required to be a qualified elector of the county in which they serve. Each deputy may be a United States citizen or a lawful permanent resident.

Civil Service Positions.

The language requiring that applicants for any kind of city firefighter, city police, or sheriff's office civil service position read and write the English language is removed.

Fish and Wildlife Officers.

The language requiring that applicants for fish and wildlife officer positions read and write the English language is removed.

Appropriation: None.

Fiscal Note: Not requested.

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) This policy is a consequence of the recent pandemic. There is a labor shortage in Washington, and while we see help-wanted signs in our retail stores, and labor shortages in our schools and behavioral health facilities, other professions including our prosecuting attorneys, law enforcement, and firefighters have been impacted. We are trying to remove barriers to access for individuals who have their permanent legal resident status but are not able to be considered for certain job positions. Part of this bill also looks at requirements around reading and writing the English language. It is important to note that in order to apply and be hired for one of the positions included in this bill, a person would have to meet all the certification requirements and pass tests, it would just be up to those agencies conducting those tests whether an applicant meets those requirements.

A prosecutor's office should reflect the community it serves, and that is not possible due to outdated laws. Additionally, similar to other prosecuting attorney offices around the country, we should have all the available tools. Other states have allowed bar-admitted attorneys who are immigrants to work as prosecuting attorneys. Currently, there are Washington bar-admitted attorneys who are immigrants but barred from working as prosecuting attorneys. Please consider expanding the bill to also allow a person who is of or with lawful immigrant status to work as a prosecuting attorney.

(Opposed) None.

(Other) We are mostly concerned about the elimination of the language requirement for certain civil service positions. We always support efforts to address work force shortages, as well as efforts to increase diversity within that work force. Action was taken in 2018 to make civil service positions open to lawful permanent residents, which did appear to be enhancing inclusiveness. But we cannot support the bill as it relates to the language requirement as a reasonable solution to the problem identified. A reliable and common avenue of communication is vital to our civil service professionals. Moreover, the bill could raise costs for civil service testing, which would be passed down to agencies. We would ask the committee to instead consider looking at bonus civil service points for bilingual and multilingual applicants as a better approach to achieving diversity and inclusion. We support the goals but we think the solution this bill contemplates does not accomplish what it intends.

Persons Testifying: (In support) Senator Javier Valdez, prime sponsor; and Christina Miyamasu, King County Prosecuting Attorney's Office.

(Other) Taylor Gardner, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.