

SENATE BILL REPORT

ESHB 2015

As Reported by Senate Committee On:
Law & Justice, April 1, 2025
Ways & Means, April 8, 2025

Title: An act relating to improving public safety funding by providing resources to local governments and state and local criminal justice agencies, and authorizing a local option tax.

Brief Description: Improving public safety funding by providing resources to local governments and state and local criminal justice agencies, and authorizing a local option tax.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Entenman, Reeves, Berg, Morgan, Santos, Pollet, Donaghy, Doglio, Salahuddin, Chase, Obras, Parshley, Walen, Stearns and Thai).

Brief History: Passed House: 3/11/25, 54-42.

Committee Activity: Law & Justice: 3/25/25, 4/01/25 [DPA-WM, DNP, w/oRec].
Ways & Means: 4/05/25, 4/08/25 [DPA, DNP, w/oRec].

Brief Summary of Amended Bill

- Creates a Law Enforcement Grant Program administered by the Criminal Justice Training Commission for the purpose of providing direct support in hiring, retaining, and training law enforcement officers.
- Creates the Supplemental Criminal Justice Account.
- Authorizes a new local 0.1 percent sales and use tax for criminal justice purposes.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

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.

Signed by Senators Dhingra, Chair; Holy, Ranking Member; Lovick, Salomon and Valdez.

Minority Report: Do not pass.

Signed by Senators Trudeau, Vice Chair; Fortunato and Torres.

Minority Report: That it be referred without recommendation.

Signed by Senator Wagoner.

Staff: Joe McKittrick (786-7287)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Robinson, Chair; Stanford, Vice Chair, Operating; Frame, Vice Chair, Finance; Braun, Cleveland, Conway, Dhingra, Hansen, Kauffman, Pedersen, Riccelli, Wellman and Wilson, C..

Minority Report: Do not pass.

Signed by Senators Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Boehnke.

Minority Report: That it be referred without recommendation.

Signed by Senators Trudeau, Vice Chair, Capital; Hasegawa, Muzzall, Saldaña, Wagoner and Warnick.

Staff: Sarian Scott (786-7729)

Background: Retail Sales and Use Tax. Retail sales taxes are imposed on retail sales of most articles of tangible personal property, digital products, and some services. If retail sales taxes are not collected when the user acquires the property, digital product, or service, then use tax applies to the value of the item or service when used in this state.

The state, all counties, and all cities levy retail sales and use taxes. The state sales and use tax rate is 6.5 percent; local sales and use tax rates vary from 0.5 percent to 4.1 percent.

Local Sales and Use Taxes. Cities, towns, and counties were first granted the authority to impose a local sales and use tax in 1970. There is a basic 0.5 percent sales and use tax and an optional 0.5 percent sales and use tax. The revenues from these two sales and use taxes are unrestricted and may be used for any lawful government purpose.

When both the city and county impose the basic sales and use tax, the county must credit back the full amount of the city's basic sales and use tax so that the combined rate does not exceed 0.5 percent. The first 15 percent of the basic sales and use tax collected within the

city must be distributed to the county. This is also the case with the option sales and use tax.

There are other optional sales and use taxes that may be imposed which have restrictions on the use of the revenues raised and other local sales and use tax options that may be credited against the state portion of the sales tax. With the later optional local sales and use taxes, if imposed consumers will not pay more in tax. Instead, the state collects less revenue as its rate is reduced.

Criminal Justice Sales and Use Tax. The criminal justice sales and use tax is a local option that may be imposed by any county. If imposed, 10 percent of the revenue is distributed to the county, and the remaining 90 percent is shared between the county and its cities on a per capita basis. The imposition of this tax does not require voter approval.

The criminal justice sales and use tax rate is 0.1 percent and the revenues must be used for criminal justice purposes. "Criminal justice purposes" means activities that substantially assist the criminal justice system, which may include domestic violence programs, community advocates, and legal advocates.

Public Safety Sales and Use Tax. Any county may impose a public safety sales and use tax of up to 0.3 percent with voter approval. Cities and towns may also impose a public safety sales and use tax with a lower maximum rate of 0.1 percent. The combined rate of these two taxes may not exceed 0.3 percent.

If both the city and county impose the public safety sales and use tax, the revenues must be shared, and the distribution formula depends on which jurisdiction placed the issue on the ballot. The county retains 60 percent of any countywide public safety tax revenues, while the remaining 40 percent is distributed to the cities within the county on per capita basis. If the city imposes a public safety sales and use tax, the city retains 85 percent of the revenues with the remainder going to the county.

At least one-third of the revenue may be used for criminal justice purposes or fire protection purposes, or both. The remaining two-thirds are unrestricted and may be used for any lawful government purposes but must be spent in accordance with the purpose specified in the ballot measure.

The Criminal Justice Training Commission. The Washington State Criminal Justice Training Commission (CJTC) provides education and training to law enforcement and correctional officers, including the basic law enforcement academy and the corrections officer academy. CJTC also has the authority to certify and decertify peace officers and corrections officers.

Keep Washington Working Act. In 2019, the Legislature passed the Keep Washington Working Act (KWWA), which in part required the Attorney General's Office (AGO) to publish model policies, guidance, and training recommendations, and requires all state law

enforcement agencies to adopt policies consistent with those published by the AGO or notify the AGO of the specific reasons they are not doing so and to provide the AGO with a copy of the agency's policies to ensure compliance with KWWA.

Under the KWWA, all local law enforcement agencies, school resource officers, and security departments may not provide information to federal immigration authorities for civil immigration enforcement or provide nonpublic personal information about an individual to federal immigration authorities in noncriminal matters unless required by law. Any person in state or local custody, including those in community custody or Department of Corrections (DOC) physical custody, must be informed of their right to refuse an interview by federal immigration enforcement authorities. The state must not accept language services, even at no cost, from federal immigration authorities. A person in DOC custody must be informed of their right to refuse early release for the purpose of deportation. DOC may not take a person into custody, or hold someone in custody, solely to determine their immigration status, or based solely on a civil immigration warrant or immigration hold request.

In accordance with federal law, state or local agencies or officers may send and receive information to and from federal immigration authorities and exchange information with other federal, state, or local government agencies about immigration or citizen status of an individual.

Summary of Amended Bill: Subject to appropriations, the CJTC must develop and implement a Local Law Enforcement (LE) Grant Program for the purpose of providing direct support to local and tribal LE agencies in hiring, retaining, and training LE officers, peer counselors, and behavioral health personnel working in co-response. CJTC must:

- establish policies for submitting the grant applications and publish them to the CJTC public facing website;
- establish procedures for submitting grant applications;
- publish the criteria CJTC will use to evaluate and select grant recipients; and
- create a grant application form that applicants must use.

To qualify for a grant, an LE agency must have:

- issued and implemented policies and practices consistent with RCW 43.17.425 and 10.93.160, the AGO KWWA guide, model policies, and training recommendations;
- participated in CJTC trainings as required under RCW 43.101.455 and 36.28A.445;
- issued and implemented procedures and policies regarding use of force and de-escalation tactics consistent with RCW 10.120.030 and the AGO's model policies;
- implemented use of force data collection and reporting when such program becomes operational;
- issued and implemented policies and practices consistent with chapters 7.105, 9.41, and 10.99 RCW and CJTC's model policies and training addressing firearm relinquishment pursuant to court orders and domestic violence 911 response;
- a 25 percent completion with CJTC's 40-hour crisis intervention team training;

- a 100 percent compliance for those officers required to complete trauma-informed, gender-based violence interviewing, investigation, response and case review training;
- a chief of police, marshal, or sheriff who is certified by CJTC and who, as shown by a background check conducted by the Washington State Patrol, has not been convicted of a felony or convicted of a gross misdemeanor involving moral turpitude, dishonesty, fraud, or corruption; and
- policies that prohibit volunteers who assist with agency work from enforcing criminal laws, other than for assistance with special event, traffic, and parking, and that set forth the required supervision of volunteers and limitations on the authority of and requirements for specially commissioned officers.

The LE agency, excluding tribal law enforcement agencies, must also receive funding from:

- the new sales and use tax authorized under this act;
- the local criminal justice sales and use tax; or
- the local public safety sales and use tax.

To qualify for a grant from CJTC, a LE agency must also provide CJTC a detailed staffing plan specifying:

- the total number of commissioned officers currently employed by the agency;
- the total number of specially commissioned officers currently employed by the agency;
- the total number of co-response teams established within the agency and what staffing are included in each co-response team;
- the total number of administrative staff currently employed;
- the number of officers on flexible work schedules;
- the average 911 response rate of the agency over the previous 12-month period; and
- the average case closure rate of the agency over the previous 12-month period.

Grant funding may be used for:

- recruiting and funding new LE officers from the community in which the officer will be working, and recruiting and funding county corrections officers, peer counselors, and behavioral health personnel working in co-response in Washington State. Grants may provide up to 75 percent of the entry-level salaries and fringe benefits of full-time local or tribal law enforcement officers for a maximum of 36 months, with a minimum 25 percent local cash match requirement and a maximum state share of \$125,000 per position;
- use of force, de-escalation, crisis intervention, and trauma-informed trainings for officers to remain in compliance with CJTC's required trainings; and
- broader LE and public safety efforts to include emergency management planning, environmental hazard mitigations, security personnel, community outreach and assistance programs, alternative response programs, and mental health crisis response.

CJTC may provide LE agencies an advance on grant funding for the sole purpose of the LE agency coming into compliance with the training requirements of the grant application.

In selecting grant recipients, CJTC must prioritize applicants in the following order:

- LE agencies seeking grants to establish co-response teams or community immersion law enforcement programs;
- LE agencies who currently maintain co-response teams and who are seeking grants to hire additional LE officers; and
- all other applicants.

Criminal Justice Training Commission Report. Effective July 21, 2026, and annually thereafter, CJTC must report to the fiscal committees of the Legislature on:

- the total count of LE grant applications received by CJTC by fiscal year (FY);
- the total count of LE officer positions applied for by FY;
- the total count of grant funding requested by FY;
- the name of each LE agency that applied for grants, how many officers they requested funding for, and how much state funding they requested by FY; and
- the count of grants awarded, to include the name of each of the LE agencies that received grants, how many officers they received funding for, and how much state funding was awarded by FY.

Washington Association of Police Chiefs and Sheriffs Report. By January 1, 2026, the Washington Association of Police Chiefs and Sheriffs (WASPC) must complete a report on LE personnel employed as general authority Washington peace officers, as defined in statute, over time for each local LE agency in Washington State from 2020 through 2025—specifically on July 1st of each year. The report must include:

- the count of general authority Washington peace officers positions;
- the count of filled general authority Washington peace officers positions;
- the count of vacant general authority Washington peace officer positions; and
- the count of retirements of general authority Washington peace officer positions over the past 12 calendar months.

The report must also include a table to show the above data and in turn the vacancy rates and turnover rates for each local LE agency as well as a compiled statewide view of vacancy and turnover rates for general authority Washington peace officers year over year.

Sales and Use Tax. By December 31, 2027, the legislative authority of a county or city may authorize, by resolution or ordinance, a sales and use tax of 0.1 percent. If the city or county voters have rejected the imposition of the local criminal justice sales and use tax or the local public safety sales and use tax within the past two years, the city or county may not impose the new sales and use tax.

Cities or Counties may impose this tax only if the city or county meet the requirements to receive grant funding from the LE Grant Program created under the act. A city or county that has not issued and implemented policies and practices are required under the grant application requirements may not impose the tax.

To establish that a city or county qualifies to impose the tax, the city or county must submit documentation to the CJTC demonstrating the city or county meets the requirements of the grant application. If the CJTC, in consultation with the AGO is unable to verify the submittal within 45 calendar days, CJTC must notify the agency of any deficiencies.

If a city or county receives a notice of deficiencies, the city or county may, conditioned on the city or county submitting supplemental documentation rectifying the stated deficiencies, authorize the tax. CJTC must review this supplemental documentation and notify the city or county of any outstanding deficiencies within 45 days of receipt of the supplemental documentation. If the city or county has not rectified all deficiencies within 180 calendar days of its initial submittal of documentation, the AGO must impose a \$100,000 fine per month against the city or county until the city or county comes into compliance with the requirements.

The moneys from this tax must be used for criminal justice purposes, meaning activities that substantially assist the criminal justice system, which may include circumstance where ancillary benefit to the civil justice system occurs, and which includes;

- domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates;
- staffing adequate public defenders to provide appropriate defense for individuals;
- diversion programs;
- reentry work for inmates;
- local government programs that have a reasonable relationship to reducing the numbers of people interacting with the criminal justice system;
- community placement for juveniles; and
- community outreach and assistance programs, alternative response programs, and mental health crisis response including but not limited to the recovery navigator program.

Cities and counties who impose this tax must, within one calendar year and annually thereafter, make a report to either the Association of Washington Cities (AWC) or the Washington State Association of Counties (WSAC) on how the moneys received from the tax were expended. By December 1, 2025, and annually thereafter, AWC and WSAC must compile all information received from individual cities and counties and submit a report to the appropriate committees of the Legislature detailing the purposes for which each city and county expended the moneys received from the tax.

Supplemental Criminal Justice Account. The Supplemental Criminal Justice Account is created in the state Treasury. Expenditures from the Supplemental Criminal Justice Account must be used exclusively for local law enforcement grants from the LE Grant Program. Moneys may not be used to supplant general fund appropriations.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Requires as a condition of receiving grant funding that an LE agency receive funding, rather than primary funding, from the criminal justice sales and use tax, public safety sales and use tax, or the tax created in this act, and excludes tribal LE agencies from this requirement.
- Requires as a condition of receiving grant funding that the chief, marshal, or sheriff of the LE agency undergo a WSP background check.
- Modifies the grant requirement related to LE agency policies addressing the use of volunteers and specially commissioned officers.
- Requires the CJTC to consult with the AGO in verifying grant applicants.
- Modifies the required detailed staffing plan requirement to include information related to the number of officers on flexible work schedules.
- Limits the use of advances on grant funding to funding agency compliance with required training.
- Limits the use of grant funding as it relates to hiring officers, to hiring officers from the communities in which the officers will be working.
- Establishes a timeline for the CJTC to verify a city or county meets the requirements to impose the newly created tax.
- Requires the AGO to impose a fine on cities and counties who improperly impose the newly created tax.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Reorganizes sections of the bill.
- Expands the purpose of the LE Grant Program to include hiring peer counselors and behavioral health personnel working in co-response.
- Modifies the LE grant applicant requirements.
- Permits CJTC to provide an advance of grant funds to an agency for the sole purpose of the agency coming into compliance with the grant applicant requirements.
- Modifies the permissible use of grant funding.
- Removes the claw-back provision.
- Requires an annual report from CJTC pertaining to the LE Grant Program.
- Requires a report from WASPC related to law enforcement personnel.
- Clarifies the Supplemental Criminal Justice Account created in the bill relates to the creation of the LE Grant Program.
- Amends the sales and use tax to require cities and counties to either have received grant funding or otherwise meet the requirements to receive grant funding prior to imposing the tax.
- Requires cities and counties who wish to implement the tax who have not received grant funding but who otherwise meet the requirements to receive grant funding to attest to that fact to CJTC and requires CJTC to verify this within 45 days of such attestation.
- Requires cities and counties who impose the newly created tax to report the use of tax moneys to the AWC and WSAC, and requires the AWC and WSAC to report all city and county tax usage to the Legislature.

- Removes the null and void clause.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Engrossed Substitute House Bill (Law & Justice): *The committee recommended a different version of the bill than what was heard.*
PRO: This bill is a compromise between wanting to have more law enforcement officers and needing to have a system of public safety, and it provides guardrails around the funding and a proposal to pay for these changes. Cities are asking for help from the state to fund public safety. This bill both funds the hiring of more officers and provides an opportunity to fund other programs that will improve public safety. This bill not only funds hiring new officers, but ensures those officers are trained in best practices. Criminal justice programs make up the lion's share of most cities' and counties' budgets. Yet, local revenue structures are not designed to sustain these services. Without this bill, local governments may be forced to cut their funding to these necessary services.

If the Legislature is going to give local governments one new revenue tool this session, this should be that one. Public safety is top of mind for many households and businesses in this state. More dedicated funding will give much needed tools to the local jurisdictions that need it most. This is a good step towards hiring new officers in Washington State. This is crucial for our communities and provides the flexibility local communities need. This is a transformative piece of legislation. This bill represents a blend of the best ideas heard this legislative session related to public safety funding. This bill will allow cities and counties to avoid trade-offs between more rapid hiring of officers and funding ongoing critical services. Beyond funding officers, this bill will help fund preventative programs that will help reduce the costs of public safety in the long run. This bill should require cities and counties that receive state money for public defense, use revenues from the newly created tax to match those state public defense dollars.

CON: Washingtonians are facing a virtual tax tsunami. These increased taxes undermine the ability of citizens to afford housing. Taxes are going up faster than incomes, resulting in less disposable income. Washington is the fourth least affordable state in the nation and headed towards being the third.

OTHER: Addressing public safety is the primary concern of many Washingtonians, but the tax in this bill will not provide the necessary increase in revenues for cities and counties with lower reliance on sales and use revenues. The regressive sales and use tax in this bill is

concerning and may take funding away from education health care and food assistance. While this bill does great work in ensuring accountability in policing, it risks being undermined if the budget makes cuts to the state Auditor's Office.

Persons Testifying (Law & Justice): PRO: Representative Debra Entenman, Prime Sponsor; James McMahan, WA Assoc Sheriffs & Police Chiefs; Mark Johnson, Washington Retail Association; Mac Nicholson, King County; Candice Bock, Association of Washington Cities; Nathan Olson, Office of the Governor; Katie Beeson, Washington Food Industry Association (WFIA); Mary Lou Pauly, Mayor, City of Issaquah; Dan Eder, City of Seattle; Jennifer Gregerson, City of Everett; Brad Banks, Washington State Association of Counties (WSAC); Jeff DeVere, WACOPS-Washington Council of Police & Sheriffs; Ryan Mello, Pierce County Executive; Mary Robnett, Pierce County Prosecutor; Ramona Brandes, Washington Defender Association/Washington Association of Criminal Defense Lawyers; Patti Cole-Tindall, Sheriff | King County; Harpreet Kaur, Washington Build Back Black Alliance (WBBA); James Schrimpsheer, Washington Fraternal Order of Police.

CON: Jeff Pack, Washington Citizens Against Unfair Taxes.

OTHER: Dana Ralph, Mayor, City of Kent; Susan Cozzens; Paul Benz, Wa Coalition for Police Accountability.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony on Bill as Amended by Law & Justice (Ways & Means): *The committee recommended a different version of the bill than what was heard.*

PRO: This bill takes a comprehensive approach to providing not only police but prosecutors, defense attorneys, treatment programs, and all of the services that are needed to make our criminal justice system work better. This legislation is very important to the state of Washington and the communities that are served. There are a lot of good things in this bill, in terms of grant funding and a new local revenue tool. We can enhance public safety in our community. We like that the bill is broad. We are focusing our energies on this particular proposal as this is the bill that is still moving through the legislative process. This is a fantastic tool to have a tax increase that we support and gives our local jurisdictions the opportunity to address these issues.

Criminal justice systems make up about 75 percent of our county's general fund from prosecutors to sheriff to public defense and detention facilities. At the same time, local government revenue structures are unable to keep up with the services. This bill is kind of the best blend of all of the ideas that have been out there so far this session in terms of looking at ways to improve not only the funding but also the services delivered in our public safety systems. Public safety is a paramount responsibility. Funding a 21st century public safety system requires many things: law enforcement, behavioral health interventions, co-response teams, prosecutors, public defenders and more. We ask that you add back the flexible work policy that was removed in the policy committee, which would go a long way

to help recruitment and retention of peace officers, especially those who have children and other life challenges in terms of scheduling.

In our county we use 75 percent of our general fund to support combined public safety services. Our county's desire is to create more diversion and community focused public safety services. This councilmatic option will allow us to at least maintain what we have, and possibly expand a few services. There is no fat on the bone and we are still considering layoffs and even closing the police department. Our jail costs were increased by over 100 percent, which blew a massive hole in our budget. We are out of options. The 0.1 percent helps, but the 0.3 percent works as seen in SB 5775. HB 2015 is a perfect solution to our city's budget concerns.

OTHER: We think this bill needs some further blending. SB 5775 included the authority for cities to impose up to a 0.3 percent public safety sales tax. We would encourage you to amend the bill before you to allow qualifying cities that meet all of the criteria to be eligible for grants and the 0.1 percent local sales tax authority to use either the 0.1 percent sales tax authority in the bill or councilmatic authority under the bill structured like SB 5775. This would provide equal access to revenue generating authorities to both the city in Yakima County who has already imposed the 0.3 percent sales tax and a city in King County, like Kent, where the county has not imposed the 0.3 percent tax. We encourage you all to merge the two policies of SB 5775 and HB 2015.

The city of Kent has 1.2 officers per capita, well below the Washington State average of 1.36 and the national average of 2.31 officers per capita. A 0.1 percent would keep us at status quo whereas 0.3 percent is what we need to move our community forward. We support the public safety funding, but that option needs strength to ensure the jurisdictions use that revenue with some balance. Supporting criminal justice is four-fold: police, prosecutors, defense and courts, and must be funded simultaneously with some proportionality for the system to function properly. Public defense, although constitutionally mandated, is not similarly favored across the entire state and thus funding needs more teeth behind it. We recommend an amendment requiring counties and cities to match the 10.101 RCW funding provided in the Senate budget.

Persons Testifying (Ways & Means): PRO: Mark Johnson, Washington Retail Association; Candice Bock, Association of Washington Cities; Katie Beeson, Washington Food Industry Association (WFIA); Jani Hitchen, Pierce County Council Chair; Brad Banks, Washington State Association of Counties (WSAC); Joe McDermott, State Relations Director | King County; Matthew Hepner, East Wenatchee City Council; Michael Transue, Washington Fraternal Order of Police.

OTHER: Dana Ralph, City of Kent, Mayor; Briahna Murray, City of Kent; Ramona Brandes, Washington Defender Association/Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.