

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1132

68th Legislature
2023 Regular Session

Passed by the House March 1, 2023
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 12, 2023
Yeas 49 Nays 0

President of the Senate

Approved

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 **SUBSTITUTE HOUSE BILL 1132** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1132

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Community Safety, Justice, & Reentry (originally sponsored by Representatives Goodman, Rude, Lekanoff, Wylie, and Kloba; by request of Gambling Commission)

READ FIRST TIME 02/13/23.

1 AN ACT Relating to oversight and training requirements for
2 limited authority Washington peace officers and agencies; amending
3 RCW 43.101.095, 43.101.276, and 43.101.278; and reenacting and
4 amending RCW 43.101.010 and 43.101.200.

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

6 **Sec. 1.** RCW 43.101.010 and 2021 c 323 s 1 are each reenacted and
7 amended to read as follows:

8 When used in this chapter:

9 (1) "Applicant" means an individual who has received a
10 conditional offer of employment with a law enforcement or corrections
11 agency.

12 (2) "Chief for a day program" means a program in which
13 commissioners and staff partner with local, state, and federal law
14 enforcement agencies, hospitals, and the community to provide a day
15 of special attention to chronically ill children. Each child is
16 selected and sponsored by a law enforcement agency. The event, "chief
17 for a day," occurs on one day, annually or every other year and may
18 occur on the grounds and in the facilities of the commission. The
19 program may include any appropriate honoring of the child as a
20 "chief," such as a certificate swearing them in as a chief, a badge,

1 a uniform, and donated gifts such as games, puzzles, and art
2 supplies.

3 (3) "Commission" means the Washington state criminal justice
4 training commission.

5 (4) "Convicted" means at the time a plea of guilty, nolo
6 contendere, or deferred sentence has been accepted, or a verdict of
7 guilty or finding of guilt has been filed, notwithstanding the
8 pendency of any future proceedings, including but not limited to
9 sentencing, posttrial or postfact-finding motions and appeals.
10 "Conviction" includes all instances in which a plea of guilty or nolo
11 contendere is the basis for conviction, all proceedings in which
12 there is a case disposition agreement, and any equivalent disposition
13 by a court in a jurisdiction other than the state of Washington.

14 (5) "Correctional personnel" means any employee or volunteer who
15 by state, county, municipal, or combination thereof, statute has the
16 responsibility for the confinement, care, management, training,
17 treatment, education, supervision, or counseling of those individuals
18 whose civil rights have been limited in some way by legal sanction.

19 (6) "Corrections officer" means any corrections agency employee
20 whose primary job function is to provide for the custody, safety, and
21 security of adult persons in jails and detention facilities in the
22 state. "Corrections officer" does not include individuals employed by
23 state agencies.

24 (7) "Criminal justice personnel" means any person who serves as a
25 peace officer, reserve officer, or corrections officer.

26 (8) "Finding" means a determination based on a preponderance of
27 the evidence whether alleged misconduct occurred; did not occur;
28 occurred, but was consistent with law and policy; or could neither be
29 proven or disproven.

30 (9) "Law enforcement personnel" means any person elected,
31 appointed, or employed as a general authority Washington peace
32 officer as defined in RCW 10.93.020 or as a limited authority
33 Washington peace officer as defined in RCW 10.93.020 who as a normal
34 part of their duties has powers of arrest and carries a firearm. For
35 the purposes of this chapter, "law enforcement personnel" does not
36 include individuals employed by the department of corrections.

37 (10) "Peace officer" has the same meaning as a general authority
38 Washington peace officer as defined in RCW 10.93.020. Commissioned
39 officers of the Washington state patrol, whether they have been or
40 may be exempted by rule of the commission from the basic training

1 requirement of RCW 43.101.200, are included as peace officers for
2 purposes of this chapter. Fish and wildlife officers with enforcement
3 powers for all criminal laws under RCW 77.15.075 are peace officers
4 for purposes of this chapter. Limited authority Washington peace
5 officers as defined in RCW 10.93.020, who have powers of arrest and
6 carry a firearm as part of their normal duty, are peace officers for
7 purposes of this chapter. For the purposes of this chapter, "peace
8 officer" does not include individuals employed by the department of
9 corrections.

10 (11) "Reserve officer" means any person who does not serve as a
11 peace officer of this state on a full-time basis, but who, when
12 called by an agency into active service, is fully commissioned on the
13 same basis as full-time officers to enforce the criminal laws of this
14 state and includes:

15 (a) Specially commissioned Washington peace officers as defined
16 in RCW 10.93.020;

17 (b) (~~limited authority Washington peace officers as defined in~~
18 ~~RCW 10.93.020;~~

19 ~~(c)~~) Persons employed as security by public institutions of
20 higher education as defined in RCW 28B.10.016; and

21 ~~((d))~~ (c) Persons employed for the purpose of providing
22 security in the K-12 Washington state public school system as defined
23 in RCW 28A.150.010 and who are authorized to use force in fulfilling
24 their responsibilities.

25 (12) "Tribal police officer" means any person employed and
26 commissioned by a tribal government to enforce the criminal laws of
27 that government.

28 **Sec. 2.** RCW 43.101.200 and 2021 c 334 s 977 and 2021 c 323 s 31
29 are each reenacted and amended to read as follows:

30 (1) (~~All~~) Except as provided in subsection (2) of this section,
31 all law enforcement personnel, except volunteers, and reserve
32 officers whether paid or unpaid, initially employed on or after
33 January 1, 1978, shall engage in basic law enforcement training which
34 complies with standards adopted by the commission pursuant to RCW
35 43.101.080. For personnel initially employed before January 1, 1990,
36 such training shall be successfully completed during the first
37 fifteen months of employment of such personnel unless otherwise
38 extended or waived by the commission and shall be requisite to the
39 continuation of such employment. Personnel initially employed on or

1 after January 1, 1990, shall commence basic training during the first
2 six months of employment unless the basic training requirement is
3 otherwise waived or extended by the commission. Successful completion
4 of basic training is requisite to the continuation of employment of
5 such personnel initially employed on or after January 1, 1990.

6 (2)(a) All law enforcement personnel who are limited authority
7 Washington peace officers and whose employment commences on or after
8 July 1, 2023, shall commence basic training during the first 12
9 months of employment unless the basic training requirement is
10 otherwise waived or extended by the commission. Successful completion
11 of basic training is requisite to the continuation of employment of
12 such personnel initially employed on or after July 1, 2023.

13 (b)(i) The commission shall review the training files of all law
14 enforcement personnel who are limited authority Washington peace
15 officers, whose employment commenced prior to July 1, 2023, and who
16 have not successfully completed training that complies with standards
17 adopted by the commission, to determine what, if any, supplemental
18 training is required to appropriately carry out the officers' duties
19 and responsibilities.

20 (ii) Nothing in this section may be interpreted to require law
21 enforcement personnel who are limited authority Washington peace
22 officers, whose employment commenced prior to July 1, 2023, to
23 complete the basic law enforcement training academy as a condition of
24 continuing employment as a limited authority Washington peace
25 officer.

26 (iii) Law enforcement personnel who are limited authority
27 Washington peace officers are not required to complete the basic law
28 enforcement academy or an equivalent basic academy upon transferring
29 to a general authority Washington law enforcement agency or limited
30 authority Washington law enforcement agency, as defined in RCW
31 10.93.020, if they have:

32 (A) Been employed as a special agent with the Washington state
33 gambling commission, been a natural resource investigator with the
34 department of natural resources, been a liquor enforcement officer
35 with the liquor and cannabis board, been an investigator with the
36 office of the insurance commissioner, or been a park ranger with the
37 Washington state parks and recreation commission, before or after
38 July 1, 2023; and

39 (B) Received a certificate of successful completion from the
40 basic law enforcement academy or the basic law enforcement

1 equivalency academy and thereafter engaged in regular and
2 commissioned law enforcement employment with an agency listed in
3 (b)(iii)(A) of this subsection without a break or interruption in
4 excess of 24 months; and

5 (C) Remained current with the in-service training requirements as
6 adopted by the commission by rule.

7 (3) Except as provided in RCW 43.101.170, the commission shall
8 provide the aforementioned training and shall have the sole authority
9 to do so. The commission shall provide necessary facilities,
10 supplies, materials, and the board and room of noncommuting attendees
11 for seven days per week, except during the 2017-2019, 2019-2021, and
12 2021-2023 fiscal biennia when the employing, county, city, or state
13 law enforcement agency shall reimburse the commission for twenty-five
14 percent of the cost of training its personnel. Additionally, to the
15 extent funds are provided for this purpose, the commission shall
16 reimburse to participating law enforcement agencies with ten or less
17 full-time commissioned patrol officers the cost of temporary
18 replacement of each officer who is enrolled in basic law enforcement
19 training: PROVIDED, That such reimbursement shall include only the
20 actual cost of temporary replacement not to exceed the total amount
21 of salary and benefits received by the replaced officer during his or
22 her training period:

23 PROVIDED FURTHER, That limited authority Washington law
24 enforcement agencies as defined in RCW 10.93.020 shall reimburse the
25 commission for the full cost of training their personnel.

26 **Sec. 3.** RCW 43.101.095 and 2021 c 323 s 8 are each amended to
27 read as follows:

28 (1) As a condition of employment, all Washington peace officers
29 and corrections officers are required to obtain certification as a
30 peace officer or corrections officer or exemption therefrom and
31 maintain certification as required by this chapter and the rules of
32 the commission.

33 (2)(a) Any applicant who has been offered a conditional offer of
34 employment as a peace officer or reserve officer ~~((or))~~, offered a
35 conditional offer of employment as a corrections officer after July
36 1, 2021, ~~((including any person whose certification has lapsed as a~~
37 ~~result of a break of more than 24 consecutive months in the officer's~~
38 ~~service for a reason other than being recalled to military service,))~~
39 or offered a conditional offer of employment as a limited authority

1 Washington peace officer who if hired would qualify as a peace
2 officer as defined by RCW 43.101.010 after July 1, 2023, must submit
3 to a background investigation to determine the applicant's
4 suitability for employment. This requirement applies to any person
5 whose certification has lapsed as a result of a break of more than 24
6 consecutive months in the officer's service for a reason other than
7 being recalled into military service. Employing agencies may only
8 make a conditional offer of employment pending completion of the
9 background check and shall verify in writing to the commission that
10 they have complied with all background check requirements prior to
11 making any nonconditional offer of employment.

12 (b) The background check must include:

13 (i) A check of criminal history, any national decertification
14 index, commission records, and all disciplinary records by any
15 previous law enforcement or correctional employer, including
16 complaints or investigations of misconduct and the reason for
17 separation from employment. Law enforcement or correctional agencies
18 that previously employed the applicant shall disclose employment
19 information within 30 days of receiving a written request from the
20 employing agency conducting the background investigation, including
21 the reason for the officer's separation from the agency. Complaints
22 or investigations of misconduct must be disclosed regardless of the
23 result of the investigation or whether the complaint was unfounded;

24 (ii) Inquiry to the local prosecuting authority in any
25 jurisdiction in which the applicant has served as to whether the
26 applicant is on any potential impeachment disclosure list;

27 (iii) Inquiry into whether the applicant has any past or present
28 affiliations with extremist organizations, as defined by the
29 commission;

30 (iv) A review of the applicant's social media accounts;

31 (v) Verification of immigrant or citizenship status as either a
32 citizen of the United States of America or a lawful permanent
33 resident;

34 (vi) A psychological examination administered by a psychiatrist
35 licensed in the state of Washington pursuant to chapter 18.71 RCW or
36 a psychologist licensed in the state of Washington pursuant to
37 chapter 18.83 RCW, in compliance with standards established in rules
38 of the commission;

1 (vii) A polygraph or similar assessment administered by an
2 experienced professional with appropriate training and in compliance
3 with standards established in rules of the commission; and

4 (viii) Except as otherwise provided in this section, any test or
5 assessment to be administered as part of the background investigation
6 shall be administered in compliance with standards established in
7 rules of the commission.

8 (c) The commission may establish standards for the background
9 check requirements in this section and any other preemployment
10 background check requirement that may be imposed by an employing
11 agency or the commission.

12 (d) The employing law enforcement agency may require that each
13 person who is required to take a psychological examination and a
14 polygraph or similar test pay a portion of the testing fee based on
15 the actual cost of the test or \$400, whichever is less. Employing
16 agencies may establish a payment plan if they determine that the
17 person does not readily have the means to pay the testing fee.

18 (3) (a) The commission shall allow a peace officer or corrections
19 officer to retain status as a certified peace officer or corrections
20 officer as long as the officer: ~~((a))~~ (i) Timely meets the basic
21 training requirements, or is exempted therefrom, in whole or in part,
22 under RCW 43.101.200 or under rule of the commission; ~~((b))~~ (ii)
23 timely meets or is exempted from any other requirements under this
24 chapter as administered under the rules adopted by the commission;
25 ~~((c))~~ (iii) is not denied certification by the commission under
26 this chapter; and ~~((d))~~ (iv) has not had certification suspended or
27 revoked by the commission.

28 (b) The commission shall certify peace officers who are limited
29 authority Washington peace officers employed on or before July 1,
30 2023. Thereafter, the commission may revoke certification pursuant to
31 this chapter.

32 (4) As a condition of certification, a peace officer or
33 corrections officer must, on a form devised or adopted by the
34 commission, authorize the release to the employing agency and
35 commission of the officer's personnel files, including disciplinary,
36 termination, civil or criminal investigation, or other records or
37 information that are directly related to a certification matter or
38 decertification matter before the commission. The peace officer or
39 corrections officer must also consent to and facilitate a review of
40 the officer's social media accounts, however, consistent with RCW

1 49.44.200, the officer is not required to provide login information.
2 The release of information may not be delayed, limited, or precluded
3 by any agreement or contract between the officer, or the officer's
4 union, and the entity responsible for the records or information.

5 (5) The employing agency and commission are authorized to receive
6 criminal history record information that includes nonconviction data
7 for any purpose associated with employment or certification under
8 this chapter. Dissemination or use of nonconviction data for purposes
9 other than that authorized in this section is prohibited.

10 (6) For a national criminal history records check, the commission
11 shall require fingerprints be submitted and searched through the
12 Washington state patrol identification and criminal history section.
13 The Washington state patrol shall forward the fingerprints to the
14 federal bureau of investigation.

15 (7) Prior to certification, the employing agency shall certify to
16 the commission that the agency has completed the background check, no
17 information has been found that would disqualify the applicant from
18 certification, and the applicant is suitable for employment as a
19 peace officer or corrections officer.

20 **Sec. 4.** RCW 43.101.276 and 2017 c 290 s 5 are each amended to
21 read as follows:

22 (1) Subject to the availability of amounts appropriated for this
23 specific purpose, the commission shall develop training on a victim-
24 centered, trauma-informed approach to interacting with victims and
25 responding to sexual assault calls. The curriculum must: Be designed
26 for commissioned patrol officers not regularly assigned to
27 investigate sexual assault cases; be designed for deployment and use
28 within individual law enforcement agencies; include features allowing
29 for it to be used in different environments, which may include
30 multimedia or video components; allow for law enforcement agencies to
31 host it in small segments at different times over several days or
32 weeks, including roll calls. The training must include components on
33 available resources for victims including, but not limited to,
34 material on and references to community-based victim advocates.

35 (2) In developing the training, the commission shall seek advice
36 from the Washington association of sheriffs and police chiefs, the
37 Washington coalition of sexual assault programs, and experts on
38 sexual assault and the neurobiology of trauma.

1 (3) Beginning in 2018, all law enforcement agencies shall
2 annually host the training for commissioned peace officers. All law
3 enforcement agencies shall, to the extent feasible, consult with and
4 feature local community-based victim advocates during the training.

5 (4) With the exception of the state parks and recreation
6 commission, the training requirements under this section do not apply
7 to limited authority Washington law enforcement agencies as defined
8 in RCW 10.93.020 whose authority does not include the investigation
9 of sexual assaults.

10 **Sec. 5.** RCW 43.101.278 and 2021 c 118 s 3 are each amended to
11 read as follows:

12 (1) Subject to the availability of amounts appropriated for this
13 specific purpose, the commission shall conduct an annual case review
14 program. The program must review case files from law enforcement
15 agencies and prosecuting attorneys selected by the commission in
16 order to identify changes to training and investigatory practices
17 necessary to optimize outcomes in sexual assault investigations and
18 prosecutions involving adult victims. The program must include:

19 (a) An evaluation of whether current training and practices
20 foster a trauma-informed, victim-centered approach to victim
21 interviews and that identifies best practices and current gaps in
22 training and assesses the integration of the community resiliency
23 model;

24 (b) A comparison of cases involving investigators and
25 interviewers who have participated in training to cases involving
26 investigators and interviewers who have not participated in training;

27 (c) Randomly selected cases for a systematic review to assess
28 whether current practices conform to national best practices for a
29 multidisciplinary approach to investigating sexual assault cases and
30 interacting with survivors; and

31 (d) An analysis of the impact that race and ethnicity have on
32 sexual assault case outcomes.

33 (2) The case review program may review and access files,
34 including all reports and recordings, pertaining to closed cases
35 involving allegations of adult sexual assault only. Any law
36 enforcement agency or prosecuting attorney selected for the program
37 by the commission shall make requested case files and other documents
38 available to the commission, provided that the case files are not
39 linked to ongoing, open investigations and that redactions may be

1 made where appropriate and necessary. Agencies and prosecuting
2 attorneys shall include available information on the race and
3 ethnicity of all sexual assault victims in the relevant case files
4 provided to the commission. Case files and other documents must be
5 made available to the commission according to appropriate deadlines
6 established by the commission in consultation with the agency or
7 prosecuting attorney.

8 (3) If a law enforcement agency has not participated in the
9 training under RCW 43.101.272 by July 1, 2022, the commission may
10 prioritize the agency for selection to participate in the program
11 under this section.

12 (4) In designing and conducting the program, the commission shall
13 consult and collaborate with experts in trauma-informed and victim-
14 centered training, experts in sexual assault investigations and
15 prosecutions, victim advocates, and other stakeholders identified by
16 the commission. The commission may form a multidisciplinary working
17 group for the purpose of carrying out the requirements of this
18 section.

19 (5) The program participation requirements under this section do
20 not apply to limited authority Washington law enforcement agencies as
21 defined in RCW 10.93.020 whose authority does not include the
22 investigation of sexual assaults.

23 (6) The commission shall submit a report with a summary of its
24 work to the governor and the appropriate committees of the
25 legislature by December 1st of each year.

--- END ---