

2SHB 1399 - H AMD 518

By Representative Goodman

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that specific laws
4 governing the eligibility requirements, duties, and responsibilities
5 of sheriffs, police chiefs, and marshals should be updated and
6 revised to reflect current best practices, and to ensure that local
7 law enforcement executives, whether sheriffs, police chiefs, or
8 marshals, whether appointed or elected, or whether partisan or
9 nonpartisan, are subject to the same requirements and standards. By
10 establishing such consistent requirements and standards, the
11 legislature intends to enhance the effectiveness, professionalism,
12 and accountability of law enforcement executives, to promote public
13 trust and confidence in law enforcement, and to increase community
14 safety.

15 Because all those who serve in law enforcement must maintain
16 their peace officer certification, the legislature finds that state
17 law should be clear regarding actions taken when a sheriff, police
18 chief, or marshal has their certification revoked, to ensure that
19 state law reflects consistent principles of strong accountability for
20 all ranks.

21 The legislature finds further that volunteers, if used by local
22 law enforcement agency executives to assist with agency needs, should
23 be limited to roles that do not include the authority to enforce
24 criminal laws, including pursuits, the detention and arrest of
25 others, the use of force or deadly force, or the carrying of firearms
26 or other weapons, unless the person has completed peace officer
27 training and certification requirements. The legislature finds that
28 law enforcement agencies must have policies, and local jurisdictions
29 ordinances, regarding training requirements for use of firearms or
30 other weapons by specially commissioned officers, circumscribing
31 limitations on use of uniforms and badges, and prescribing the
32 permissible roles for volunteers, which may include, but are not

1 limited to, roles such as technical and administrative support,
2 bicycle recovery, community crime prevention coordination, vehicle
3 maintenance, helping with search and rescue, serving as faith
4 leaders, helping with parking enforcement and traffic management,
5 assisting with parks and recreation, animal control and caring for
6 domestic animals that may not include use of dogs to track people or
7 animals other than for search and rescue, and other public safety-
8 related community service, education, and outreach work.

9 The legislature also intends to clarify and reinforce state law
10 establishing that a primary duty of sheriffs is to enforce the
11 Washington state Constitution and laws, as enacted by the legislature
12 and interpreted by the Washington supreme court, which is in
13 alignment with the Washington supreme court's ruling in *In re Recall*
14 *of Fortney*, 196 Wn.2d 766 (2021).

15 **Sec. 2.** RCW 35.21.333 and 2013 c 39 s 17 are each amended to
16 read as follows:

17 (1) A person seeking appointment to the office of chief of police
18 or marshal (~~(, of a city or town, including a code city, with a~~
19 ~~population in excess of one thousand)) in any city or town, is
20 ~~((ineligible unless))~~ eligible for appointment and for remaining in
21 that office if that person:~~

22 (a) Is a citizen of the United States of America;

23 (b) Is at least 25 years old;

24 (c) Has obtained a high school diploma or high school equivalency
25 certificate as provided in RCW 28B.50.536;

26 ~~((e))~~ (d) Has not been convicted under the laws of this state,
27 another state, ((or)) the United States, or the equivalent under
28 foreign law, of a felony;

29 ~~((d))~~ (e) Has not been convicted under the laws of this state,
30 another state, the United States, or the equivalent under foreign law
31 of a gross misdemeanor ((or any crime)) involving moral turpitude
32 ((within five years of the date of application)), dishonesty, fraud,
33 or corruption;

34 ~~((e))~~ (f) Has not engaged in conduct meeting the criteria
35 requiring denial or revocation of certification set forth in RCW
36 43.101.105(2);

37 (g) Has received at least a general discharge under honorable
38 conditions from any branch of the armed services for any military
39 service if the person was in the military service;

1 ~~((f))~~ (h) Has completed at least two years of regular,
2 uninterrupted, full-time ~~((commissioned))~~ law enforcement agency
3 employment involving enforcement responsibilities with a government
4 law enforcement agency; ~~((and~~

5 ~~(g) The person has been certified as a regular and commissioned~~
6 ~~enforcement officer through compliance with this state's basic~~
7 ~~training requirement or equivalency))~~

8 (i) Within 12 months of assuming office, unless otherwise
9 extended by the criminal justice training commission, has obtained
10 certification and maintains certification as required under chapter
11 43.101 RCW and the rules of the commission; and

12 (j) Except as provided in subsection (3) of this section, if not
13 yet certified, has met the background investigation requirements
14 under RCW 43.101.095, and if certified, has met the background
15 investigation requirements that confirm that the person is eligible
16 under this subsection.

17 (i) The background investigation must be completed by the
18 appointing authority no earlier than six months prior to the date of
19 appointment. The appointing authority must submit verification to the
20 criminal justice training commission that the applicant meets the
21 eligibility criteria, has complied with all applicable standards and
22 was not determined by the background investigation and commission
23 rules to be unsuitable for employment by a law enforcement agency or
24 to serve in the office of chief of police or marshal. Such
25 verification is a public record.

26 (ii) The appointing authority is responsible for any fees
27 associated with the background investigation.

28 ~~(2) ((A person seeking appointment to the office of chief of~~
29 ~~police or marshal, of a city or town, including a code city, with a~~
30 ~~population of one thousand or less, is ineligible unless that person~~
31 ~~conforms with the requirements of subsection (1) (a) through (e) of~~
32 ~~this section. A person so appointed as chief of police or marshal~~
33 ~~must successfully complete the state's basic training requirement or~~
34 ~~equivalency within nine months after such appointment, unless an~~
35 ~~extension has been granted by the criminal justice training~~
36 ~~commission.~~

37 ~~(3))~~ A person seeking appointment to the office of chief of
38 police or marshal shall provide a sworn statement under penalty of
39 perjury to the appointing authority stating that the person meets the
40 requirements of this section.

1 (3) The background investigation requirements of this section do
2 not apply to any person who is holding the office of chief of police
3 or marshal as of the effective date of this section, unless the
4 person seeks appointment to a different office of chief of police or
5 marshal.

6 (4) For the purposes of this section, "government law enforcement
7 agency" means a general authority Washington law enforcement agency
8 or a limited authority Washington law enforcement agency as defined
9 in RCW 10.93.020, or a state or federal governmental agency that is
10 authorized by law to engage in or supervise the prevention,
11 detection, investigation, or prosecution of, or the incarceration of
12 any person for, any violation of law.

13 **Sec. 3.** RCW 35.21.334 and 1987 c 339 s 5 are each amended to
14 read as follows:

15 (1) Before making an appointment ((in)) to the office of chief of
16 police or marshal in any city or town, the appointing ((agency shall
17 complete a thorough background investigation of the candidate))
18 authority must attest as part of the public record of appointment
19 that the requirements of RCW 35.21.333 have been met. ((The
20 Washington association of sheriffs and police chiefs shall develop
21 advisory procedures which may be used by the appointing authority in
22 completing its background investigation of candidates for the office
23 of chief of police or marshal))

24 (2) Such appointment shall be terminated, and a vacancy created,
25 if the chief of police's or marshal's certification is not maintained
26 as required, if the chief of police or marshal is disqualified from
27 serving as a law enforcement officer because of decertification under
28 chapter 43.101 RCW, or if the other requirements of RCW 35.21.333 are
29 determined to have not been met, or to have not been complied with
30 while in office. The appointing city or town authority shall appoint
31 a replacement to fill the office. The person appointed must meet the
32 requirements of RCW 35.21.333.

33 **Sec. 4.** RCW 35.23.161 and 1994 c 81 s 40 are each amended to
34 read as follows:

35 The department of police in a city of the second class shall be
36 under the direction and control of the chief of police subject to the
37 direction of the mayor. The city and chief must comply with the
38 requirements set forth in RCW 35.21.333 and 35.21.334. Any police

1 officer may pursue and arrest violators of city ordinances beyond the
2 city limits.

3 ~~((Every citizen shall lend the police chief aid, when required,~~
4 ~~for the arrest of offenders and maintenance of public order. With the~~
5 ~~concurrence of the mayor, the police chief may appoint additional~~
6 ~~police officers to serve for one day only under orders of the chief~~
7 ~~in the preservation of public order.)) The city and department must
8 comply with the requirements set forth in section 6 of this act
9 regarding use of volunteers and specially commissioned officers.~~

10 The police chief shall have the same authority as that conferred
11 upon sheriffs for the suppression of any riot, public tumult,
12 disturbance of the peace, or resistance against the laws or the
13 public authorities in the lawful exercise of their functions and
14 shall be entitled to the same protection.

15 The police chief shall perform such other services as may be
16 required by statute or ordinances of the city.

17 **Sec. 5.** RCW 35.27.240 and 2007 c 218 s 67 are each amended to
18 read as follows:

19 The department of police in a town shall be under the direction
20 and control of the marshal subject to the direction of the mayor. The
21 town and marshal must comply with the requirements set forth in RCW
22 35.21.333 and 35.21.334. He or she may pursue and arrest violators of
23 town ordinances beyond the town limits.

24 The marshal's lawful orders shall be promptly executed by
25 deputies ~~((r))~~ and police officers ~~((and watchpersons. Every citizen~~
26 ~~shall lend him or her aid, when required, for the arrest of offenders~~
27 ~~and maintenance of public order))~~. He or she may appoint, subject to
28 the approval of the mayor, one or more deputies, for whose acts he
29 and his or her bondspersons shall be responsible, whose compensation
30 shall be fixed by the council. ~~((With the concurrence of the mayor,~~
31 ~~the marshal may appoint additional police officers for one day only~~
32 ~~when necessary for the preservation of public order)) The town and
33 department must comply with the requirements set forth in section 6
34 of this act regarding use of volunteers and specially commissioned
35 officers.~~

36 The marshal shall have the same authority as that conferred upon
37 sheriffs for the suppression of any riot, public tumult, disturbance
38 of the peace, or resistance against the laws or public authorities in

1 the lawful exercise of their functions and shall be entitled to the
2 same protection.

3 The marshal shall execute and return all process issued and
4 directed to (~~him or her~~) the marshal by any legal authority (~~and~~
5 ~~for his or her services shall receive the same fees as are paid to~~
6 ~~constables~~). The marshal shall perform such other services as the
7 council by ordinance may require.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21
9 RCW to read as follows:

10 (1)(a) Any law enforcement agency in any city or town that uses
11 volunteers to assist in the work of its law enforcement agency may
12 not provide authority to these volunteers to enforce criminal laws,
13 including pursuits, the detention and arrest of others, the use of
14 force or deadly force, the carrying of or use of firearms or other
15 weapons, or using dogs to track people or animals other than for
16 purposes of search and rescue.

17 (b) A law enforcement agency in a city or town may utilize
18 volunteers to assist with roles, including but not limited to,
19 technical and administrative support, bicycle recovery, community
20 crime prevention coordination, vehicle maintenance, helping with
21 search and rescue, serving as faith leaders, parking enforcement and
22 traffic management, assisting with parks and recreation, animal
23 control and caring for domestic animals, and other public safety-
24 related community service, education, and outreach work.

25 (2)(a) Limitations on authority pursuant to subsection (1) of
26 this section and the required supervision of volunteers must be set
27 forth in that agency's policies and regulations. Agency policies and
28 regulations shall also include limitations on the authority of, and
29 requirements for, specially commissioned officers, including
30 requirements that specially commissioned officers are trained in use
31 of firearms or other weapons when authorized to use firearms or other
32 weapons. Policies and regulations shall also require that volunteers
33 and specially commissioned officers must be clearly identifiable by
34 the public as distinguishable from peace officers, and that if they
35 are provided badges or other identifying insignia, such
36 identification shall be officially issued by the agency and used only
37 while on duty in their authorized role.

38 (b) Any city or town that uses volunteers or specially
39 commissioned officers must adopt or amend their laws and ordinances

1 to comply with the requirements of this section. The requirements of
2 this section supersede, preempt, and invalidate any local law or
3 ordinance that conflicts with this section.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 35A.21
5 RCW to read as follows:

6 (1)(a) Any law enforcement agency in any code city that uses
7 volunteers to assist in the work of its law enforcement agency may
8 not provide authority to these volunteers to enforce criminal laws,
9 including pursuits, the detention and arrest of others, the use of
10 force or deadly force, the carrying of or use of firearms or other
11 weapons, or using dogs to track people or animals other than for
12 purposes of search and rescue.

13 (b) A law enforcement agency in a code city may utilize
14 volunteers to assist with roles including, but not limited to,
15 technical and administrative support, bicycle recovery, community
16 crime prevention coordination, vehicle maintenance, helping with
17 search and rescue, serving as faith leaders, parking enforcement and
18 traffic management, assisting with parks and recreation, animal
19 control and caring for domestic animals, and other public safety-
20 related community service, education, and outreach work.

21 (2)(a) Limitations on authority pursuant to subsection (1) of
22 this section and the required supervision of volunteers must be set
23 forth in that agency's policies and regulations. Agency policies and
24 regulations shall also include limitations on the authority of, and
25 requirements for, specially commissioned officers, including
26 requirements that specially commissioned officers are trained in use
27 of firearms or other weapons when authorized to use firearms or other
28 weapons. Policies and regulations shall also require that volunteers
29 and specially commissioned officers must be clearly identifiable by
30 the public as distinguishable from peace officers, and that if they
31 are provided badges or other identifying insignia, such
32 identification shall be officially issued by the agency and used only
33 while on duty in their authorized role.

34 (b) Any code city that uses volunteers or specially commissioned
35 officers must adopt or amend their laws and ordinances to comply with
36 the requirements of this section. The requirements of this section
37 supersede, preempt, and invalidate any local law or ordinance that
38 conflicts with this section.

1 **Sec. 8.** RCW 36.28.010 and 2009 c 549 s 4050 are each amended to
2 read as follows:

3 The sheriff is the chief executive officer and conservator of the
4 peace of the county. In the execution of ~~((his or her))~~ the office,
5 ~~((he or she and his or her))~~ the sheriff and the sheriff's deputies:

6 (1) Shall enforce the Constitution and laws of the state of
7 Washington, as interpreted and applied by the state supreme court;

8 (2) Shall be authorized to make complaint of all violations of
9 the criminal law, which shall come to their knowledge, and arrest and
10 commit to ~~((prison))~~ jail all persons who break the peace, or attempt
11 to break it, and all persons guilty of public offenses;

12 ~~((+2))~~ (3) Shall defend the county against those who, by riot or
13 otherwise, endanger the public peace or safety;

14 ~~((+3))~~ (4) Shall execute the process and orders of the courts of
15 justice or judicial officers, when delivered for that purpose,
16 according to law;

17 ~~((+4))~~ (5) Shall execute all warrants delivered for that purpose
18 by other public officers, according to the provisions of particular
19 statutes;

20 ~~((+5))~~ (6) Shall ~~((attend))~~ provide security for the sessions of
21 the courts of record held within the county, and obey ~~((their))~~
22 lawful judicial orders or directions;

23 ~~((+6))~~ (7) Shall keep and preserve the peace in their respective
24 counties, and are authorized to work in collaboration with other law
25 enforcement agencies to help quiet and suppress all affrays, riots,
26 unlawful assemblies and insurrections, ~~((for which purpose, and for))~~
27 effect the service of process in civil or criminal cases, and ~~((in~~
28 apprehending or securing)) apprehend and secure any person for felony
29 or breach of the peace~~((, they may))~~;

30 (8) (a) (i) May call to their aid ~~((such persons, or power of their~~
31 county as they may deem necessary)) volunteers. Any sheriff in any
32 county that uses volunteers to assist in the sheriff's work may not
33 provide authority to these volunteers to enforce criminal laws,
34 including pursuits, the detention and arrest of others, the use of
35 force or deadly force, the carrying of or use of firearms or other
36 weapons, or using dogs to track people or animals other than for
37 purposes of search and rescue.

38 (ii) A sheriff may utilize volunteers to assist with roles,
39 including but not limited to, technical and administrative support,
40 bicycle recovery, community crime prevention coordination, vehicle

1 maintenance, helping with search and rescue, serving as faith
2 leaders, parking enforcement and traffic management, assisting with
3 parks and recreation, animal control and caring for domestic animals,
4 and other public safety-related community service, education, and
5 outreach work.

6 (b) Limitations on authority pursuant to (a) of this subsection
7 and the required supervision of volunteers must be set forth in that
8 agency's policies and regulations. Agency policies and regulations
9 shall also include limitations on the authority of, and requirements
10 for, specially commissioned officers, including requirements that
11 specially commissioned officers are trained in use of firearms or
12 other weapons when authorized to use firearms or other weapons.
13 Policies and regulations shall also require that volunteers and
14 specially commissioned officers must be clearly identifiable by the
15 public as distinguishable from peace officers, and if they are
16 provided badges or other identifying insignia, such identification
17 shall be officially issued by the agency and used only while on duty
18 in their authorized role.

19 **Sec. 9.** RCW 36.28.025 and 1979 ex.s. c 153 s 6 are each amended
20 to read as follows:

21 ~~((A person who files a declaration of candidacy for the office of~~
22 ~~sheriff after September 1, 1979, shall have, within twelve months of~~
23 ~~assuming office, a certificate of completion of a basic law~~
24 ~~enforcement training program which complies with standards adopted by~~
25 ~~the criminal justice training commission pursuant to RCW 43.101.080~~
26 ~~and 43.101.160.~~

27 ~~This requirement does not apply to persons holding the office of~~
28 ~~sheriff in any county on September 1, 1979))~~ (1) A person filing for
29 candidacy for the office of sheriff, or seeking appointment to the
30 office of sheriff, is eligible for holding or remaining in that
31 office if that person:

32 (a) Is a citizen of the United States of America;

33 (b) Is at least 25 years old;

34 (c) Has obtained a high school diploma or high school equivalency
35 certificate as provided in RCW 28B.50.536;

36 (d) Has not been convicted under the laws of this state, another
37 state, United States law, or foreign law, of a felony;

1 (e) Has not been convicted under the laws of this state, another
2 state, the United States, or foreign law, of a gross misdemeanor
3 involving moral turpitude, dishonesty, fraud, or corruption;

4 (f) Has not engaged in conduct meeting the criteria requiring
5 denial or revocation of certification set forth in RCW 43.101.105(2);

6 (g) Has received at least a general discharge under honorable
7 conditions from any branch of the armed services for any military
8 service if the person was in the military service;

9 (h) Has completed at least two years of regular, uninterrupted,
10 full-time law enforcement agency employment involving enforcement
11 responsibilities with a government law enforcement agency;

12 (i) Within 12 months of assuming office, unless otherwise
13 extended by the criminal justice training commission, has obtained
14 certification and maintains certification as required under chapter
15 43.101 RCW and the rules of the commission; and

16 (j) Except as provided in subsection (4) of this section, if not
17 yet certified, has met the background investigation requirements
18 under RCW 43.101.095. If certified, has completed a background
19 investigation that confirms that the person is eligible under this
20 section.

21 (i) For any person filing for candidacy or elected to the office
22 of sheriff, the Washington state patrol must conduct the background
23 investigation and submit the completed background investigation to
24 the criminal justice training commission for verification that it
25 complies with the requirements of this section within one month of
26 the date of certification of the election results. A person filing
27 for candidacy for the office of sheriff must submit a background
28 investigation request to the Washington state patrol within six
29 months of, and up to, the deadline for filing for election, and
30 provide with the request the attestation required by subsection (2)
31 of this section. If the commission determines additional background
32 information must be gathered to fulfill the statutory requirements,
33 the commission shall request the state patrol conduct the necessary
34 additional investigation and the state patrol shall resubmit the
35 completed investigation to the commission for verification. Once the
36 commission completes its verification that the background
37 investigation requirements have or have not been met, the commission
38 shall notify the state patrol and the candidate or elected person.

39 (ii) Immediately following the filing deadline, the commission
40 shall post on its public website maintained under RCW 43.101.400(4) a

1 list of all candidates for sheriff who have submitted the request for
2 a background investigation and the attestation as required by this
3 section, and any candidates who have passed the required background
4 investigation.

5 (iii) The Washington state patrol must develop and provide on its
6 website, by October 1, 2025, a standard form and process for persons
7 filing for candidacy for the office of sheriff to use in requesting
8 the required background investigation and providing the required
9 attestation that the person meets all eligibility requirements.

10 (iv) In the case of appointment, the background investigation
11 must be completed by the appointing authority no earlier than six
12 months prior to the date of appointment. The appointing authority
13 must submit verification to the criminal justice training commission
14 that the applicant meets the eligibility criteria, has complied with
15 all applicable standards and was not determined by the background
16 investigation and commission rules to be unsuitable for employment by
17 a law enforcement agency or to serve in the office of chief of police
18 or marshal. Such verification is a public record.

19 (v) The Washington state patrol is responsible for any fees
20 associated with the background investigation for any person seeking
21 election to the office of sheriff. The appointing authority is
22 responsible for any fees associated with the background investigation
23 for any person being appointed to the office of sheriff.

24 (2) A person seeking election or appointment to the office of
25 sheriff must provide a sworn statement under penalty of perjury to
26 the state patrol or to the appointing authority stating that the
27 person meets the requirements of this section, and the state patrol,
28 upon completion of the background investigation, or appointing
29 authority must attest as part of the public record that the
30 requirements of this section have been met. In addition to posting
31 all applications, attestations, and background investigations
32 completed by the filing deadline as required in subsection (1)(j)(ii)
33 of this section, the commission shall, within 60 days following the
34 election, post on its public website maintained under RCW
35 43.101.400(4) a list of sheriffs who have completed the background
36 investigation as required by this section.

37 (3) For the purposes of this section, "government law enforcement
38 agency" means a general authority Washington law enforcement agency
39 or a limited authority Washington law enforcement agency as defined
40 in RCW 10.93.020, or a state or federal governmental agency that is

1 authorized by law to engage in or supervise the prevention,
2 detection, investigation, or prosecution of, or the incarceration of
3 any person for, any violation of law.

4 (4) The background investigation requirements of this section do
5 not apply to any person who is holding the office of sheriff as of
6 the effective date of this section, unless the person seeks election
7 or appointment to a different office of sheriff.

8 NEW SECTION. Sec. 10. A new section is added to chapter 36.01
9 RCW to read as follows:

10 (1)(a) Any sheriff in any county that uses volunteers to assist
11 in the sheriff's work may not provide authority to these volunteers
12 to enforce criminal laws, including pursuits, the detention and
13 arrest of others, the use of force or deadly force, the carrying of
14 or use of firearms or other weapons, or using dogs to track people or
15 animals other than for purposes of search and rescue.

16 (b) A sheriff may utilize volunteers to assist with roles
17 including, but not limited to, technical and administrative support,
18 bicycle recovery, community crime prevention coordination, vehicle
19 maintenance, helping with search and rescue, serving as faith
20 leaders, parking enforcement and traffic management, assisting with
21 parks and recreation, animal control and caring for domestic animals,
22 and other public safety-related community service, education, and
23 outreach work.

24 (2)(a) Limitations on authority pursuant to subsection (1) of
25 this section and the required supervision of volunteers must be set
26 forth in that agency's policies and regulations. Agency policies and
27 regulations shall also include limitations on the authority of, and
28 requirements for, specially commissioned officers, including
29 requirements that specially commissioned officers are trained in use
30 of firearms or other weapons when authorized to use firearms or other
31 weapons. Policies and regulations shall also require that volunteers
32 and specially commissioned officers must be clearly identifiable by
33 the public as distinguishable from peace officers, and if they are
34 provided badges or other identifying insignia, such identification
35 shall be officially issued by the agency and used only while on duty
36 in their authorized role.

37 (b) In any county where the sheriff's office uses volunteers or
38 specially commissioned officers, the county must adopt or amend its
39 laws and ordinances to comply with the requirements of this section.

1 The requirements of this section supersede, preempt, and invalidate
2 any local law or ordinance that conflicts with this section.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.28
4 RCW to read as follows:

5 (1) In addition to the causes for vacancy of elective office set
6 forth in RCW 42.12.010, a vacancy in the office of sheriff is created
7 if the incumbent does not maintain certification as required under
8 chapter 43.101 RCW, is disqualified from serving as a law enforcement
9 officer because of decertification under chapter 43.101 RCW, or if
10 the other requirements of RCW 36.28.025 are determined to have not
11 been met or to have been violated while in office. When a vacancy has
12 been created, if it is a partisan elective office, the county
13 legislative authority of that county shall appoint a replacement to
14 fill the office. If it is a nonpartisan elective office, the county
15 executive or the county legislative authority of that county shall
16 appoint a replacement to fill the office. The person appointed must
17 meet the requirements of RCW 36.28.025.

18 (2) Where the office of sheriff is an appointed position, such
19 appointment is terminated, and a vacancy created, if the incumbent
20 does not maintain certification as required under chapter 43.101 RCW,
21 is disqualified from serving as a law enforcement officer because of
22 decertification under chapter 43.101 RCW, or if the other
23 requirements of RCW 36.28.025 are determined to have not been met or
24 to have not been complied with while in office. The appointing county
25 authority shall appoint a replacement to fill the office. The person
26 appointed must meet the requirements of RCW 36.28.025.

27 **Sec. 12.** RCW 42.12.010 and 1994 c 223 s 2 are each amended to
28 read as follows:

29 Every elective office shall become vacant on the happening of any
30 of the following events:

- 31 (1) The death of the incumbent;
- 32 (2) His or her resignation. A vacancy caused by resignation shall
33 be deemed to occur upon the effective date of the resignation;
- 34 (3) His or her removal;
- 35 (4) Except as provided in RCW 3.46.067 and 3.50.057, his or her
36 ceasing to be a legally registered voter of the district, county,
37 city, town, or other municipal or quasi municipal corporation from
38 which he or she shall have been elected or appointed, including where

1 applicable the council district, commissioner district, or ward from
2 which he or she shall have been elected or appointed;

3 (5) His or her conviction of a felony, or of any offense
4 involving a violation of his or her official oath;

5 (6) His or her refusal or neglect to take his or her oath of
6 office, or to give or renew his or her official bond, or to deposit
7 such oath or bond within the time prescribed by law;

8 (7) The decision of a competent tribunal declaring void his or
9 her election or appointment; (~~or~~)

10 (8) Whenever a judgment shall be obtained against that incumbent
11 for breach of the condition of his or her official bond; or

12 (9) Whenever an elected law enforcement official does not
13 maintain certification as required under chapter 43.101 RCW, is
14 disqualified from serving as a law enforcement officer because of
15 decertification under chapter 43.101 RCW, or if the other
16 requirements of RCW 36.28.025 are determined to have not been met or
17 to have been violated while in office.

18 **Sec. 13.** RCW 43.101.095 and 2024 c 330 s 10 are each amended to
19 read as follows:

20 (1) (a) As a condition of employment, election, or appointment to
21 office, all ((Washington)) peace officers and all corrections
22 officers are required to obtain certification ((as a peace officer or
23 corrections officer or exemption therefrom)) and maintain
24 certification as required by this chapter and the rules of the
25 commission.

26 (b) To ensure that sheriffs, chiefs, and marshals meet the
27 requirements in RCW 35.21.333 and 36.28.025 to obtain certification
28 within 12 months of assuming office, the commission must prioritize
29 their access to any commission training required for certification.

30 (2) (a) Any applicant (~~who has been offered a conditional offer~~
31 ~~of employment)) seeking election, appointment, or employment as a
32 peace officer (~~or~~), reserve officer, (~~offered a conditional offer~~
33 ~~of employment as a~~) corrections officer (~~after July 1, 2021~~), or
34 (~~offered a conditional offer of employment~~) as a limited authority
35 Washington peace officer who if hired would qualify as a peace
36 officer as defined by RCW 43.101.010 (~~after July 1, 2023~~), must
37 submit to a background investigation to determine the applicant's
38 suitability for employment. Any person seeking election to the office
39 of sheriff must meet the background investigation requirements under~~

1 RCW 36.28.025. This requirement (~~applies~~) does not apply to any
2 person whose certification has lapsed as a result of a break of more
3 than 24 consecutive months in the officer's service (~~for a reason~~
4 ~~other than~~) as a result of being recalled into military service.
5 Employing agencies and appointing authorities may only make a
6 conditional offer of employment pending completion of the background
7 (~~check~~) investigation and shall (~~verify~~) attest in writing to the
8 commission that they have complied with all background (~~check~~)
9 investigation requirements prior to making any nonconditional offer
10 of employment.

11 (b) The background (~~check~~) investigation must have been
12 completed within the prior six months, and include:

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

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

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

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

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

39 (vi) A psychological examination administered by a psychiatrist
40 licensed in the state of Washington pursuant to chapter 18.71 RCW or

1 a psychologist licensed in the state of Washington pursuant to
2 chapter 18.83 RCW, in compliance with standards established in rules
3 of the commission;

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

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

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

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

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

31 (b) The commission shall certify peace officers who are limited
32 authority Washington peace officers employed on or before July 1,
33 2023. Thereafter, the commission may revoke certification pursuant to
34 this chapter.

35 (4) As a condition of certification and of a background
36 investigation, a peace officer or corrections officer must ~~((, or))~~:

37 (a) On a form devised or adopted by the commission, authorize the
38 release to the employing county, city, or agency and to the
39 commission of the officer's personnel files, including disciplinary,
40 termination, civil or criminal investigation, or other records or

1 information that are directly related to a certification matter or
2 decertification matter before the commission(~~(. The peace officer or~~
3 ~~corrections officer must also consent))~~);

4 (b) Consent to and facilitate a review of the officer's social
5 media accounts, however, consistent with RCW 49.44.200, the officer
6 is not required to provide login information. The release of
7 information may not be delayed, limited, or precluded by any
8 agreement or contract between the officer, or the officer's union,
9 and the entity responsible for the records or information; and

10 (c) Indicate, on a form provided by the hiring agency, any prior
11 application materials, including any background investigation
12 conducted while seeking employment with any other law enforcement
13 agency, including where the applicant began but did not complete a
14 full background investigation.

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

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

26 (7) Prior to certification, or to appointment as a sheriff,
27 chief, or marshal, the employing agency shall ~~((certify))~~ attest to
28 the commission that the agency has received or conducted a completed
29 ~~((the))~~ background ~~((check))~~ investigation, no information has been
30 found that would disqualify the applicant from certification, ~~((and))~~
31 that the applicant ((is)) was determined by the background
32 investigation and under commission rules to be suitable for
33 employment as a peace officer ((or)), corrections officer, sheriff,
34 chief, or marshal. Applicants determined by the background
35 investigation to have engaged in conduct meeting the criteria set
36 forth in RCW 43.101.105(2) shall be considered unsuitable for
37 employment as a peace officer. For candidates for the elective office
38 of sheriff, the person filing for office must, by the deadline to
39 file as a candidate, have submitted the request for the background

1 investigation and the required attestation that the candidate meets
2 all eligibility requirements pursuant to RCW 36.28.025.

3 (8) All files, papers, and other information obtained as part of
4 the background investigation are confidential and exempt from public
5 disclosure under chapter 42.56 RCW. The verification by the
6 commission that the background investigation has been completed and
7 passed is a public record. The commission must retain the background
8 investigation files.

9 (9) (a) In order to assure consistent use of best practices
10 regarding the standards for determining whether a background
11 investigation has identified information that should disqualify an
12 applicant, the commission shall, by June 30, 2026, issue guidelines
13 with criteria to be applied by employing counties, cities, agencies,
14 and the commission in determining whether an applicant is suitable
15 for employment pursuant to this section.

16 (b) To assist in developing these guidelines regarding
17 potentially disqualifying criteria, the commission shall seek input
18 from individuals who have experience in conducting or reviewing law
19 enforcement background investigations, misconduct or human resource
20 complaints, investigations, or disciplinary decisions, or who provide
21 community perspective, which may include:

22 (i) Chiefs, sheriffs, law enforcement agency human resource
23 staff, legal counsel, or others from law enforcement agencies or
24 city, county, or state human resources departments;

25 (ii) Individuals who serve as or have served as polygraph
26 examiners or psychologists for law enforcement background
27 investigations;

28 (iii) Individuals who serve in or have served in law enforcement
29 accountability oversight roles;

30 (iv) Representatives from the Washington association of sheriffs
31 and police chiefs, the Washington state patrol, the Washington
32 fraternal order of police, the Washington council of police and
33 sheriffs, and a union representing the interests of peace officers
34 and corrections officers; and

35 (v) Community representatives, including a community member from
36 Eastern Washington.

37 (c) The guidelines shall include criteria that must result in
38 mandatory disqualification, and criteria that may result in
39 disqualification, including all grounds for the denial, suspension,
40 or revocation of an officer's certification under RCW 43.101.105(3),

1 with factors to be considered by the agency or by the commission in
2 making that discretionary determination.

3 (10) As used in this section, "applicant" includes a person
4 applying to serve as a new officer, a lateral transfer within the
5 state or from another state from a law enforcement or corrections
6 agency to a different law enforcement or corrections agency, or an
7 officer moving from a corrections division to a law enforcement
8 division or vice versa within the same agency unless exempted by the
9 commission, or a person seeking appointment or election as a sheriff,
10 chief, or marshal.

11 (11) Every individual, legal entity, and agency of federal,
12 state, or local government is immune from civil liability, whether
13 direct or derivative, for providing information to the commission,
14 employing agencies, potential employing agencies, or appointing
15 authorities in good faith.

16 **Sec. 14.** RCW 10.93.170 and 2021 c 323 s 30 are each amended to
17 read as follows:

18 A general authority Washington law enforcement agency or limited
19 authority Washington law enforcement agency is prohibited from
20 considering the application for any office, place, position, or
21 employment within the agency if the applicant has not provided the
22 agency a document, voluntarily and knowingly signed by the applicant,
23 that authorizes each prior employer or each agency to which the
24 applicant has applied to release any and all information relating to
25 the applicant's employment or application for employment, and further
26 releasing and holding harmless the agency and each prior employer or
27 agency to which the applicant has applied from any and all liability
28 that may potentially result from the release and use of such
29 information provided.

30 **Sec. 15.** RCW 36.28.020 and 2009 c 549 s 4051 are each amended to
31 read as follows:

32 Every deputy sheriff shall possess all the power, and may perform
33 any of the duties, prescribed by law to be performed by the sheriff,
34 and shall serve or execute, according to law, all process, writs,
35 precepts, and orders, issued by lawful authority.

36 Persons may also be deputed by the sheriff in writing to do
37 particular acts; including the service of process in civil or
38 criminal cases, and the sheriff shall be responsible on his or her

1 official bond for their default or misconduct. The use of such
2 persons shall be limited to functions and actions not involving use
3 of law enforcement authority or carrying of firearms or other weapons
4 unless such persons are certified under chapter 43.101 RCW.

5 **Sec. 16.** RCW 43.101.380 and 2021 c 323 s 20 are each amended to
6 read as follows:

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

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

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

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

34 (b) When a hearing is requested in relation to a certification
35 action of a Washington corrections officer, the commission shall
36 appoint to the panel: (i) A person who heads either a city or county
37 corrections agency or facility or of a Washington state department of
38 corrections facility; (ii) one corrections officer who is at or below
39 the level of first line supervisor and who has at least ten years'

1 experience as a corrections officer; (iii) one civilian member of the
2 commission as appointed under RCW 43.101.030(1) (f) and (h) through
3 (j); (iv) one member of the public who is not a prosecutor, defense
4 attorney, judge, or law enforcement officer; and (v) one person with
5 expertise and background in police accountability who is not a
6 current or former peace officer or corrections officer.

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

17 (d) Persons appointed to hearings panels by the commission shall,
18 in relation to any certification action on which they sit, have the
19 powers, duties, and immunities, and are entitled to the emoluments,
20 including travel expenses in accordance with RCW 43.03.050 and
21 43.03.060, of regular commission members.

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

35 (5) The commission is authorized to proceed regardless of whether
36 an arbitrator or other appellate decision maker overturns the
37 discipline imposed by the officer's employing agency or whether the
38 agency settles an appeal. No action or failure to act by a law
39 enforcement agency or corrections agency or decision resulting from
40 an appeal of that action precludes action by the commission to

1 suspend or revoke an officer's certificate, to place on probation, or
2 to require remedial training for the officer.

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

8 (7) Summary records of hearing dispositions, revocations obtained
9 via default or surrender, certification denials, and all cases that
10 were resolved with disciplinary action, must be made available on an
11 annual basis on a public website.

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

14 **Sec. 17.** RCW 43.101.400 and 2021 c 323 s 21 are each amended to
15 read as follows:

16 (1) Except as provided under subsection (2) of this section, all
17 files, papers, and other information obtained by the commission as
18 part of (~~(an initial)~~) a background investigation pursuant to RCW
19 43.101.095 (~~((2) and (4))~~), 36.28.025, and 35.21.333 are confidential
20 and exempt from public disclosure. Such records are not subject to
21 public disclosure, subpoena, or discovery proceedings in any civil
22 action, except as provided in RCW 43.101.380(6) or which become part
23 of the record in a suspension or decertification (~~(matter)~~) hearing.

24 (2) Records which are otherwise confidential and exempt from
25 public disclosure under subsection (1) of this section may be
26 reviewed and copied: (a) By the officer involved or the officer's
27 counsel or authorized representative, who may review the officer's
28 file after the officer has been served with a statement of charges
29 pursuant to RCW 43.101.155, and may submit any additional exculpatory
30 or explanatory evidence, statements, or other information, any of
31 which must be included in the file; (b) by a duly authorized
32 representative of (i) the agency of termination, or (ii) a current
33 employing law enforcement or corrections agency, which may review and
34 copy its employee-officer's file; or (c) by a representative of or
35 investigator for the commission.

36 (3) Records which are otherwise confidential and exempt from
37 public disclosure under subsection (1) of this section may also be
38 inspected at the offices of the commission by a duly authorized
39 representative of a law enforcement or corrections agency considering

1 an application for employment by a person who is the subject of a
2 record. A copy of records which are otherwise confidential and exempt
3 under subsection (1) of this section may later be obtained by an
4 agency after it hires the applicant. In all other cases under this
5 subsection, the agency may not obtain a copy of the record.

6 (4) The commission shall maintain a database that is publicly
7 searchable, machine readable, and exportable, and accompanied by a
8 complete, plain-language data dictionary describing the names of
9 officers and employing agencies, all conduct investigated,
10 certifications denied, notices and accompanying information provided
11 by law enforcement or correctional agencies, including the reasons
12 for separation from the agency, decertification or suspension actions
13 pursued, and final disposition and the reasons therefor for at least
14 30 years after final disposition of each incident. The dates for each
15 material step of the process must be included. Any decertification
16 must be reported to the national decertification index.

17 (5) Every individual, legal entity, and agency of federal, state,
18 or local government is immune from civil liability, whether direct or
19 derivative, for providing information to the commission in good
20 faith.

21 NEW SECTION. **Sec. 18.** RCW 36.28.011 (Duty to make complaint)
22 and 1963 c 4 s 36.28.011 are each repealed.

23 NEW SECTION. **Sec. 19.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 20.** If specific funding for the purposes of
28 this act, referencing this act by bill or chapter number, is not
29 provided by June 30, 2025, in the omnibus appropriations act, this
30 act is null and void."

31 Correct the title.

EFFECT: • Removes language providing that a law enforcement
agency that uses specially commissioned officers may not provide
authority to such officers who are not certified to enforce criminal
laws, carry or use firearms or other weapons, or use dogs to track
people or animals other than for purposes of search and rescue, but
maintains the language providing such limitations for volunteers, and

specifies that a law enforcement agency may not provide authority to volunteers to enforce criminal laws pertaining to pursuits, the detention and arrest of others, or the use of force or deadly force.

- Requires law enforcement agency policies and regulations to include limitations on the authority of, and requirements for, specially commissioned officers, including requirements that specially commissioned officers are trained in use of firearms or other weapons when authorized to use firearms or other weapons.

- Requires any city, town, code city, or county that uses or has law enforcement agencies that use volunteers or specially commissioned officers to adopt or amend their laws and ordinances to comply with the limitations for volunteers and requirements for volunteers and specially commissioned officers.

- Changes the duty for sheriffs and their deputies to attend, when appropriate, court sessions within the county to instead require sheriffs and their deputies to provide security for court sessions within the county.

- Provides that a person filing for candidacy for the office of sheriff must submit a background investigation request to verify that the person meets eligibility requirements, and an attestation that the person meets the eligibility requirements, to the Washington State Patrol (WSP) within six months of the deadline for filing for election.

- Requires the WSP to conduct a background investigation of persons filing for candidacy or elected as sheriff to verify that the person meets eligibility requirements and submit the completed background investigation to the Criminal Justice Training Commission (CJTC) for verification that it complies with the eligibility requirements within one month of the date of certification of the election results, rather than at least 45 days prior to the deadline for filing for election.

- Requires the CJTC, immediately following the filing deadline, to post on its website a list of all candidates for sheriff who have submitted the request for a background investigation and an attestation that the person meets eligibility requirements, and any candidates who have passed the required background investigation, and, within 60 days following the election, to post a list of sheriffs who have completed the required background investigation.

- Requires the WSP to develop and provide on its website, by October 1, 2025, a standard form and process for persons filing for candidacy for the office of sheriff to use in requesting the required background investigation and providing the required attestation.

--- END ---