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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, Lias, Nguyen, Nobles, Saldaña, Stanford, Wellman, and C. Wilson

Read first time 01/11/23. Referred to Committee on State Government & Elections.

1 AN ACT Relating to expanding eligibility in certain public  
2 employment positions for lawful permanent residents; amending RCW  
3 36.27.040, 41.08.070, 41.12.070, 41.14.100, and 77.15.075; and adding  
4 a new section to chapter 10.93 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93  
7 RCW to read as follows:

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

13 **Sec. 2.** RCW 36.27.040 and 2009 c 549 s 4047 are each amended to  
14 read as follows:

15 The prosecuting attorney may appoint one or more deputies who  
16 shall have the same power in all respects as their principal. Each  
17 appointment shall be in writing, signed by the prosecuting attorney,  
18 and filed in the county auditor's office. Each deputy thus appointed  
19 shall have the same qualifications required of the prosecuting  
20 attorney, except that such deputy need not be a resident of the

1 county in which he or she serves nor a qualified elector therein.  
2 Each deputy appointed may be a citizen of the United States or a  
3 lawful permanent resident. The prosecuting attorney may appoint one  
4 or more special deputy prosecuting attorneys upon a contract or fee  
5 basis whose authority shall be limited to the purposes stated in the  
6 writing signed by the prosecuting attorney and filed in the county  
7 auditor's office. Such special deputy prosecuting attorney shall be  
8 admitted to practice as an attorney before the courts of this state  
9 but need not be a resident of the county in which he or she serves  
10 and shall not be under the legal disabilities attendant upon  
11 prosecuting attorneys or their deputies except to avoid any conflict  
12 of interest with the purpose for which he or she has been engaged by  
13 the prosecuting attorney. The prosecuting attorney shall be  
14 responsible for the acts of his or her deputies and may revoke  
15 appointments at will.

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

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

24 The provisions of RCW 41.56.030(~~((+2))~~) (12) shall not be  
25 interpreted to permit a prosecuting attorney to alter the at-will  
26 relationship established between the prosecuting attorney and his or  
27 her appointed deputies by this section for a period of time exceeding  
28 his or her term of office. Neither shall the provisions of RCW  
29 41.56.030(~~((+2))~~) (12) require a prosecuting attorney to alter the at-  
30 will relationship established by this section.

31 **Sec. 3.** RCW 41.08.070 and 2018 c 32 s 1 are each amended to read  
32 as follows:

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

37 An applicant for a position of any kind under civil service must  
38 be of an age suitable for the position applied for, in ordinary good  
39 health, of good moral character and of temperate and industrious

1 habits; these facts to be ascertained in such manner as the  
2 commission may deem advisable.

3 **Sec. 4.** RCW 41.12.070 and 2018 c 32 s 2 are each amended to read  
4 as follows:

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

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

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

20 **Sec. 5.** RCW 41.14.100 and 2018 c 32 s 3 are each amended to read  
21 as follows:

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

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

32 **Sec. 6.** RCW 77.15.075 and 2020 c 38 s 1 are each amended to read  
33 as follows:

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

1           (2) An applicant for a fish and wildlife officer position must be  
2 a citizen of the United States of America or a lawful permanent  
3 resident (~~(who can read and write the English language)~~). Before a  
4 person may be appointed to act as a fish and wildlife officer, the  
5 person shall meet the minimum standards for employment with the  
6 department, including successful completion of a psychological  
7 examination and polygraph examination or similar assessment procedure  
8 administered in accordance with the requirements of RCW  
9 43.101.095(2).

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

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

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