

# SENATE BILL REPORT

## SB 5361

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As Reported by Senate Committee On:  
Law & Justice, January 26, 2023

**Title:** An act relating to incentivizing cities and counties to increase employment of commissioned law enforcement officers.

**Brief Description:** Incentivizing cities and counties to increase employment of commissioned law enforcement officers.

**Sponsors:** Senators Holy, Wilson, L., MacEwen, Dozier, Braun, Lovick, Gildon, Boehnke, Schoesler, Randall, Wagoner, Padden, Warnick, Fortunato, Lias, Short, King, Muzzall, Van De Wege, Cleveland, Conway, Torres and Wilson, C..

**Brief History:**

**Committee Activity:** Law & Justice: 1/23/23, 1/26/23 [DPS-WM, DNP, w/oRec].

### Brief Summary of First Substitute Bill

- Authorizes cities and counties to impose a sales and use tax at a rate of 0.10 percent for employing additional commissioned law enforcement officers and funding criminal justice purposes.
- Eliminates the 25 percent cost-sharing requirement by the Criminal Justice Training Commission (CJTC) for law enforcement training.
- Requires the CJTC to provide up to 25 basic law enforcement training classes per fiscal year beginning in fiscal year 2024, and up to 27 classes in 2025.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5361 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Padden, Ranking Member; McCune, Salomon,

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*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.*

Torres, Wagoner and Wilson, L.

**Minority Report:** Do not pass.

Signed by Senators Trudeau, Vice Chair; Valdez.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Kuderer and Pedersen.

**Staff:** Tim Ford (786-7423)

**Background:** Retail sales taxes are imposed on retail sales of most articles of tangible personal property, digital products, and some services. A retail sale is a sale to the final consumer or end user of the property, digital product, or service. If retail sales taxes were not collected when the user acquired the property, digital products, or services, then use taxes apply to the value of property, digital product, or service when used in this state. The state, most cities, and all counties levy retail sales and use taxes.

Local governments can levy a number of local sales and use taxes designated for certain uses. Local sales and use tax rates vary from 0.5 percent to 3.8 percent, depending on the location. Local sales and use taxes are collected by the Department of Revenue and distributed monthly. Some local sales and use taxes are credited against the state sales and use tax resulting in no overall rate increase by the consumer.

The Federal Bureau of Investigation, Criminal Justice Information Services Division, collects data through the Uniform Crime Reporting (UCR) program. The UCR is a nationwide, cooperative statistical effort encompassing over 18,000 law enforcement agencies who voluntarily report data including police employee data.

The Washington State Criminal Justice Training Commission (CJTC) was created in 1974 to establish standards and provide training to criminal justice professionals, including peace officers, local corrections officers and to certify, and when necessary decertify, peace officers. The CJTC provides Basic Law Enforcement Trainings (BLET) , which is Washington's mandated training for all city and county entry-level peace officers in the state. BLET must be successfully completed within the first six months of employment unless waived or extended by CJTC.

The Basic Law Enforcement Academy provides the necessary facilities, supplies, materials, board and room for noncommuting attendees for seven days per week in order to complete the BLET. State law mandates agencies shall reimburse the CJTC 25 percent of the cost for the BLET.

**Summary of Bill (First Substitute):** Law Enforcement Sale and Use Tax. Cities and counties may impose a sales and use tax at a rate of 0.10 percent. If both a county and a city within that county impose a sales and use tax under this bill, the city sales and use tax must be credited against the county tax. This tax is in addition to any other taxes authorized

by law and is credited against the state sales and use tax.

The Department of Revenue must perform the collection of such taxes on behalf of the county or city at no cost to the county or city and must remit the tax to the jurisdiction.

All money received through this tax must be used solely for employing additional commissioned law enforcement officers unless the local commissioned rate per 1000 population is greater than the national commissioned rate per 1000 population, in which case, the city or county may use money received for criminal justice purposes. "Criminal justice purposes" means activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates. Through December 31, 2024 criminal justice purposes includes local government programs that have a reasonable relationship to reducing the number of people interacting with the criminal justice system including, but not limited to, reducing homelessness and improving behavioral health.

Local commissioned rate per 1000 population means the total full-time commissioned law enforcement officers of the city or county, divided by the population, and multiplied by 1000.

Criminal Justice Training Commission. Beginning in fiscal year 2024, the CJTC must provide up to 25 basic law enforcement training classes.

Beginning with fiscal year 2025, the CJTC must provide up to 27 basic law enforcement training classes each fiscal year. The Legislature must appropriate sufficient funding to the CJTC for this purpose. The CJTC may adjust class size, but may not institute a wait list until 25 classes have been offered. The requirement that local agencies pay the CJTC 25 percent of the cost to train their personnel while attending the BLEA is eliminated.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):**

- Beginning with fiscal year 2024, the CJTC must provide up to 25 basic law enforcement training classes.
- Beginning with fiscal year 2025, the CJTC must provide up to 27 basic law enforcement training classes each fiscal year.
- The Legislature must appropriate sufficient funding to the CJTC for this purpose.

**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 on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Washington's police officer ratio per thousand population is the lowest in the country. There have been issues with attracting people to law enforcement as a profession. There is a need for academy space to get people involved in this profession. In Washington, murder is at an all-time high, rape is up about 40 percent, aggravated assault is up about 50 percent, and property crime is the second worst in the country over the last five years. Counties have little ability to raise revenues to support the services and programs it is constitutionally required to provide. This bill would provide additional funds to dedicate toward employing much needed law enforcement officers. This will eliminate a cost sharing provision in the CJTC which will help with smaller counties. It will also provide additional BLEA and correction officer classes. Cities employ about 61 percent of all law enforcement in Washington, 22 percent of them are eligible for retirement and another 15 percent will be eligible in the next few years. Reducing barriers to getting new recruits into the academy is critical. There must be enough officers to prevent fatigue.

CON: There are reasons to be cautious about this bill. There is no evidence of a connection between law enforcement staffing levels and rates of crime. What does crime and public safety look like in the jurisdictions at the other end of the scale compared to Washington? Why not incentivize behavior based on policies the Legislature has already identified as important. The Legislature is about to pass landmark gun violence protection legislation. Do you want to give state dollars to jurisdictions who refuse to enforce state laws?

**Persons Testifying:** PRO: Senator Jeff Holy, Prime Sponsor; Laurie Layne; Brian Smith, Port Angeles Police Department; Kate Dexter, City Council, City of Port Angeles; Andrew Rolwes, Downtown Spokane Partnership; Sean Swope, County Commissioner; Juliana Roe, Washington State Association of Counties; Mark Johnson, Washington Retail Association; Jeff DeVere, WACOPS - Washington Council of Police and Sheriffs; Candice Bock, Association of Washington Cities; Monica Alexander, Washington State Criminal Justice Training Commission; James McMahan, WA Assoc Sheriffs & Police Chiefs; John Horch, Sheriff - Clark County.

CON: Leslie Cushman, Washington Coalition for Police Accountability.

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