

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5424

Chapter 319, Laws of 2024

68th Legislature
2024 Regular Session

LAW ENFORCEMENT AGENCIES—FLEXIBLE WORK POLICIES

EFFECTIVE DATE: June 6, 2024—Except for section 4, which takes effect July 1, 2025.

Passed by the Senate March 4, 2024
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 28, 2024
Yeas 96 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 28, 2024 10:31 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5424** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 29, 2024

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5424

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Lovick, Holy, Dhingra, Frame, Keiser, Kuderer, Shewmake, Stanford, Valdez, Warnick, and Wellman)

READ FIRST TIME 02/01/23.

1 AN ACT Relating to flexible work for general and limited
2 authority Washington peace officers; amending RCW 41.26.030,
3 41.26.030, and 43.101.010; reenacting and amending RCW 10.93.020;
4 adding a new section to chapter 49.28 RCW; providing an effective
5 date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.28
8 RCW to read as follows:

9 (1) Every general authority and limited authority Washington law
10 enforcement agency may adopt a flexible work policy. The policy may
11 allow for general authority and limited authority Washington peace
12 officers to work at less than full time when feasible, such as
13 supplementing work during peak hours with part-time officers. The
14 flexible work policy may include alternative shift and work schedules
15 that fit the needs of the law enforcement agency.

16 (2) The flexible work policy adopted in subsection (1) of this
17 section may require an officer have a certain number of years of
18 experience as a full-time officer or have additional training for the
19 officer to work part time or be eligible for any other types of
20 flexible work.

1 (3) The flexible work policy adopted in subsection (1) of this
2 section may not cause the layoff or otherwise displace any full-time
3 officer.

4 (4) This section does not alter any existing collective
5 bargaining unit, the provisions of any existing collective bargaining
6 agreement, or the duty of a law enforcement agency to meet their duty
7 to bargain under chapter 41.56 or 41.80 RCW. Full-time and part-time
8 officers working for the same law enforcement agency who are covered
9 by a collective bargaining agreement must be in the same bargaining
10 unit.

11 (5) This section does not alter any laws or workplace policies
12 relating to restrictions on secondary employment for general
13 authority and limited authority Washington peace officers.

14 (6) For the purposes of this section, the definitions in this
15 subsection apply.

16 (a) "General authority and limited authority Washington law
17 enforcement agency" has the same meaning as "general authority
18 Washington law enforcement agency" and "limited authority Washington
19 law enforcement agency" as defined in RCW 10.93.020 (3) and (5),
20 respectively.

21 (b) "General authority and limited authority Washington peace
22 officers" has the same meaning as "general authority Washington peace
23 officer" and "limited authority Washington peace officer" as defined
24 in RCW 10.93.020 (4) and (6), respectively.

25 **Sec. 2.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted
26 and amended to read as follows:

27 As used in this chapter, the following terms have the meanings
28 indicated unless the context clearly requires otherwise.

29 (1) "Agency with primary territorial jurisdiction" means a city
30 or town police agency which has responsibility for police activity
31 within its boundaries; or a county police or sheriff's department
32 which has responsibility with regard to police activity in the
33 unincorporated areas within the county boundaries; or a statutorily
34 authorized port district police agency or four-year state college or
35 university police agency which has responsibility for police activity
36 within the statutorily authorized enforcement boundaries of the port
37 district, state college, or university.

38 (2) "Federal peace officer" means any employee or agent of the
39 United States government who has the authority to carry firearms and

1 make warrantless arrests and whose duties involve the enforcement of
2 criminal laws of the United States.

3 (3) "General authority Washington law enforcement agency" means
4 any agency, department, or division of a municipal corporation,
5 political subdivision, or other unit of local government of this
6 state, and any agency, department, or division of state government,
7 having as its primary function the detection and apprehension of
8 persons committing infractions or violating the traffic or criminal
9 laws in general, as distinguished from a limited authority Washington
10 law enforcement agency, and any other unit of government expressly
11 designated by statute as a general authority Washington law
12 enforcement agency. The Washington state patrol and the department of
13 fish and wildlife are general authority Washington law enforcement
14 agencies.

15 (4) "General authority Washington peace officer" means any
16 (~~full-time,~~) fully compensated and elected, appointed, or employed
17 officer of a general authority Washington law enforcement agency who
18 is commissioned to enforce the criminal laws of the state of
19 Washington generally.

20 (5) "Limited authority Washington law enforcement agency" means
21 any agency, political subdivision, or unit of local government of
22 this state, and any agency, department, or division of state
23 government, having as one of its functions the apprehension or
24 detection of persons committing infractions or violating the traffic
25 or criminal laws relating to limited subject areas, including but not
26 limited to, the state departments of natural resources and social and
27 health services, the state gambling commission, the state lottery
28 commission, the state parks and recreation commission, the state
29 utilities and transportation commission, the state liquor and
30 cannabis board, the office of the insurance commissioner, the state
31 department of corrections, and the office of independent
32 investigations.

33 (6) "Limited authority Washington peace officer" means any
34 (~~full-time,~~) fully compensated officer of a limited authority
35 Washington law enforcement agency empowered by that agency to detect
36 or apprehend violators of the laws in some or all of the limited
37 subject areas for which that agency is responsible. A limited
38 authority Washington peace officer may be a specially commissioned
39 Washington peace officer if otherwise qualified for such status under
40 this chapter.

1 (7) "Mutual law enforcement assistance" includes, but is not
2 limited to, one or more law enforcement agencies aiding or assisting
3 one or more other such agencies through loans or exchanges of
4 personnel or of material resources, for law enforcement purposes.

5 (8) "Primary commissioning agency" means (a) the employing agency
6 in the case of a general authority Washington peace officer, a
7 limited authority Washington peace officer, a tribal peace officer
8 from a federally recognized tribe, or a federal peace officer, and
9 (b) the commissioning agency in the case of a specially commissioned
10 Washington peace officer (i) who is performing functions within the
11 course and scope of the special commission and (ii) who is not also a
12 general authority Washington peace officer, a limited authority
13 Washington peace officer, a tribal peace officer from a federally
14 recognized tribe, or a federal peace officer.

15 (9) "Primary function of an agency" means that function to which
16 greater than fifty percent of the agency's resources are allocated.

17 (10) "Reserve officer" means any person who does not serve as a
18 regularly employed, fully compensated peace officer of this state,
19 but who, when called by an agency into active service, is fully
20 commissioned on the same basis as regularly employed, fully
21 compensated officers to enforce the criminal laws of this state.

22 (11) "Specially commissioned Washington peace officer," for the
23 purposes of this chapter, means any officer, whether part-time or
24 full-time, compensated or not, commissioned by a general authority
25 Washington law enforcement agency to enforce some or all of the
26 criminal laws of the state of Washington, who does not qualify under
27 this chapter as a general authority Washington peace officer for that
28 commissioning agency, specifically including reserve peace officers,
29 and specially commissioned full-time, fully compensated peace
30 officers duly commissioned by the states of Oregon or Idaho or any
31 such peace officer commissioned by a unit of local government of
32 Oregon or Idaho. (~~(A reserve peace officer is an individual who is an~~
33 ~~officer of a Washington law enforcement agency who does not serve~~
34 ~~such agency on a full-time basis but who, when called by the agency~~
35 ~~into active service, is fully commissioned on the same basis as full-~~
36 ~~time peace officers to enforce the criminal laws of the state.))~~

37 **Sec. 3.** RCW 41.26.030 and 2021 c 12 s 2 are each amended to read
38 as follows:

1 As used in this chapter, unless a different meaning is plainly
2 required by the context:

3 (1) "Accumulated contributions" means the employee's
4 contributions made by a member, including any amount paid under RCW
5 41.50.165(2), plus accrued interest credited thereon.

6 (2) "Actuarial reserve" means a method of financing a pension or
7 retirement plan wherein reserves are accumulated as the liabilities
8 for benefit payments are incurred in order that sufficient funds will
9 be available on the date of retirement of each member to pay the
10 member's future benefits during the period of retirement.

11 (3) "Actuarial valuation" means a mathematical determination of
12 the financial condition of a retirement plan. It includes the
13 computation of the present monetary value of benefits payable to
14 present members, and the present monetary value of future employer
15 and employee contributions, giving effect to mortality among active
16 and retired members and also to the rates of disability, retirement,
17 withdrawal from service, salary and interest earned on investments.

18 (4) (a) "Basic salary" for plan 1 members, means the basic monthly
19 rate of salary or wages, including longevity pay but not including
20 overtime earnings or special salary or wages, upon which pension or
21 retirement benefits will be computed and upon which employer
22 contributions and salary deductions will be based.

23 (b) "Basic salary" for plan 2 members, means salaries or wages
24 earned by a member during a payroll period for personal services,
25 including overtime payments, and shall include wages and salaries
26 deferred under provisions established pursuant to sections 403(b),
27 414(h), and 457 of the United States Internal Revenue Code, but shall
28 exclude lump sum payments for deferred annual sick leave, unused
29 accumulated vacation, unused accumulated annual leave, or any form of
30 severance pay. In any year in which a member serves in the
31 legislature the member shall have the option of having such member's
32 basic salary be the greater of:

33 (i) The basic salary the member would have received had such
34 member not served in the legislature; or

35 (ii) Such member's actual basic salary received for
36 nonlegislative public employment and legislative service combined.
37 Any additional contributions to the retirement system required
38 because basic salary under (b) (i) of this subsection is greater than
39 basic salary under (b) (ii) of this subsection shall be paid by the
40 member for both member and employer contributions.

1 (5) (a) "Beneficiary" for plan 1 members, means any person in
2 receipt of a retirement allowance, disability allowance, death
3 benefit, or any other benefit described herein.

4 (b) "Beneficiary" for plan 2 members, means any person in receipt
5 of a retirement allowance or other benefit provided by this chapter
6 resulting from service rendered to an employer by another person.

7 (6) (a) "Child" or "children" means an unmarried person who is
8 under the age of eighteen or mentally or physically disabled as
9 determined by the department, except a person who is disabled and in
10 the full time care of a state institution, who is:

11 (i) A natural born child;

12 (ii) A stepchild where that relationship was in existence prior
13 to the date benefits are payable under this chapter;

14 (iii) A posthumous child;

15 (iv) A child legally adopted or made a legal ward of a member
16 prior to the date benefits are payable under this chapter; or

17 (v) An illegitimate child legitimized prior to the date any
18 benefits are payable under this chapter.

19 (b) A person shall also be deemed to be a child up to and
20 including the age of twenty years and eleven months while attending
21 any high school, college, or vocational or other educational
22 institution accredited, licensed, or approved by the state, in which
23 it is located, including the summer vacation months and all other
24 normal and regular vacation periods at the particular educational
25 institution after which the child returns to school.

26 (7) "Department" means the department of retirement systems
27 created in chapter 41.50 RCW.

28 (8) "Director" means the director of the department.

29 (9) "Disability board" for plan 1 members means either the county
30 disability board or the city disability board established in RCW
31 41.26.110.

32 (10) "Disability leave" means the period of six months or any
33 portion thereof during which a member is on leave at an allowance
34 equal to the member's full salary prior to the commencement of
35 disability retirement. The definition contained in this subsection
36 shall apply only to plan 1 members.

37 (11) "Disability retirement" for plan 1 members, means the period
38 following termination of a member's disability leave, during which
39 the member is in receipt of a disability retirement allowance.

1 (12) "Domestic partners" means two adults who have registered as
2 domestic partners under RCW 26.60.020.

3 (13) "Employee" means any law enforcement officer or firefighter
4 as defined in subsections (17) and (19) of this section.

5 (14)(a) "Employer" for plan 1 members, means the legislative
6 authority of any city, town, county, district, or regional fire
7 protection service authority or the elected officials of any
8 municipal corporation that employs any law enforcement officer and/or
9 firefighter, any authorized association of such municipalities, and,
10 except for the purposes of RCW 41.26.150, any labor guild,
11 association, or organization, which represents the firefighters or
12 law enforcement officers of at least seven cities of over 20,000
13 population and the membership of each local lodge or division of
14 which is composed of at least sixty percent law enforcement officers
15 or firefighters as defined in this chapter.

16 (b) "Employer" for plan 2 members, means the following entities
17 to the extent that the entity employs any law enforcement officer
18 and/or firefighter:

19 (i) The legislative authority of any city, town, county,
20 district, public corporation, or regional fire protection service
21 authority established under RCW 35.21.730 to provide emergency
22 medical services as defined in RCW 18.73.030;

23 (ii) The elected officials of any municipal corporation;

24 (iii) The governing body of any other general authority law
25 enforcement agency;

26 (iv) A four-year institution of higher education having a fully
27 operational fire department as of January 1, 1996; or

28 (v) The department of social and health services or the
29 department of corrections when employing firefighters serving at a
30 prison or civil commitment center on an island.

31 (c) Except as otherwise specifically provided in this chapter,
32 "employer" does not include a government contractor. For purposes of
33 this subsection, a "government contractor" is any entity, including a
34 partnership, limited liability company, for-profit or nonprofit
35 corporation, or person, that provides services pursuant to a contract
36 with an "employer." The determination whether an employer-employee
37 relationship has been established is not based on the relationship
38 between a government contractor and an "employer," but is based
39 solely on the relationship between a government contractor's employee
40 and an "employer" under this chapter.

1 (15)(a) "Final average salary" for plan 1 members, means (i) for
2 a member holding the same position or rank for a minimum of twelve
3 months preceding the date of retirement, the basic salary attached to
4 such same position or rank at time of retirement; (ii) for any other
5 member, including a civil service member who has not served a minimum
6 of twelve months in the same position or rank preceding the date of
7 retirement, the average of the greatest basic salaries payable to
8 such member during any consecutive twenty-four month period within
9 such member's last ten years of service for which service credit is
10 allowed, computed by dividing the total basic salaries payable to
11 such member during the selected twenty-four month period by twenty-
12 four; (iii) in the case of disability of any member, the basic salary
13 payable to such member at the time of disability retirement; (iv) in
14 the case of a member who hereafter vests pursuant to RCW 41.26.090,
15 the basic salary payable to such member at the time of vesting.

16 (b) "Final average salary" for plan 2 members, means the monthly
17 average of the member's basic salary for the highest consecutive
18 sixty service credit months of service prior to such member's
19 retirement, termination, or death. Periods constituting authorized
20 unpaid leaves of absence may not be used in the calculation of final
21 average salary.

22 (c) In calculating final average salary under (a) or (b) of this
23 subsection, the department of retirement systems shall include:

24 (i) Any compensation forgone by a member employed by a state
25 agency or institution during the 2009-2011 fiscal biennium as a
26 result of reduced work hours, mandatory or voluntary leave without
27 pay, temporary reduction in pay implemented prior to December 11,
28 2010, or temporary layoffs if the reduced compensation is an integral
29 part of the employer's expenditure reduction efforts, as certified by
30 the employer;

31 (ii) Any compensation forgone by a member employed by the state
32 or a local government employer during the 2011-2013 fiscal biennium
33 as a result of reduced work hours, mandatory leave without pay,
34 temporary layoffs, or reductions to current pay if the reduced
35 compensation is an integral part of the employer's expenditure
36 reduction efforts, as certified by the employer. Reductions to
37 current pay shall not include elimination of previously agreed upon
38 future salary increases; and

39 (iii) Any compensation forgone by a member employed by the state
40 or a local government employer during the 2019-2021 and 2021-2023

1 fiscal biennia as a result of reduced work hours, mandatory leave
2 without pay, temporary layoffs, furloughs, reductions to current pay,
3 or other similar measures resulting from the COVID-19 budgetary
4 crisis, if the reduced compensation is an integral part of the
5 employer's expenditure reduction efforts, as certified by the
6 employer. Reductions to current pay shall not include elimination of
7 previously agreed upon future salary increases.

8 (16) "Fire department" includes a fire station operated by the
9 department of social and health services or the department of
10 corrections when employing firefighters serving a prison or civil
11 commitment center on an island.

12 (17) "Firefighter" means:

13 (a) Any person who is serving on a full time, fully compensated
14 basis as a member of a fire department of an employer and who is
15 serving in a position which requires passing a civil service
16 examination for firefighter, and who is actively employed as such;

17 (b) Anyone who is actively employed as a full time firefighter
18 where the fire department does not have a civil service examination;

19 (c) Supervisory firefighter personnel;

20 (d) Any full time executive secretary of an association of fire
21 protection districts authorized under RCW 52.12.031. The provisions
22 of this subsection (17)(d) shall not apply to plan 2 members;

23 (e) The executive secretary of a labor guild, association or
24 organization (which is an employer under subsection (14) of this
25 section), if such individual has five years previous membership in a
26 retirement system established in chapter 41.16 or 41.18 RCW. The
27 provisions of this subsection (17)(e) shall not apply to plan 2
28 members;

29 (f) Any person who is serving on a full time, fully compensated
30 basis for an employer, as a fire dispatcher, in a department in
31 which, on March 1, 1970, a dispatcher was required to have passed a
32 civil service examination for firefighter;

33 (g) Any person who on March 1, 1970, was employed on a full time,
34 fully compensated basis by an employer, and who on May 21, 1971, was
35 making retirement contributions under the provisions of chapter 41.16
36 or 41.18 RCW; and

37 (h) Any person who is employed on a full-time, fully compensated
38 basis by an employer as an emergency medical technician that meets
39 the requirements of RCW 18.71.200 or 18.73.030(~~((12))~~) (13), and

1 whose duties include providing emergency medical services as defined
2 in RCW 18.73.030.

3 (18) "General authority law enforcement agency" means any agency,
4 department, or division of a municipal corporation, political
5 subdivision, or other unit of local government of this state, and any
6 agency, department, or division of state government, having as its
7 primary function the detection and apprehension of persons committing
8 infractions or violating the traffic or criminal laws in general, but
9 not including the Washington state patrol. Such an agency,
10 department, or division is distinguished from a limited authority law
11 enforcement agency having as one of its functions the apprehension or
12 detection of persons committing infractions or violating the traffic
13 or criminal laws relating to limited subject areas, including but not
14 limited to, the state departments of natural resources and social and
15 health services, the state gambling commission, the state lottery
16 commission, the state parks and recreation commission, the state
17 utilities and transportation commission, the state liquor and
18 cannabis board, and the state department of corrections. A general
19 authority law enforcement agency under this chapter does not include
20 a government contractor.

21 (19) "Law enforcement officer" beginning January 1, 1994, means
22 any person who is commissioned and employed by an employer on a full
23 time, fully compensated basis to enforce the criminal laws of the
24 state of Washington generally, with the following qualifications:

25 (a) No person who is serving in a position that is basically
26 clerical or secretarial in nature, and who is not commissioned shall
27 be considered a law enforcement officer;

28 (b) Only those deputy sheriffs, including those serving under a
29 different title pursuant to county charter, who have successfully
30 completed a civil service examination for deputy sheriff or the
31 equivalent position, where a different title is used, and those
32 persons serving in unclassified positions authorized by RCW 41.14.070
33 except a private secretary will be considered law enforcement
34 officers;

35 (c) Only such full time commissioned law enforcement personnel as
36 have been appointed to offices, positions, or ranks in the police
37 department which have been specifically created or otherwise
38 expressly provided for and designated by city charter provision or by
39 ordinance enacted by the legislative body of the city shall be
40 considered city police officers;

1 (d) The term "law enforcement officer" also includes the
2 executive secretary of a labor guild, association or organization
3 (which is an employer under subsection (14) of this section) if that
4 individual has five years previous membership in the retirement
5 system established in chapter 41.20 RCW. The provisions of this
6 subsection (19)(d) shall not apply to plan 2 members; (~~and~~)

7 (e) The term "law enforcement officer" also includes a person
8 employed on or after January 1, 1993, as a public safety officer or
9 director of public safety, so long as the job duties substantially
10 involve only either police or fire duties, or both, and no other
11 duties in a city or town with a population of less than ten thousand.
12 The provisions of this subsection (19)(e) shall not apply to any
13 public safety officer or director of public safety who is receiving a
14 retirement allowance under this chapter as of May 12, 1993; and

15 (f) Beginning July 1, 2024, the term "law enforcement officer"
16 also includes any person who is commissioned and employed by an
17 employer on a fully compensated basis to enforce the criminal laws of
18 the state of Washington generally, on a less than full-time basis,
19 with the qualifications in (a) through (e) of this subsection.

20 (20) "Medical services" for plan 1 members, shall include the
21 following as minimum services to be provided. Reasonable charges for
22 these services shall be paid in accordance with RCW 41.26.150.

23 (a) Hospital expenses: These are the charges made by a hospital,
24 in its own behalf, for

25 (i) Board and room not to exceed semiprivate room rate unless
26 private room is required by the attending physician due to the
27 condition of the patient.

28 (ii) Necessary hospital services, other than board and room,
29 furnished by the hospital.

30 (b) Other medical expenses: The following charges are considered
31 "other medical expenses," provided that they have not been considered
32 as "hospital expenses".

33 (i) The fees of the following:

34 (A) A physician or surgeon licensed under the provisions of
35 chapter 18.71 RCW;

36 (B) An osteopathic physician and surgeon licensed under the
37 provisions of chapter 18.57 RCW;

38 (C) A chiropractor licensed under the provisions of chapter 18.25
39 RCW.

1 (ii) The charges of a registered graduate nurse other than a
2 nurse who ordinarily resides in the member's home, or is a member of
3 the family of either the member or the member's spouse.

4 (iii) The charges for the following medical services and
5 supplies:

6 (A) Drugs and medicines upon a physician's prescription;

7 (B) Diagnostic X-ray and laboratory examinations;

8 (C) X-ray, radium, and radioactive isotopes therapy;

9 (D) Anesthesia and oxygen;

10 (E) Rental of iron lung and other durable medical and surgical
11 equipment;

12 (F) Artificial limbs and eyes, and casts, splints, and trusses;

13 (G) Professional ambulance service when used to transport the
14 member to or from a hospital when injured by an accident or stricken
15 by a disease;

16 (H) Dental charges incurred by a member who sustains an
17 accidental injury to his or her teeth and who commences treatment by
18 a legally licensed dentist within ninety days after the accident;

19 (I) Nursing home confinement or hospital extended care facility;

20 (J) Physical therapy by a registered physical therapist;

21 (K) Blood transfusions, including the cost of blood and blood
22 plasma not replaced by voluntary donors;

23 (L) An optometrist licensed under the provisions of chapter 18.53
24 RCW.

25 (21) "Member" means any firefighter, law enforcement officer, or
26 other person as would apply under subsection (17) or (19) of this
27 section whose membership is transferred to the Washington law
28 enforcement officers' and firefighters' retirement system on or after
29 March 1, 1970, and every law enforcement officer and firefighter who
30 is employed in that capacity on or after such date.

31 (22) "Plan 1" means the law enforcement officers' and
32 firefighters' retirement system, plan 1 providing the benefits and
33 funding provisions covering persons who first became members of the
34 system prior to October 1, 1977.

35 (23) "Plan 2" means the law enforcement officers' and
36 firefighters' retirement system, plan 2 providing the benefits and
37 funding provisions covering persons who first became members of the
38 system on and after October 1, 1977.

39 (24) "Position" means the employment held at any particular time,
40 which may or may not be the same as civil service rank.

1 (25) "Regular interest" means such rate as the director may
2 determine.

3 (26) "Retiree" for persons who establish membership in the
4 retirement system on or after October 1, 1977, means any member in
5 receipt of a retirement allowance or other benefit provided by this
6 chapter resulting from service rendered to an employer by such
7 member.

8 (27) "Retirement fund" means the "Washington law enforcement
9 officers' and firefighters' retirement system fund" as provided for
10 herein.

11 (28) "Retirement system" means the "Washington law enforcement
12 officers' and firefighters' retirement system" provided herein.

13 (29)(a) "Service" for plan 1 members, means all periods of
14 employment for an employer as a firefighter or law enforcement
15 officer, for which compensation is paid, together with periods of
16 suspension not exceeding thirty days in duration. For the purposes of
17 this chapter service shall also include service in the armed forces
18 of the United States as provided in RCW 41.26.190. Credit shall be
19 allowed for all service credit months of service rendered by a member
20 from and after the member's initial commencement of employment as a
21 firefighter or law enforcement officer, during which the member
22 worked for seventy or more hours, or was on disability leave or
23 disability retirement. Only service credit months of service shall be
24 counted in the computation of any retirement allowance or other
25 benefit provided for in this chapter.

26 (i) For members retiring after May 21, 1971 who were employed
27 under the coverage of a prior pension act before March 1, 1970,
28 "service" shall also include (A) such military service not exceeding
29 five years as was creditable to the member as of March 1, 1970, under
30 the member's particular prior pension act, and (B) such other periods
31 of service as were then creditable to a particular member under the
32 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
33 event shall credit be allowed for any service rendered prior to March
34 1, 1970, where the member at the time of rendition of such service
35 was employed in a position covered by a prior pension act, unless
36 such service, at the time credit is claimed therefor, is also
37 creditable under the provisions of such prior act.

38 (ii) A member who is employed by two employers at the same time
39 shall only be credited with service to one such employer for any
40 month during which the member rendered such dual service.

1 (iii) Reduction efforts such as furloughs, reduced work hours,
2 mandatory leave without pay, temporary layoffs, or other similar
3 situations as contemplated by subsection (15)(c)(iii) of this section
4 do not result in a reduction in service credit that otherwise would
5 have been earned for that month of work, and the member shall receive
6 the full service credit for the hours that were scheduled to be
7 worked before the reduction.

8 (b)(i) "Service" for plan 2 members, means periods of employment
9 by a member for one or more employers for which basic salary is
10 earned for ninety or more hours per calendar month which shall
11 constitute a service credit month. Periods of employment by a member
12 for one or more employers for which basic salary is earned for at
13 least seventy hours but less than ninety hours per calendar month
14 shall constitute one-half service credit month. Periods of employment
15 by a member for one or more employers for which basic salary is
16 earned for less than seventy hours shall constitute a one-quarter
17 service credit month.

18 (ii) Members of the retirement system who are elected or
19 appointed to a state elective position may elect to continue to be
20 members of this retirement system.

21 (iii) Service credit years of service shall be determined by
22 dividing the total number of service credit months of service by
23 twelve. Any fraction of a service credit year of service as so
24 determined shall be taken into account in the computation of such
25 retirement allowance or benefits.

26 (iv) If a member receives basic salary from two or more employers
27 during any calendar month, the individual shall receive one service
28 credit month's service credit during any calendar month in which
29 multiple service for ninety or more hours is rendered; or one-half
30 service credit month's service credit during any calendar month in
31 which multiple service for at least seventy hours but less than
32 ninety hours is rendered; or one-quarter service credit month during
33 any calendar month in which multiple service for less than seventy
34 hours is rendered.

35 (v) Reduction efforts such as furloughs, reduced work hours,
36 mandatory leave without pay, temporary layoffs, or other similar
37 situations as contemplated by subsection (15)(c)(iii) of this section
38 do not result in a reduction in service credit that otherwise would
39 have been earned for that month of work, and the member shall receive

1 the full service credit for the hours that were scheduled to be
2 worked before the reduction.

3 (30) "Service credit month" means a full service credit month or
4 an accumulation of partial service credit months that are equal to
5 one.

6 (31) "Service credit year" means an accumulation of months of
7 service credit which is equal to one when divided by twelve.

8 (32) "State actuary" or "actuary" means the person appointed
9 pursuant to RCW 44.44.010(2).

10 (33) "State elective position" means any position held by any
11 person elected or appointed to statewide office or elected or
12 appointed as a member of the legislature.

13 (34) "Surviving spouse" means the surviving widow or widower of a
14 member. "Surviving spouse" shall not include the divorced spouse of a
15 member except as provided in RCW 41.26.162.

16 **Sec. 4.** RCW 41.26.030 and 2023 c 77 s 1 are each amended to read
17 as follows:

18 As used in this chapter, unless a different meaning is plainly
19 required by the context:

20 (1) "Accumulated contributions" means the employee's
21 contributions made by a member, including any amount paid under RCW
22 41.50.165(2), plus accrued interest credited thereon.

23 (2) "Actuarial reserve" means a method of financing a pension or
24 retirement plan wherein reserves are accumulated as the liabilities
25 for benefit payments are incurred in order that sufficient funds will
26 be available on the date of retirement of each member to pay the
27 member's future benefits during the period of retirement.

28 (3) "Actuarial valuation" means a mathematical determination of
29 the financial condition of a retirement plan. It includes the
30 computation of the present monetary value of benefits payable to
31 present members, and the present monetary value of future employer
32 and employee contributions, giving effect to mortality among active
33 and retired members and also to the rates of disability, retirement,
34 withdrawal from service, salary and interest earned on investments.

35 (4) (a) "Basic salary" for plan 1 members, means the basic monthly
36 rate of salary or wages, including longevity pay but not including
37 overtime earnings or special salary or wages, upon which pension or
38 retirement benefits will be computed and upon which employer
39 contributions and salary deductions will be based.

1 (b) "Basic salary" for plan 2 members, means salaries or wages
2 earned by a member during a payroll period for personal services,
3 including overtime payments, and shall include wages and salaries
4 deferred under provisions established pursuant to sections 403(b),
5 414(h), and 457 of the United States Internal Revenue Code, but shall
6 exclude lump sum payments for deferred annual sick leave, unused
7 accumulated vacation, unused accumulated annual leave, or any form of
8 severance pay. In any year in which a member serves in the
9 legislature the member shall have the option of having such member's
10 basic salary be the greater of:

11 (i) The basic salary the member would have received had such
12 member not served in the legislature; or

13 (ii) Such member's actual basic salary received for
14 nonlegislative public employment and legislative service combined.
15 Any additional contributions to the retirement system required
16 because basic salary under (b)(i) of this subsection is greater than
17 basic salary under (b)(ii) of this subsection shall be paid by the
18 member for both member and employer contributions.

19 (5)(a) "Beneficiary" for plan 1 members, means any person in
20 receipt of a retirement allowance, disability allowance, death
21 benefit, or any other benefit described herein.

22 (b) "Beneficiary" for plan 2 members, means any person in receipt
23 of a retirement allowance or other benefit provided by this chapter
24 resulting from service rendered to an employer by another person.

25 (6)(a) "Child" or "children" means an unmarried person who is
26 under the age of eighteen or mentally or physically disabled as
27 determined by the department, except a person who is disabled and in
28 the full time care of a state institution, who is:

29 (i) A natural born child;

30 (ii) A stepchild where that relationship was in existence prior
31 to the date benefits are payable under this chapter;

32 (iii) A posthumous child;

33 (iv) A child legally adopted or made a legal ward of a member
34 prior to the date benefits are payable under this chapter; or

35 (v) An illegitimate child legitimized prior to the date any
36 benefits are payable under this chapter.

37 (b) A person shall also be deemed to be a child up to and
38 including the age of twenty years and eleven months while attending
39 any high school, college, or vocational or other educational
40 institution accredited, licensed, or approved by the state, in which

1 it is located, including the summer vacation months and all other
2 normal and regular vacation periods at the particular educational
3 institution after which the child returns to school.

4 (7) "Department" means the department of retirement systems
5 created in chapter 41.50 RCW.

6 (8) "Director" means the director of the department.

7 (9) "Disability board" for plan 1 members means either the county
8 disability board or the city disability board established in RCW
9 41.26.110.

10 (10) "Disability leave" means the period of six months or any
11 portion thereof during which a member is on leave at an allowance
12 equal to the member's full salary prior to the commencement of
13 disability retirement. The definition contained in this subsection
14 shall apply only to plan 1 members.

15 (11) "Disability retirement" for plan 1 members, means the period
16 following termination of a member's disability leave, during which
17 the member is in receipt of a disability retirement allowance.

18 (12) "Domestic partners" means two adults who have registered as
19 domestic partners under RCW 26.60.020.

20 (13) "Employee" means any law enforcement officer or firefighter
21 as defined in subsections (17) and (19) of this section.

22 (14)(a) "Employer" for plan 1 members, means the legislative
23 authority of any city, town, county, district, or regional fire
24 protection service authority or the elected officials of any
25 municipal corporation that employs any law enforcement officer and/or
26 firefighter, any authorized association of such municipalities, and,
27 except for the purposes of RCW 41.26.150, any labor guild,
28 association, or organization, which represents the firefighters or
29 law enforcement officers of at least seven cities of over 20,000
30 population and the membership of each local lodge or division of
31 which is composed of at least sixty percent law enforcement officers
32 or firefighters as defined in this chapter.

33 (b) "Employer" for plan 2 members, means the following entities
34 to the extent that the entity employs any law enforcement officer
35 and/or firefighter:

36 (i) The legislative authority of any city, town, county,
37 district, public corporation, or regional fire protection service
38 authority established under RCW 35.21.730 to provide emergency
39 medical services as defined in RCW 18.73.030;

40 (ii) The elected officials of any municipal corporation;

1 (iii) The governing body of any other general authority law
2 enforcement agency;

3 (iv) A four-year institution of higher education having a fully
4 operational fire department as of January 1, 1996; or

5 (v) The department of social and health services or the
6 department of corrections when employing firefighters serving at a
7 prison or civil commitment center on an island.

8 (c) Except as otherwise specifically provided in this chapter,
9 "employer" does not include a government contractor. For purposes of
10 this subsection, a "government contractor" is any entity, including a
11 partnership, limited liability company, for-profit or nonprofit
12 corporation, or person, that provides services pursuant to a contract
13 with an "employer." The determination whether an employer-employee
14 relationship has been established is not based on the relationship
15 between a government contractor and an "employer," but is based
16 solely on the relationship between a government contractor's employee
17 and an "employer" under this chapter.

18 (15)(a) "Final average salary" for plan 1 members, means (i) for
19 a member holding the same position or rank for a minimum of twelve
20 months preceding the date of retirement, the basic salary attached to
21 such same position or rank at time of retirement; (ii) for any other
22 member, including a civil service member who has not served a minimum
23 of twelve months in the same position or rank preceding the date of
24 retirement, the average of the greatest basic salaries payable to
25 such member during any consecutive twenty-four month period within
26 such member's last ten years of service for which service credit is
27 allowed, computed by dividing the total basic salaries payable to
28 such member during the selected twenty-four month period by twenty-
29 four; (iii) in the case of disability of any member, the basic salary
30 payable to such member at the time of disability retirement; (iv) in
31 the case of a member who hereafter vests pursuant to RCW 41.26.090,
32 the basic salary payable to such member at the time of vesting.

33 (b) "Final average salary" for plan 2 members, means the monthly
34 average of the member's basic salary for the highest consecutive
35 sixty service credit months of service prior to such member's
36 retirement, termination, or death. Periods constituting authorized
37 unpaid leaves of absence may not be used in the calculation of final
38 average salary.

39 (c) In calculating final average salary under (a) or (b) of this
40 subsection, the department of retirement systems shall include:

1 (i) Any compensation forgone by a member employed by a state
2 agency or institution during the 2009-2011 fiscal biennium as a
3 result of reduced work hours, mandatory or voluntary leave without
4 pay, temporary reduction in pay implemented prior to December 11,
5 2010, or temporary layoffs if the reduced compensation is an integral
6 part of the employer's expenditure reduction efforts, as certified by
7 the employer;

8 (ii) Any compensation forgone by a member employed by the state
9 or a local government employer during the 2011-2013 fiscal biennium
10 as a result of reduced work hours, mandatory leave without pay,
11 temporary layoffs, or reductions to current pay if the reduced
12 compensation is an integral part of the employer's expenditure
13 reduction efforts, as certified by the employer. Reductions to
14 current pay shall not include elimination of previously agreed upon
15 future salary increases; and

16 (iii) Any compensation forgone by a member employed by the state
17 or a local government employer during the 2019-2021 and 2021-2023
18 fiscal biennia as a result of reduced work hours, mandatory leave
19 without pay, temporary layoffs, furloughs, reductions to current pay,
20 or other similar measures resulting from the COVID-19 budgetary
21 crisis, if the reduced compensation is an integral part of the
22 employer's expenditure reduction efforts, as certified by the
23 employer. Reductions to current pay shall not include elimination of
24 previously agreed upon future salary increases.

25 (16) "Fire department" includes a fire station operated by the
26 department of social and health services or the department of
27 corrections when employing firefighters serving a prison or civil
28 commitment center on an island.

29 (17) "Firefighter" means:

30 (a) Any person who is serving on a full time, fully compensated
31 basis as a member of a fire department of an employer and who is
32 serving in a position which requires passing a civil service
33 examination for firefighter, and who is actively employed as such;

34 (b) Anyone who is actively employed as a full time firefighter
35 where the fire department does not have a civil service examination;

36 (c) Supervisory firefighter personnel;

37 (d) Any full time executive secretary of an association of fire
38 protection districts authorized under RCW 52.12.031. The provisions
39 of this subsection (17) (d) shall not apply to plan 2 members;

1 (e) The executive secretary of a labor guild, association or
2 organization (which is an employer under subsection (14) of this
3 section), if such individual has five years previous membership in a
4 retirement system established in chapter 41.16 or 41.18 RCW. The
5 provisions of this subsection (17)(e) shall not apply to plan 2
6 members;

7 (f) Any person who is serving on a full time, fully compensated
8 basis for an employer, as a fire dispatcher, in a department in
9 which, on March 1, 1970, a dispatcher was required to have passed a
10 civil service examination for firefighter;

11 (g) Any person who on March 1, 1970, was employed on a full time,
12 fully compensated basis by an employer, and who on May 21, 1971, was
13 making retirement contributions under the provisions of chapter 41.16
14 or 41.18 RCW; and

15 (h) Any person who is employed on a full-time, fully compensated
16 basis by an employer as an emergency medical technician that meets
17 the requirements of RCW 18.71.200 or 18.73.030(13), and whose duties
18 include providing emergency medical services as defined in RCW
19 18.73.030.

20 (18) "General authority law enforcement agency" means any agency,
21 department, or division of a municipal corporation, political
22 subdivision, or other unit of local government of this state, the
23 government of a federally recognized tribe, and any agency,
24 department, or division of state government, having as its primary
25 function the detection and apprehension of persons committing
26 infractions or violating the traffic or criminal laws in general, but
27 not including the Washington state patrol. Such an agency,
28 department, or division is distinguished from a limited authority law
29 enforcement agency having as one of its functions the apprehension or
30 detection of persons committing infractions or violating the traffic
31 or criminal laws relating to limited subject areas, including but not
32 limited to, the state departments of natural resources and social and
33 health services, the state gambling commission, the state lottery
34 commission, the state parks and recreation commission, the state
35 utilities and transportation commission, the state liquor and
36 cannabis board, and the state department of corrections. A general
37 authority law enforcement agency under this chapter does not include
38 a government contractor.

39 (19) "Law enforcement officer" beginning January 1, 1994, means
40 any person who is commissioned and employed by an employer on a full

1 time, fully compensated basis to enforce the criminal laws of the
2 state of Washington generally, with the following qualifications:

3 (a) No person who is serving in a position that is basically
4 clerical or secretarial in nature, and who is not commissioned shall
5 be considered a law enforcement officer;

6 (b) Only those deputy sheriffs, including those serving under a
7 different title pursuant to county charter, who have successfully
8 completed a civil service examination for deputy sheriff or the
9 equivalent position, where a different title is used, and those
10 persons serving in unclassified positions authorized by RCW 41.14.070
11 except a private secretary will be considered law enforcement
12 officers;

13 (c) Only such full time commissioned law enforcement personnel as
14 have been appointed to offices, positions, or ranks in the police
15 department which have been specifically created or otherwise
16 expressly provided for and designated by city charter provision or by
17 ordinance enacted by the legislative body of the city shall be
18 considered city police officers;

19 (d) The term "law enforcement officer" also includes the
20 executive secretary of a labor guild, association or organization
21 (which is an employer under subsection (14) of this section) if that
22 individual has five years previous membership in the retirement
23 system established in chapter 41.20 RCW. The provisions of this
24 subsection (19)(d) shall not apply to plan 2 members;

25 (e) The term "law enforcement officer" also includes a person
26 employed on or after January 1, 1993, as a public safety officer or
27 director of public safety, so long as the job duties substantially
28 involve only either police or fire duties, or both, and no other
29 duties in a city or town with a population of less than ten thousand.
30 The provisions of this subsection (19)(e) shall not apply to any
31 public safety officer or director of public safety who is receiving a
32 retirement allowance under this chapter as of May 12, 1993; (~~and~~)

33 (f) The term "law enforcement officer" also includes a person who
34 is employed on or after January 1, 2024, on a full-time basis by the
35 government of a federally recognized tribe within the state of
36 Washington that meets the terms and conditions of RCW 41.26.565, is
37 employed in a police department maintained by that tribe, and who is
38 currently certified as a general authority peace officer under
39 chapter 43.101 RCW; and

1 (g) Beginning July 1, 2024, the term "law enforcement officer"
2 also includes any person who is commissioned and employed by an
3 employer on a fully compensated basis to enforce the criminal laws of
4 the state of Washington generally, on a less than full-time basis,
5 with the qualifications in (a) through (e) of this subsection.

6 (20) "Medical services" for plan 1 members, shall include the
7 following as minimum services to be provided. Reasonable charges for
8 these services shall be paid in accordance with RCW 41.26.150.

9 (a) Hospital expenses: These are the charges made by a hospital,
10 in its own behalf, for

11 (i) Board and room not to exceed semiprivate room rate unless
12 private room is required by the attending physician due to the
13 condition of the patient.

14 (ii) Necessary hospital services, other than board and room,
15 furnished by the hospital.

16 (b) Other medical expenses: The following charges are considered
17 "other medical expenses," provided that they have not been considered
18 as "hospital expenses."

19 (i) The fees of the following:

20 (A) A physician or surgeon licensed under the provisions of
21 chapter 18.71 RCW;

22 (B) An osteopathic physician and surgeon licensed under the
23 provisions of chapter 18.57 RCW;

24 (C) A chiropractor licensed under the provisions of chapter 18.25
25 RCW.

26 (ii) The charges of a registered graduate nurse other than a
27 nurse who ordinarily resides in the member's home, or is a member of
28 the family of either the member or the member's spouse.

29 (iii) The charges for the following medical services and
30 supplies:

31 (A) Drugs and medicines upon a physician's prescription;

32 (B) Diagnostic X-ray and laboratory examinations;

33 (C) X-ray, radium, and radioactive isotopes therapy;

34 (D) Anesthesia and oxygen;

35 (E) Rental of iron lung and other durable medical and surgical
36 equipment;

37 (F) Artificial limbs and eyes, and casts, splints, and trusses;

38 (G) Professional ambulance service when used to transport the
39 member to or from a hospital when injured by an accident or stricken
40 by a disease;

1 (H) Dental charges incurred by a member who sustains an
2 accidental injury to his or her teeth and who commences treatment by
3 a legally licensed dentist within ninety days after the accident;

4 (I) Nursing home confinement or hospital extended care facility;

5 (J) Physical therapy by a registered physical therapist;

6 (K) Blood transfusions, including the cost of blood and blood
7 plasma not replaced by voluntary donors;

8 (L) An optometrist licensed under the provisions of chapter 18.53
9 RCW.

10 (21) "Member" means any firefighter, law enforcement officer, or
11 other person as would apply under subsection (17) or (19) of this
12 section whose membership is transferred to the Washington law
13 enforcement officers' and firefighters' retirement system on or after
14 March 1, 1970, and every law enforcement officer and firefighter who
15 is employed in that capacity on or after such date.

16 (22) "Plan 1" means the law enforcement officers' and
17 firefighters' retirement system, plan 1 providing the benefits and
18 funding provisions covering persons who first became members of the
19 system prior to October 1, 1977.

20 (23) "Plan 2" means the law enforcement officers' and
21 firefighters' retirement system, plan 2 providing the benefits and
22 funding provisions covering persons who first became members of the
23 system on and after October 1, 1977.

24 (24) "Position" means the employment held at any particular time,
25 which may or may not be the same as civil service rank.

26 (25) "Regular interest" means such rate as the director may
27 determine.

28 (26) "Retiree" for persons who establish membership in the
29 retirement system on or after October 1, 1977, means any member in
30 receipt of a retirement allowance or other benefit provided by this
31 chapter resulting from service rendered to an employer by such
32 member.

33 (27) "Retirement fund" means the "Washington law enforcement
34 officers' and firefighters' retirement system fund" as provided for
35 herein.

36 (28) "Retirement system" means the "Washington law enforcement
37 officers' and firefighters' retirement system" provided herein.

38 (29)(a) "Service" for plan 1 members, means all periods of
39 employment for an employer as a firefighter or law enforcement
40 officer, for which compensation is paid, together with periods of

1 suspension not exceeding thirty days in duration. For the purposes of
2 this chapter service shall also include service in the armed forces
3 of the United States as provided in RCW 41.26.190. Credit shall be
4 allowed for all service credit months of service rendered by a member
5 from and after the member's initial commencement of employment as a
6 firefighter or law enforcement officer, during which the member
7 worked for seventy or more hours, or was on disability leave or
8 disability retirement. Only service credit months of service shall be
9 counted in the computation of any retirement allowance or other
10 benefit provided for in this chapter.

11 (i) For members retiring after May 21, 1971 who were employed
12 under the coverage of a prior pension act before March 1, 1970,
13 "service" shall also include (A) such military service not exceeding
14 five years as was creditable to the member as of March 1, 1970, under
15 the member's particular prior pension act, and (B) such other periods
16 of service as were then creditable to a particular member under the
17 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
18 event shall credit be allowed for any service rendered prior to March
19 1, 1970, where the member at the time of rendition of such service
20 was employed in a position covered by a prior pension act, unless
21 such service, at the time credit is claimed therefor, is also
22 creditable under the provisions of such prior act.

23 (ii) A member who is employed by two employers at the same time
24 shall only be credited with service to one such employer for any
25 month during which the member rendered such dual service.

26 (iii) Reduction efforts such as furloughs, reduced work hours,
27 mandatory leave without pay, temporary layoffs, or other similar
28 situations as contemplated by subsection (15)(c)(iii) of this section
29 do not result in a reduction in service credit that otherwise would
30 have been earned for that month of work, and the member shall receive
31 the full service credit for the hours that were scheduled to be
32 worked before the reduction.

33 (b) (i) "Service" for plan 2 members, means periods of employment
34 by a member for one or more employers for which basic salary is
35 earned for ninety or more hours per calendar month which shall
36 constitute a service credit month. Periods of employment by a member
37 for one or more employers for which basic salary is earned for at
38 least seventy hours but less than ninety hours per calendar month
39 shall constitute one-half service credit month. Periods of employment
40 by a member for one or more employers for which basic salary is

1 earned for less than seventy hours shall constitute a one-quarter
2 service credit month.

3 (ii) Members of the retirement system who are elected or
4 appointed to a state elective position may elect to continue to be
5 members of this retirement system.

6 (iii) Service credit years of service shall be determined by
7 dividing the total number of service credit months of service by
8 twelve. Any fraction of a service credit year of service as so
9 determined shall be taken into account in the computation of such
10 retirement allowance or benefits.

11 (iv) If a member receives basic salary from two or more employers
12 during any calendar month, the individual shall receive one service
13 credit month's service credit during any calendar month in which
14 multiple service for ninety or more hours is rendered; or one-half
15 service credit month's service credit during any calendar month in
16 which multiple service for at least seventy hours but less than
17 ninety hours is rendered; or one-quarter service credit month during
18 any calendar month in which multiple service for less than seventy
19 hours is rendered.

20 (v) Reduction efforts such as furloughs, reduced work hours,
21 mandatory leave without pay, temporary layoffs, or other similar
22 situations as contemplated by subsection (15)(c)(iii) of this section
23 do not result in a reduction in service credit that otherwise would
24 have been earned for that month of work, and the member shall receive
25 the full service credit for the hours that were scheduled to be
26 worked before the reduction.

27 (30) "Service credit month" means a full service credit month or
28 an accumulation of partial service credit months that are equal to
29 one.

30 (31) "Service credit year" means an accumulation of months of
31 service credit which is equal to one when divided by twelve.

32 (32) "State actuary" or "actuary" means the person appointed
33 pursuant to RCW 44.44.010(2).

34 (33) "State elective position" means any position held by any
35 person elected or appointed to statewide office or elected or
36 appointed as a member of the legislature.

37 (34) "Surviving spouse" means the surviving widow or widower of a
38 member. "Surviving spouse" shall not include the divorced spouse of a
39 member except as provided in RCW 41.26.162.

1 **Sec. 5.** RCW 43.101.010 and 2023 c 168 s 1 are each amended to
2 read as follows:

3 When used in this chapter:

4 (1) "Applicant" means an individual who has received a
5 conditional offer of employment with a law enforcement or corrections
6 agency.

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

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

20 (4) "Convicted" means at the time a plea of guilty, nolo
21 contendere, or deferred sentence has been accepted, or a verdict of
22 guilty or finding of guilt has been filed, notwithstanding the
23 pendency of any future proceedings, including but not limited to
24 sentencing, posttrial or postfact-finding motions and appeals.
25 "Conviction" includes all instances in which a plea of guilty or nolo
26 contendere is the basis for conviction, all proceedings in which
27 there is a case disposition agreement, and any equivalent disposition
28 by a court in a jurisdiction other than the state of Washington.

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

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

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

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

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

12 (10) "Peace officer" has the same meaning as a general authority
13 Washington peace officer as defined in RCW 10.93.020. Commissioned
14 officers of the Washington state patrol, whether they have been or
15 may be exempted by rule of the commission from the basic training
16 requirement of RCW 43.101.200, are included as peace officers for
17 purposes of this chapter. Fish and wildlife officers with enforcement
18 powers for all criminal laws under RCW 77.15.075 are peace officers
19 for purposes of this chapter. Limited authority Washington peace
20 officers as defined in RCW 10.93.020, who have powers of arrest and
21 carry a firearm as part of their normal duty, are peace officers for
22 purposes of this chapter. For the purposes of this chapter, "peace
23 officer" does not include individuals employed by the department of
24 corrections.

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

30 ~~(a)) has the same meaning as provided in RCW 10.93.020.~~

31 (12) "Specially commissioned Washington peace officer((s—as
32 defined))" has the same meaning as provided in RCW 10.93.020((~~+~~

33 ~~(b) Persons employed as security by public institutions of higher~~
34 ~~education as defined in RCW 28B.10.016; and~~

35 ~~(c) Persons employed for the purpose of providing security in the~~
36 ~~K-12 Washington state public school system as defined in RCW~~
37 ~~28A.150.010 and who are authorized to use force in fulfilling their~~
38 ~~responsibilities)).~~

1 (~~(12)~~) (13) "Tribal police officer" means any person employed
2 and commissioned by a tribal government to enforce the criminal laws
3 of that government.

4 NEW SECTION. **Sec. 6.** Section 3 of this act expires July 1,
5 2025.

6 NEW SECTION. **Sec. 7.** Section 4 of this act takes effect July 1,
7 2025.

Passed by the Senate March 4, 2024.
Passed by the House February 28, 2024.
Approved by the Governor March 28, 2024.
Filed in Office of Secretary of State March 29, 2024.

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