
Community Safety Committee

HB 2387

Brief Description: Concerning elected sheriffs.

Sponsors: Representatives Burnett, Leavitt, Griffey, Graham, Schmidt, Ybarra, Rule, Ryu, Ley, Klicker, Gregerson, Barkis, Dent and Manjarrez.

Brief Summary of Bill

- Provides that an elected sheriff who is not a certified peace officer has the authority of the office of sheriff but may not perform any law enforcement action that is reserved exclusively for certified peace officers.
- Provides that a final order revoking peace officer certification of an elected sheriff, for conduct that occurred after the sheriff's term began, constitutes an initiation of recall proceedings.
- Removes the requirement for signature gathering for a recall petition of an elected sheriff whose peace officer certification is revoked pursuant to mandatory decertification criteria for conduct that occurred after the sheriff's term began.

Hearing Date: 1/27/26

Staff: Lena Langer (786-7192).

Background:

Criminal Justice Training Commission.

The Criminal Justice Training Commission (CJTC) establishes the standards and processes to certify peace officers and other law enforcement personnel. It also provides training and educational programs, including the Basic Law Enforcement Academy and specialized training.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

There are criteria for both mandatory denial or revocation of officer certification and discretionary denial, suspension, or revocation of certification, or requirement of remedial training for an officer.

The CJTC must deny or revoke certification of an applicant or officer if the applicant or officer:

- has been convicted of a felony, a gross misdemeanor domestic violence offense, a sex offense, or offense with sexual motivation and the offense was not disclosed at the time of the application or the officer was a certified peace officer or corrections officer at the time of the offense and the offense was not one for which the officer was granted a pardon or was adjudicated as a juvenile and the record sealed;
- has been terminated for engaging in or found by a court to have engaged in the use of force which resulted in death or serious injury and the use of force violated the law;
- has been terminated for witnessing or found by a court to have witnessed another officer's use of excessive force and failed to intervene or failed to report the excessive force in accordance with policy or procedure;
- has been found by a court to have made knowingly misleading, deceptive, untrue, or fraudulent representations in the practice of being a peace officer or corrections officer; or
- is prohibited from possessing weapons by state or federal law or by permanent court order entered after a hearing.

The CJTC may deny, suspend, or revoke certification or require remedial training of an applicant or officer if the applicant or officer:

- failed to timely meet all training requirements;
- was previously issued a certificate through administrative error;
- knowingly falsified or omitted material information on an application to the employer or for training or certification to the commission;
- interfered with an investigation or action for denial or revocation of certification by making false statements, failing to report information as required by law or policy, or tampering with evidence or intimidating a witness;
- engaged in a use of force that could reasonably be expected to cause injury and the use of force violated law or policy;
- committed sexual harassment as defined by state law;
- through fraud or misrepresentation used the position of peace officer or corrections officer for personal gain;
- engaged in conduct involving prejudice or discrimination against a person;
- has affiliation with one or more extremist organizations;
- on or off duty, committed a felony;
- engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others;
- engaged in unsafe practices involving firearms, weapons, or vehicles indicating a willful disregard for the safety of persons or property;
- engaged in conduct that fails to meet the ethical and professional standards required of an officer or otherwise jeopardizes public trust in the criminal justice system;
- has been suspended or discharged, or resigned or retired in lieu of discharge, for any

- conduct listed in the section; or
- has voluntarily surrendered the person's certification as a peace officer or corrections officer.

Recall.

The state Constitution provides that every elected public officer of the state, except judges of courts of record, is subject to recall and discharge by the legal voters of the state. Any legal voter of the state, or political subdivision, may petition the recall and discharge of an elected public officer for acts of malfeasance or misfeasance while in office, or for violation of the oath of office.

Under the recall procedure, a voter may file a charge stating the grounds for recall with the county auditor, a ballot synopsis is prepared regarding the charge by the prosecuting attorney, and the superior court then determines whether the charges are sufficient to meet the criteria for a recall and whether the ballot synopsis is adequate. If the court finds the charges to be sufficient and the sponsors of the recall gather enough signatures on a recall petition, a recall election is held.

Signature Gathering.

The party initiating the recall complaint has 270 days to gather signatures against a statewide elected official, and 180 days to gather signatures against any other elected official. If the recall petition is against a state officer, an officer of a first class city, a member of a school board in a first class city, or a county officer in a county with over 40,000 people, enough signatures must be gathered to equal 25 percent of the total votes cast for that office at the last election. For all other recall petitions, including those for state senator or representative, the signature requirement is 35 percent of the total votes cast for that office at the last election.

The Election.

Once the elections officer verifies and canvasses the signatures, he or she certifies the petition and fixes a date for a special election. The special election must be held between 45 and 90 days after the certification, preferably on an established special election date, but not anytime between the primary and the general election. If a recall election is scheduled, the elected official may file a 250-word response to the ballot synopsis, which appears on the ballot along with the ballot synopsis.

At the special election, the voters of the relevant jurisdiction then decide by majority vote on whether to recall the elected official.

Summary of Bill:

An elected sheriff who is not a certified peace officer has the authority of the office of sheriff but may not personally perform any law enforcement action that is reserved exclusively for certified peace officers.

When an elected sheriff's officer certification is revoked pursuant to discretionary or mandatory criteria for revocation for conduct that occurred after the sheriff's term of office began, the final order revoking certification constitutes an initiation of recall proceedings. The CJTC will be deemed as the person or entity making the charge for recall in either case.

In the case of an elected sheriff whose certification is revoked pursuant to mandatory decertification, if the superior court finds the charges sufficient for recall, and after correcting any ballot synopsis the court deems inadequate, no circulation, collection, or canvassing of signatures is required and the officer with whom the petition is filed must set a date for the special election to determine whether or not the sheriff charged must be recalled and discharged from office.

This act may be known as the Sheriffs Accountability to the Voters Act.

Appropriation: None.

Fiscal Note: Requested on January 21, 2026.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.