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**SENATE BILL 5224**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senator Lovick; by request of Criminal Justice Training Commission

AN ACT Relating to officer certification definitions, processes, and commissioning; amending RCW 43.101.010, 43.101.095, 43.101.125, 43.101.126, 43.101.200, 43.101.380, 81.60.010, 81.60.020, 81.60.030, 81.60.040, and 81.60.060; and adding a new section to chapter 81.60 RCW.

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

**Sec.**  RCW 43.101.010 and 2024 c 319 s 5 are each amended to read as follows:

When used in this chapter:

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

(2) "Certified" means the individual has met the background check requirements under this chapter; completed the basic law enforcement academy, the corrections officer academy, or other training as determined by the commission; and fulfilled any other requirements adopted by the commission in rule, and has been granted a license by the commission to serve as an officer.

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

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

((~~(4)~~)) (5) "Commissioned" means the appointing entity has granted authority in accordance with local or state law, to act as a peace officer or corrections officer. However, for railroad police officers commissioned under RCW 81.60.010 through 81.60.060, "commissioned" has the meaning provided in chapter 81.60 RCW.

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

((~~(5)~~)) (7) "Correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

((~~(6)~~)) (8) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult persons in jails and detention facilities in the state. "Corrections officer" does not include individuals employed by state agencies.

((~~(7)~~)) (9) "Criminal justice personnel" means any person who serves as a peace officer, reserve officer, or corrections officer.

((~~(8)~~)) (10) "Finding" means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred, but was consistent with law and policy; or could neither be proven or disproven.

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

((~~(10)~~)) (12) "Limited authority Washington law enforcement agency" has the same meaning as defined in RCW 10.93.020.

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

((~~(11)~~)) (14) "Reserve officer" has the same meaning as provided in RCW 10.93.020.

((~~(12)~~)) (15) "Specially commissioned Washington peace officer" has the same meaning as provided in RCW 10.93.020.

((~~(13)~~)) (16) "Tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.

**Sec.**  RCW 43.101.095 and 2024 c 330 s 10 are each amended to read as follows:

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

(2)(a) Any applicant who has been offered a conditional offer of employment as a peace officer or reserve officer, offered a conditional offer of employment as a corrections officer after July 1, 2021, or offered a conditional offer of employment as a limited authority Washington peace officer who if hired would qualify as a peace officer as defined by RCW 43.101.010 after July 1, 2023, must submit to a background investigation to determine the applicant's suitability for employment. This requirement applies to any applicant moving from any Washington law enforcement or corrections agency to another, as well as applicants moving from a certified peace officer position to a certified corrections officer position, or vice versa, within the same agency. This requirement ((~~applies~~)) does not apply to any person whose certification has lapsed as a result of a break of more than 24 consecutive months in the officer's service ((~~for a reason other than~~)) as a result of being recalled into military service. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment.

(b) The background check must include:

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

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

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

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

(v) Verification of immigrant or citizenship status as either a citizen of the United States of America, lawful permanent resident, or deferred action for childhood arrivals recipient;

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

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

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

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

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

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

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

(4) As a condition of certification, a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of the officer's personnel files, including disciplinary, termination, civil or criminal investigation, or other records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.

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

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

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

**Sec.**  RCW 43.101.125 and 2001 c 167 s 5 are each amended to read as follows:

A peace officer's certification lapses automatically when there is a break of more than ((~~twenty-four~~)) 24 consecutive months in the officer's service as a ((~~full-time~~)) law enforcement officer. A break in ((~~full-time~~)) law enforcement service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the peace officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

**Sec.**  RCW 43.101.126 and 2020 c 119 s 6 are each amended to read as follows:

A corrections officer's certification lapses automatically when there is a break of more than ((~~twenty-four~~)) 24 consecutive months in the officer's service as a ((~~full-time~~)) corrections officer. A break in ((~~full-time~~)) corrections service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the corrections officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

**Sec.**  RCW 43.101.200 and 2024 c 376 s 908 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first ((~~fifteen~~)) 15 months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

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

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

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

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

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

(B) Received a certificate of successful completion from the basic law enforcement academy or the basic law enforcement equivalency academy and thereafter engaged in regular and commissioned law enforcement employment with an agency listed in (b)(iii)(A) of this subsection without a break or interruption in excess of 24 months; and

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

(3) Except as provided in RCW 43.101.170, the commission shall provide the aforementioned training and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, and during fiscal year 2024, when the employing, county, city, or state law enforcement agency shall reimburse the commission for ((~~twenty-five~~)) 25 percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ((~~ten~~)) 10 or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during ((~~his or her~~)) the training period: PROVIDED FURTHER, That limited authority Washington law enforcement agencies as defined in RCW 10.93.020 shall reimburse the commission for the full cost of training their personnel.

**Sec.**  RCW 43.101.380 and 2021 c 323 s 20 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is a preponderance of the evidence.

(2) In all hearings requested under RCW 43.101.155, an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer((~~,~~)) and shall make all necessary rulings in the course of the hearing, ((~~and shall issue a proposed recommendation,~~)) but is not entitled to vote. In addition, a five-member hearings panel shall hear the case and make the commission's final administrative decision.

(3) The commission shall appoint a panel to hear certification actions as follows:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer, the commission shall appoint to the panel: (i) One police chief or sheriff from an agency not a current or past employer of the peace officer; (ii) one certified Washington peace officer who is at or below the level of first line supervisor and who has at least ten years' experience as a peace officer; (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

(b) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) A person who heads either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) one corrections officer who is at or below the level of first line supervisor and who has at least ten years' experience as a corrections officer; (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

(c) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) one tribal police chief; (ii) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

(d) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(4) In decertification matters where there was a due process hearing or a disciplinary appeals hearing following an investigation by a law enforcement agency, or a criminal hearing regarding the alleged misconduct, the hearings panel need not redetermine the underlying facts but may make its determination based solely on review of the records and decision relating to those proceedings and any investigative or summary materials from the administrative law judge, legal counsel, and commission staff. However, the hearings panel may, in its discretion, consider additional evidence to determine whether misconduct occurred. The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

(5) The commission is authorized to proceed regardless of whether an arbitrator or other appellate decision maker overturns the discipline imposed by the officer's employing agency or whether the agency settles an appeal. No action or failure to act by a law enforcement agency or corrections agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certificate, to place on probation, or to require remedial training for the officer.

(6) The hearings, but not the deliberations of the hearings panel, are open to the public. The transcripts, admitted evidence, and written decisions of the hearings panel on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(7) Summary records of hearing dispositions must be made available on an annual basis on a public website.

(8) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

**Sec.**  RCW 81.60.010 and 2001 c 72 s 1 are each amended to read as follows:

The criminal justice training commission shall have the power to and may in its discretion ((~~appoint and~~)) commission railroad police officers at the request of any railroad corporation and may revoke any ((~~appointment~~)) commission at its pleasure.

**Sec.**  RCW 81.60.020 and 2001 c 72 s 2 are each amended to read as follows:

Any railroad corporation desiring the ((~~appointment~~)) commissioning of any of its officers, agents, or servants not exceeding twenty-five in number for any one division of any railroad operating in this state as railroad police officers shall file a request with the criminal justice training commission on an approved application form. The application shall be signed by the president or some managing officer of the railroad corporation and shall be accompanied by an affidavit stating that the officer is acquainted with the person whose ((~~appointment~~)) commission is sought, that the officer believes the person to be of good moral character, and that the person is of such character and experience that he or she can be safely entrusted with the powers of a police officer.

For the purposes of this section, "division" means the part of any railroad or railroads under the jurisdiction of any one division superintendent.

**Sec.**  RCW 81.60.030 and 2001 c 72 s 3 are each amended to read as follows:

Before receiving a commission each person ((~~appointed under the provisions of RCW 81.60.010 through 81.60.060~~)) shall successfully complete a course of training prescribed or approved by the criminal justice training commission, and shall take, subscribe, and file with the commission an oath to support the Constitution of the United States and the Constitution and laws of the state of Washington, and to faithfully perform the duties of the office. The corporation requesting ((~~appointment~~)) commissioning of a railroad police officer shall bear the full cost of training.

Railroad police officers ((~~appointed and~~)) commissioned under RCW 81.60.010 through 81.60.060 are subject to rules and regulations adopted by the commission.

**Sec.**  RCW 81.60.040 and 2001 c 72 s 4 are each amended to read as follows:

Every police officer ((~~appointed and~~)) commissioned under the provisions of RCW 81.60.010 through 81.60.060 shall when on duty have the power and authority conferred by law on peace officers, but shall exercise such power only in the protection of the property belonging to or under the control of the corporation at whose instance the officer is ((~~appointed~~)) commissioned and in preventing, and making arrest for, violations of law upon or in connection with such property.

**Sec.**  RCW 81.60.060 and 2001 c 72 s 6 are each amended to read as follows:

The corporation procuring ((~~the appointment~~)) a commission of any railroad police shall be solely responsible for the compensation for the officer's services and shall be liable civilly for any unlawful act of the officer resulting in damage to any person or corporation.

NEW SECTION. **Sec.**  A new section is added to chapter 81.60 RCW to read as follows:

For purposes of RCW 81.60.010 through 81.60.060, "commissioned" means the criminal justice training commission has granted authority in accordance with state law, to act as a railroad police officer.

**--- END ---**