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**SUBSTITUTE SENATE BILL 5974**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Lovick, Dhingra, Chapman, Frame, Nobles, Pedersen, Salomon, Stanford, Trudeau, Valdez, and Wellman)

READ FIRST TIME 01/23/26.

1 AN ACT Relating to modernizing and strengthening laws concerning  
2 sheriffs, police chiefs, town marshals, law enforcement agency  
3 volunteers, youth cadets, specially commissioned officers, and police  
4 matrons; amending RCW 35.21.333, 35.21.334, 35.23.161, 35.27.240,  
5 36.28.010, 36.28.025, 42.12.010, 43.101.095, 43.101.115, 10.93.170,  
6 36.28.020, and 43.101.400; adding a new section to chapter 35.21 RCW;  
7 adding a new section to chapter 35A.21 RCW; adding a new section to  
8 chapter 36.01 RCW; adding a new section to chapter 36.28 RCW;  
9 creating a new section; repealing RCW 35.66.010, 35.66.020,  
10 35.66.030, 35.66.040, 35.66.050, and 36.28.011; providing effective  
11 dates; and declaring an emergency.

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

13 NEW SECTION. **Sec. 1.** The legislature finds that certain laws  
14 governing the eligibility requirements, duties, and responsibilities  
15 of sheriffs, police chiefs, and town marshals should be updated and  
16 revised to reflect best practices, and to ensure that local law  
17 enforcement leaders, whether sheriffs, police chiefs, or town  
18 marshals, whether appointed or elected, and whether partisan or  
19 nonpartisan, are subject to the same eligibility requirements and  
20 standards. For sheriffs, the legislature is authorized to prescribe  
21 eligibility requirements. However, other than the eligibility

1 requirements for any elected official, the only requirement for  
2 sheriffs in existing law is completion of academy training within 12  
3 months of being elected, and this requirement applies only to persons  
4 who have been elected to the office, and not to appointed sheriffs.  
5 The legislature may also prescribe eligibility requirements for  
6 police chiefs and town marshals, but those requirements have not been  
7 updated since 1987. The existing requirements do not include elements  
8 such as a minimum age requirement or a prohibition on misconduct that  
9 would require denial or revocation of certification. The background  
10 check requirement for appointment as a police chief or town marshal  
11 has also not been updated in many years, and there is no required  
12 background check before appointment or election as a sheriff. The  
13 legislature finds that the state Constitution requires it to provide  
14 for the duties of elected officials, including sheriffs, for whom  
15 duties were first prescribed by the legislature in 1854, but existing  
16 law is in part outdated and inconsistent with current values and  
17 practices.

18 For example, there is a need to clarify and reinforce state law  
19 that a primary duty of sheriffs, in addition to upholding the United  
20 States Constitution, is to uphold and enforce the Washington state  
21 Constitution and laws, as enacted by the legislature and interpreted  
22 by the Washington supreme court, so as to align state law with the  
23 Washington supreme court's ruling in *In re Recall of Fortney*, 196  
24 Wn.2d 766 (2021).

25 All persons who serve in law enforcement must maintain peace  
26 officer certification, but state law could be clearer regarding what  
27 must occur when a sheriff, police chief, or town marshal has their  
28 certification revoked, to ensure that the law reflects the same  
29 standards of strong accountability for all ranks. By enacting  
30 updated, clear, and consistent requirements and standards for all law  
31 enforcement leaders, the legislature intends to enhance the  
32 effectiveness, professionalism, and accountability of law enforcement  
33 leaders, promote public trust and confidence in law enforcement, and  
34 increase community safety.

35 The legislature also finds that these goals can best be met by  
36 ensuring the updated standards, requirements, and duties are in  
37 effect prior to the filing deadline for 2026 elections, which will  
38 include elections for 35 sheriffs.

39 The legislature further finds that the provision in existing law  
40 that authorizes sheriffs to "call to their aid such persons, or power

1 of their county as they may deem necessary" has been interpreted by  
2 some as authorizing volunteers to enforce criminal laws or civil  
3 immigration laws, engage in pursuits, detain or arrest, or use force,  
4 without the training and certification required of law enforcement  
5 officers and without accountability in the event of misconduct.  
6 Volunteers and youth cadets, if used by sheriffs, police chiefs, or  
7 town marshals to assist with agency needs, should be limited to the  
8 types of roles as enumerated below that do not include this kind of  
9 authority, unless the person has completed peace officer training and  
10 maintained certification requirements.

11 Because of this, the legislature also finds that as part of  
12 modernizing the duties and responsibilities of law enforcement  
13 leaders, there is a need for sheriffs, police chiefs, and town  
14 marshals to establish in policy and local law best practices and  
15 safeguards for their use of personnel who are not certified peace  
16 officers. To do so, law enforcement agencies must have policies, and  
17 local jurisdictions must have ordinances, that require the  
18 supervision of volunteers, youth cadets, and specially commissioned  
19 officers. The policies and ordinances must also circumscribe the use  
20 of uniforms, badges, and face coverings by specially commissioned  
21 officers, volunteers, and youth cadets, so that members of the public  
22 and others can readily distinguish them from peace officers; require  
23 appropriate training for any specially commissioned officers and  
24 youth cadets authorized to use firearms or other weapons; and  
25 prescribe permissible roles for volunteers, which may include, but  
26 are not limited to, roles such as technical and administrative  
27 support; bicycle recovery; community crime prevention coordination;  
28 vehicle maintenance; helping with search and rescue; serving as faith  
29 leaders; helping with transport, parking enforcement, and traffic  
30 management; assisting with parks and recreation; assisting with  
31 animal control and caring for domestic animals, but not using dogs to  
32 track people or animals other than for search and rescue, and not  
33 using dogs to apprehend, or bite people or animals; and engaging in  
34 other public safety-related community service, education, and  
35 outreach work.

36 Finally, the legislature finds that the 1894 chapter in state law  
37 regarding use of "police matrons" by police chiefs and town marshals  
38 is antiquated and should be repealed.

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

3       (1) A person seeking appointment to the office of chief of police  
4 or marshal (~~(, of a city or town, including a code city, with a~~  
5 ~~population in excess of one thousand, is ineligible unless)) in any  
6 city or town is eligible for appointment, holding office, and  
7 remaining in that office only if that person:~~

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

9       (b) Is at least 25 years old;

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

12       ~~((e))~~ (d) Has not been convicted under the laws of this state,  
13 another state, ~~((or))~~ the United States, or the substantial  
14 equivalent under foreign law, of a felony;

15       ~~((d))~~ (e) Has not been convicted under the laws of this state,  
16 another state, the United States, or the substantial equivalent under  
17 foreign law, of a gross misdemeanor ~~((or any crime involving moral~~  
18 turpitude within five years of the date of application));

19       ~~((e))~~ (f) Has not engaged and does not engage in conduct  
20 meeting the criteria requiring denial or revocation of certification  
21 set forth in RCW 43.101.105(2);

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

25       ~~((f))~~ (h) Has completed at least ~~((two))~~ five years of regular,  
26 uninterrupted, full-time ~~((commissioned))~~ law enforcement employment  
27 involving enforcement responsibilities with a government law  
28 enforcement agency, as defined in subsection (4) of this section;

29       ~~((and~~

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

33       (i) Within nine months of assuming office, unless otherwise  
34 extended by the criminal justice training commission, has obtained  
35 certification, thereafter maintains certification as required under  
36 chapter 43.101 RCW and the rules of the commission, and has never had  
37 their certification denied, revoked, or voluntarily surrendered, and  
38 not reinstated, by any other state; and

39       (j) Except as provided in subsection (3) of this section, if not  
40 yet certified, has met the background investigation requirements

1 under RCW 43.101.095, and if certified, has met the requirements in  
2 (a) through (i) of this subsection.

3 (i) The background investigation under RCW 43.101.095 must be  
4 completed by the appointing authority no earlier than six months  
5 prior to the date of appointment. The appointing authority must  
6 submit verification to the criminal justice training commission that  
7 the person meets the eligibility criteria, has complied with all  
8 applicable standards, and was not determined by the background  
9 investigation and commission rules to be unsuitable for employment by  
10 a law enforcement agency or to serve in the office of chief of police  
11 or marshal. Such verification is a public record.

12 (ii) The appointing authority is responsible for any cost  
13 associated with the background investigation.

14 ~~(2) ((A person seeking appointment to the office of chief of~~  
15 ~~police or marshal, of a city or town, including a code city, with a~~  
16 ~~population of one thousand or less, is ineligible unless that person~~  
17 ~~conforms with the requirements of subsection (1) (a) through (e) of~~  
18 ~~this section. A person so appointed as chief of police or marshal~~  
19 ~~must successfully complete the state's basic training requirement or~~  
20 ~~equivalency within nine months after such appointment, unless an~~  
21 ~~extension has been granted by the criminal justice training~~  
22 ~~commission.~~

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

27 (3) The background investigation requirements and the age  
28 requirement in subsection (1) of this section do not apply to any  
29 person who is holding the office of chief of police or marshal as of  
30 the effective date of this section, unless the person seeks  
31 appointment to a different office of chief of police or town marshal.  
32 All other eligibility requirements apply as of the effective date of  
33 this section.

34 (4) For the purposes of this section, "government law enforcement  
35 agency" means a general authority Washington law enforcement agency  
36 or a limited authority Washington law enforcement agency as defined  
37 in RCW 10.93.020, or a state or federal governmental agency that is  
38 authorized by law to engage in or supervise the prevention,  
39 detection, investigation, or prosecution of, or the incarceration of,  
40 any person for any violation of law.

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

3       (1) Before making an appointment ((in)) to the office of chief of  
4 police or marshal in any city or town, the appointing ((agency shall  
5 complete a thorough background investigation of the candidate))  
6 authority must attest as part of the public record of appointment  
7 that the requirements of RCW 35.21.333 have been met. ((The  
8 Washington association of sheriffs and police chiefs shall develop  
9 advisory procedures which may be used by the appointing authority in  
10 completing its background investigation of candidates for the office  
11 of chief of police or marshal.))

12       (2) Such appointment shall be terminated, and a vacancy created,  
13 if the chief of police's or marshal's certification is not maintained  
14 as required under chapter 43.101 RCW and the rules of the commission,  
15 if the chief of police or marshal is decertified under chapter 43.101  
16 RCW, or if the other requirements of RCW 35.21.333 are determined to  
17 have not been met, or to have not been complied with while in office.  
18 The appointing city or town authority shall appoint a replacement to  
19 fill the office. The person appointed must meet the requirements of  
20 RCW 35.21.333.

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

23       The department of police in a city of the second class shall be  
24 under the direction and control of the chief of police subject to the  
25 direction of the mayor. The city and police chief must comply with  
26 the requirements set forth in RCW 35.21.333 and 35.21.334. Any police  
27 officer may pursue and arrest violators of city ordinances beyond the  
28 city limits.

29       ~~((Every citizen shall lend the police chief aid, when required,~~  
30 ~~for the arrest of offenders and maintenance of public order. With the~~  
31 ~~concurrence of the mayor, the police chief may appoint additional~~  
32 ~~police officers to serve for one day only under orders of the chief~~  
33 ~~in the preservation of public order.))~~ The city and department must  
34 comply with the requirements set forth in section 6 of this act  
35 regarding use of volunteers, specially commissioned officers, and  
36 youth cadets as defined in section 6 of this act.

37       The police chief shall have the same authority as that conferred  
38 upon sheriffs ~~((for the suppression of any riot, public tumult,~~  
39 ~~disturbance of the peace, or resistance against the laws or the~~

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

3 ~~The police chief shall perform such other services as may be~~  
4 ~~required by statute or ordinances of the city)) pursuant to RCW~~  
5 ~~36.28.010(7).~~

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

8 The department of police in a town shall be under the direction  
9 and control of the marshal subject to the direction of the mayor.  
10 ~~((He or she)) The town and marshal must comply with the requirements~~  
11 ~~set forth in RCW 35.21.333 and 35.21.334. The marshal may pursue and~~  
12 ~~arrest violators of town ordinances beyond the town limits.~~

13 The marshal's lawful orders shall be promptly executed by  
14 deputies~~((r)) and police officers ~~((and watchpersons. Every citizen~~  
15 ~~shall lend him or her aid, when required, for the arrest of offenders~~  
16 ~~and maintenance of public order)). The marshal may~~  
17 ~~appoint, subject to the approval of the mayor, one or more deputies,~~  
18 ~~for whose acts ~~((he and his or her bondspersons)) the marshal shall~~~~  
19 ~~be responsible, and whose compensation shall be fixed by the council.~~  
20 ~~~~((With the concurrence of the mayor, the marshal may appoint~~~~  
21 ~~additional police officers for one day only when necessary for the~~  
22 ~~preservation of public order.)) The town and department must comply~~  
23 ~~with the requirements set forth in section 6 of this act regarding~~  
24 ~~use of volunteers, specially commissioned officers, and youth cadets~~  
25 ~~as defined in section 6 of this act.~~~~

26 The marshal shall have the same authority as that conferred upon  
27 sheriffs ~~((for the suppression of any riot, public tumult,~~  
28 ~~disturbance of the peace, or resistance against the laws or public~~  
29 ~~authorities in the lawful exercise of their functions and shall be~~  
30 ~~entitled to the same protection)) pursuant to RCW 36.28.010(7).~~

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

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

1 (1) (a) Any law enforcement agency in any city or town that uses  
2 volunteers or youth cadets, as defined in this section, to assist in  
3 the work of its law enforcement agency may not authorize them, unless  
4 they have completed peace officer training and maintained  
5 certification requirements, to enforce criminal laws or civil  
6 immigration laws; engage in pursuits; detain or arrest; use force;  
7 carry or use firearms or other weapons; use surveillance  
8 technologies; or share information from law enforcement databases.  
9 They also may not be authorized to use dogs to track people or  
10 animals, other than to assist with search and rescue, and may not use  
11 dogs to apprehend or bite people or animals.

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

21 (2) (a) Limitations on authority and permissible roles pursuant to  
22 subsection (1) of this section, and required supervision of  
23 volunteers and youth cadets, must be set forth in agency policies.  
24 Agency policies must also include limitations on the authority of,  
25 and requirements for, specially commissioned officers, including  
26 requirements that specially commissioned officers must be supervised  
27 by the law enforcement agency that commissioned them, other than when  
28 acting pursuant to RCW 10.93.050. Policies and ordinances must  
29 require appropriate training for any firearms or other weapons that  
30 specially commissioned officers or youth cadets are authorized to  
31 use.

32 Agency policies must also require that volunteers, youth cadets,  
33 and specially commissioned officers be clearly identifiable by the  
34 public as such, and as distinguishable from peace officers, with  
35 limitations on the use of face coverings consistent with standards in  
36 state law for law enforcement. Sheriffs, police chiefs, and marshals  
37 must only provide badges or other identifying insignia to volunteers,  
38 youth cadets, and specially commissioned officers that are authorized  
39 in agency policy, and such identification may only be used by them  
40 while on duty in their authorized roles.

1 (b) Any city or town that uses volunteers, youth cadets, or  
2 specially commissioned officers must adopt or amend its laws and  
3 ordinances to comply with the requirements of this section. The  
4 requirements of this section take effect January 1, 2027, to provide  
5 time for adoption of policies, laws, and ordinances, and this section  
6 supersedes, preempts, and invalidates any local law or ordinance that  
7 conflicts with this section.

8 (c) For purposes of this section, "youth cadets" means  
9 participants in law enforcement agency training programs for careers  
10 in law enforcement.

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

13 (1)(a) Any law enforcement agency in any code city that uses  
14 volunteers or youth cadets, as defined in section 6 of this act, to  
15 assist in the work of its law enforcement agency may not provide  
16 authority to these volunteers, unless they have completed peace  
17 officer training and maintained certification requirements, to  
18 enforce criminal laws or civil immigration laws; engage in pursuits;  
19 detain or arrest; use force; carry or use firearms or other weapons;  
20 use surveillance technologies; or share information from law  
21 enforcement databases. They also may not be authorized to use dogs to  
22 track people or animals, other than to assist with search and rescue,  
23 and may not use dogs to apprehend or bite people or animals.

24 (b) A law enforcement agency in a code city may authorize  
25 volunteers to assist with roles including, but not limited to,  
26 technical and administrative support, bicycle recovery, community  
27 crime prevention coordination, vehicle maintenance, helping with  
28 search and rescue, serving as faith leaders, transport, parking  
29 enforcement and traffic management, assisting with parks and  
30 recreation, animal control and caring for domestic animals, and other  
31 public safety-related community service, education, and outreach  
32 work.

33 (2)(a) Limitations on authority and permissible roles pursuant to  
34 subsection (1) of this section, and required supervision of  
35 volunteers and youth cadets, must be set forth in agency policies.  
36 Agency policies must also include limitations on the authority of,  
37 and requirements for, specially commissioned officers, including  
38 requirements that specially commissioned officers must be supervised  
39 by the law enforcement agency that commissioned them, other than when

1 acting pursuant to RCW 10.93.050. Policies and ordinances must  
2 require appropriate training for any firearms or other weapons that  
3 specially commissioned officers or youth cadets are authorized to  
4 use. Agency policies must also require that volunteers, youth cadets,  
5 and specially commissioned officers be clearly identifiable by the  
6 public as such, and as distinguishable from peace officers, with  
7 limitations on the use of face coverings consistent with standards in  
8 state law for law enforcement. Sheriffs, police chiefs, and marshals  
9 must only provide badges or other identifying insignia to volunteers,  
10 youth cadets, and specially commissioned officers that are authorized  
11 in agency policy, and such identification may only be used by them  
12 while on duty in their authorized roles.

13 (b) Any code city that uses volunteers, youth cadets, or  
14 specially commissioned officers must adopt or amend its laws and  
15 ordinances to comply with the requirements of this section. The  
16 requirements of this section take effect January 1, 2027, to provide  
17 time for adoption of policies, laws, and ordinances, and this section  
18 supersedes, preempts, and invalidates any local law or ordinance that  
19 conflicts with this section.

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

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

25 (1) Shall uphold and enforce the Constitution and laws of the  
26 state of Washington, as interpreted and applied by the state supreme  
27 court, and uphold the United States Constitution;

28 (2) Shall be authorized to address all violations of the law and  
29 arrest ~~((and commit to prison all))~~ persons who break the ~~((peace, or~~  
30 ~~attempt to break it, and all persons guilty of public offenses))~~ law;

31 ~~((+2))~~ (3) Shall defend the county against those who, by riot or  
32 otherwise, endanger the public peace or safety;

33 ~~((+3))~~ (4) Shall execute the process and orders of the courts of  
34 justice or judicial officers, when delivered for that purpose,  
35 according to law;

36 ~~((+4))~~ (5) Shall execute all warrants delivered for that purpose  
37 by other public officers, according to the provisions of particular  
38 statutes;

1       ~~((5))~~ (6) Shall ~~((attend the sessions of the courts of record~~  
2 ~~held within the county, and))~~ obey ~~((their))~~ lawful judicial orders  
3 or directions;

4       ~~((6))~~ (7) Shall keep and preserve the peace in their respective  
5 counties, and ~~((quiet and suppress all affrays, riots, unlawful~~  
6 ~~assemblies and insurrections, for which purpose, and for))~~ are  
7 authorized to work in collaboration with other law enforcement  
8 agencies pursuant to the Washington mutual aid peace officers powers  
9 act, chapter 10.93 RCW;

10       (8) Shall effect the service of process in civil or criminal  
11 cases~~((, and in apprehending or securing any person for felony or~~  
12 ~~breach of the peace, they may))~~; and

13       (9) (a) (i) May call to their aid ~~((such persons, or power of their~~  
14 ~~county as they may deem necessary))~~ volunteers and youth cadets, as  
15 defined in section 6 of this act. Any sheriff in any county that uses  
16 volunteers or youth cadets to assist in the sheriff's work may not  
17 provide authority to them, unless they have completed peace officer  
18 training and maintained certification requirements, to enforce  
19 criminal laws or civil immigration laws; engage in pursuits; detain  
20 or arrest; use force; carry or use firearms or other weapons; use  
21 surveillance technologies; or share information from law enforcement  
22 databases. Additionally, volunteers and youth cadets may not be  
23 authorized to use dogs to track people or animals, other than to  
24 assist with search and rescue, and may not use dogs to apprehend or  
25 bite people or animals.

26       (ii) A sheriff may authorize volunteers to assist with roles  
27 including, but not limited to, technical and administrative support,  
28 bicycle recovery, community crime prevention coordination, vehicle  
29 maintenance, helping with search and rescue, serving as faith  
30 leaders, transport, parking enforcement and traffic management,  
31 assisting with parks and recreation, animal control and caring for  
32 domestic animals, and other public safety-related community service,  
33 education, and outreach work.

34       (b) Limitations on authority pursuant to (a) of this subsection,  
35 and the required supervision of volunteers and youth cadets, must be  
36 set forth in agency policies. Agency policies must also include  
37 limitations on the authority of, and requirements for, specially  
38 commissioned officers, including requirements that specially  
39 commissioned officers must be supervised by the law enforcement  
40 agency that commissioned them, other than when acting pursuant to RCW

1 10.93.050. Policies and ordinances must require appropriate training  
2 for any firearms or other weapons that specially commissioned  
3 officers or youth cadets are authorized to use. Agency policies must  
4 also require that volunteers, youth cadets, and specially  
5 commissioned officers be clearly identifiable by the public as such,  
6 and as distinguishable from peace officers, with limitations on the  
7 use of face coverings consistent with standards in state law for law  
8 enforcement. Sheriffs, police chiefs, and marshals must only provide  
9 badges or other identifying insignia to volunteers, youth cadets, and  
10 specially commissioned officers that are authorized in agency policy,  
11 and such identification may only be used by them while on duty in  
12 their authorized roles.

13 The requirements of this subsection must be implemented in  
14 accordance with section 10 of this act and take effect January 1,  
15 2027, to provide time for adoption of policies, laws, and ordinances.

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

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

24 ~~This requirement does not apply to persons holding the office of~~  
25 ~~sheriff in any county on September 1, 1979.))~~ (1) A person filing for  
26 candidacy for the office of sheriff, or seeking appointment to the  
27 office of sheriff, is eligible for election, appointment, holding  
28 office, and remaining in that office only if that person:

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

30 (b) Is at least 25 years old;

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

33 (d) Has not been convicted under the laws of this state, another  
34 state, the United States, or the substantial equivalent under foreign  
35 law, of a felony;

36 (e) Has not been convicted under the laws of this state, another  
37 state, the United States, or the substantial equivalent under foreign  
38 law, of a gross misdemeanor;

1 (f) Has not engaged in and does not engage in conduct meeting the  
2 criteria requiring denial or revocation of certification set forth in  
3 RCW 43.101.105(2);

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

7 (h) Has completed at least five years of regular, uninterrupted,  
8 full-time law enforcement employment, involving enforcement  
9 responsibilities with a government law enforcement agency, as defined  
10 in subsection (3) of this section;

11 (i) Within nine months of assuming office, unless otherwise  
12 extended by the criminal justice training commission, has obtained  
13 certification, thereafter maintains certification as required under  
14 chapter 43.101 RCW and the rules of the commission, and has never had  
15 their certification denied, revoked, or voluntarily surrendered, and  
16 not reinstated, by any other state; and

17 (j) Except as provided in subsection (4) of this section, prior  
18 to the election filing deadline, within 30 days after certification  
19 of the election, or at the time of appointment, if not yet certified,  
20 has met the background investigation requirements under RCW  
21 43.101.095, or if certified, has completed a background investigation  
22 that confirms that the person has met the requirements in (a) through  
23 (i) of this subsection.

24 (i) For any person filing for candidacy or elected to the office  
25 of sheriff, the Washington state patrol must conduct the background  
26 investigation and submit the completed background investigation to  
27 the criminal justice training commission for verification that it  
28 complies with the requirements of this section no later than the  
29 election filing deadline, or, if the request for the background  
30 investigation is made too close to the election filing deadline to  
31 meet that timeline, no later than one month after the date of  
32 certification of the election results. A person filing for candidacy  
33 for the office of sheriff must submit a background investigation  
34 request to the Washington state patrol within six months of, and up  
35 to, the deadline for filing for election, and provide with the  
36 request the attestation required by subsection (2) of this section.  
37 If the commission determines additional background information must  
38 be gathered to fulfill the statutory requirements, the commission  
39 shall request that the state patrol conduct the necessary additional  
40 investigation and the state patrol shall resubmit the completed

1 investigation to the commission for verification. Once the commission  
2 verifies that the background investigation requirements have or have  
3 not been met, the commission shall notify the state patrol and the  
4 candidate or elected person.

5 (ii) Immediately following the filing deadline, the commission  
6 shall post on its public website maintained under RCW 43.101.400(4) a  
7 list of all candidates for sheriff who have submitted the request for  
8 a background investigation and the attestation as required by this  
9 section, and each candidate who has passed the required background  
10 investigation.

11 (iii) The Washington state patrol must develop and provide on its  
12 website, by October 1, 2026, a standard form and process for persons  
13 filing for candidacy for the office of sheriff to use in requesting  
14 the required background investigation, providing necessary  
15 information, and the required attestation that the person meets all  
16 eligibility requirements.

17 (iv) In the case of appointment, the background investigation  
18 under RCW 43.101.095 must be completed by the appointing authority no  
19 earlier than six months prior to the date of appointment. The  
20 appointing authority must submit verification to the commission that  
21 the person meets the eligibility criteria, has complied with all  
22 applicable standards, and was not determined by the background  
23 investigation and commission rules to be unsuitable for employment by  
24 a law enforcement agency or to serve in the office of sheriff. Such  
25 verification is a public record.

26 (v) The county in which a person is seeking appointment or  
27 election to the office of sheriff is responsible for any costs  
28 associated with the background investigation required by this  
29 section. The county shall reimburse the Washington state patrol for  
30 all costs associated with the background investigation it conducts  
31 for any person seeking election to the office of sheriff. The  
32 appointing authority is responsible for all costs associated with the  
33 background investigation it conducts for any person being appointed  
34 to the office of sheriff in that county.

35 (2) A person seeking election or appointment to the office of  
36 sheriff must provide a sworn statement under penalty of perjury to  
37 the state patrol or to the appointing authority stating that the  
38 person meets the requirements of this section, and the state patrol,  
39 upon completion of the background investigation, or appointing  
40 authority must attest as part of the public record that the

1 requirements of this section have been met. In addition to posting  
2 all requests for background investigations, attestations, and a list  
3 of background investigations completed, and whether each person  
4 passed or failed, by the filing deadline as required in subsection  
5 (1)(j)(ii) of this section, the criminal justice training commission  
6 shall, after the election, but no later than 60 days following the  
7 election, post on its public website maintained under RCW  
8 43.101.400(4) a list of sheriffs who have completed the background  
9 investigation, and whether each passed or failed, as required by this  
10 section.

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

18 (4) The background investigation requirements and the age  
19 requirement in subsection (1) of this section do not apply to any  
20 person who is holding the office of sheriff as of the effective date  
21 of this section, unless the person seeks election to a different  
22 office of sheriff, or appointment to a different office of sheriff.  
23 All other eligibility requirements apply as of the effective date of  
24 this section.

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

27 (1)(a) Any sheriff in any county that uses volunteers or youth  
28 cadets, as defined in section 6 of this act, to assist in the  
29 sheriff's work may not provide authority to them, unless they have  
30 completed peace officer training and maintained certification  
31 requirements, to enforce criminal laws or civil immigration laws;  
32 engage in pursuits; detain or arrest; use force; carry or use  
33 firearms or other weapons; use surveillance technologies; or share  
34 information from law enforcement databases. They also may not be  
35 authorized to use dogs to track people or animals, other than to  
36 assist with search and rescue, and may not use dogs to apprehend or  
37 bite people or animals.

38 (b) A sheriff may authorize volunteers to assist with roles  
39 including, but not limited to, technical and administrative support,

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

7 (2)(a) Limitations on authority pursuant to subsection (1) of  
8 this section, and the required supervision of volunteers and youth  
9 cadets, must be set forth in agency policies. Agency policies must  
10 also include limitations on the authority of, and requirements for,  
11 specially commissioned officers, including requirements that  
12 specially commissioned officers must be supervised by the law  
13 enforcement agency that commissioned them, other than when acting  
14 pursuant to RCW 10.93.050. Policies and ordinances must require  
15 appropriate training for any firearms or other weapons that specially  
16 commissioned officers or youth cadets are authorized to use. Agency  
17 policies must also require that volunteers, youth cadets, and  
18 specially commissioned officers be clearly identifiable by the public  
19 as such, and as distinguishable from peace officers, with limitations  
20 on the use of face coverings consistent with standards in state law  
21 for law enforcement. Sheriffs, police chiefs, and marshals must only  
22 provide badges or other identifying insignia to volunteers, youth  
23 cadets, and specially commissioned officers that are authorized in  
24 agency policy, and such identification may only be used by them while  
25 on duty in their authorized roles.

26 (b) In any county where the sheriff's office uses volunteers,  
27 youth cadets, or specially commissioned officers, the county must  
28 adopt or amend its laws and ordinances to comply with the  
29 requirements of this section. The requirements of this section take  
30 effect January 1, 2027, to provide time for adoption of policies,  
31 laws, and ordinances, and this section supersedes, preempts, and  
32 invalidates any local law or ordinance that conflicts with this  
33 section.

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

36 (1) In addition to the causes for vacancy of elective office set  
37 forth in RCW 42.12.010, a vacancy in the office of sheriff is created  
38 if the incumbent does not maintain certification as required under  
39 chapter 43.101 RCW, is decertified under chapter 43.101 RCW, or if

1 the other requirements of RCW 36.28.025 are determined to have not  
2 been met or to have not been complied with while in office. When a  
3 vacancy has been created, the vacancy shall be filled pursuant to RCW  
4 36.16.110. The person appointed must meet the requirements of RCW  
5 36.28.025.

6 (2) Where the office of sheriff is an appointed position, such  
7 appointment is terminated, and a vacancy created, if the incumbent  
8 does not maintain certification as required under chapter 43.101 RCW,  
9 is decertified under chapter 43.101 RCW, or if the other requirements  
10 of RCW 36.28.025 are determined to have not been met or to have not  
11 been complied with while in office. The appointing county legislative  
12 authority shall appoint a replacement to fill the office. The person  
13 appointed must meet the requirements of RCW 36.28.025.

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

16 Every elective office shall become vacant on the happening of any  
17 of the following events:

18 (1) The death of the incumbent;

19 (2) ~~((His or her))~~ The resignation of the incumbent. A vacancy  
20 caused by resignation shall be deemed to occur upon the effective  
21 date of the resignation;

22 (3) ~~((His or her))~~ The removal of the incumbent;

23 (4) Except as provided in RCW 3.46.067 and 3.50.057, ~~((his or~~  
24 ~~her))~~ the incumbent ceasing to be a legally registered voter of the  
25 district, county, city, town, or other municipal or quasi municipal  
26 corporation from which ~~((he or she))~~ the incumbent shall have been  
27 elected or appointed, including where applicable the council  
28 district, commissioner district, or ward from which ~~((he or she))~~ the  
29 incumbent shall have been elected or appointed;

30 (5) ~~((His or her))~~ The incumbent's conviction of a felony, or of  
31 any offense involving a violation of ~~((his or her))~~ the incumbent's  
32 official oath;

33 (6) ~~((His or her))~~ The incumbent's refusal or neglect to take  
34 ~~((his or her))~~ their oath of office, or to give or renew ~~((his or~~  
35 ~~her))~~ their official bond, or to deposit such oath or bond within the  
36 time prescribed by law;

37 (7) The decision of a competent tribunal declaring void ~~((his or~~  
38 ~~her))~~ the incumbent's election or appointment; ~~((or))~~

1 (8) Whenever a judgment shall be obtained against that incumbent  
2 for breach of the condition of (~~his or her~~) their official bond; or

3 (9) Whenever an elected law enforcement official does not  
4 maintain certification as required under chapter 43.101 RCW, is  
5 decertified under chapter 43.101 RCW, or if the other requirements of  
6 RCW 36.28.025 are determined to have not been met or to have not been  
7 complied with while in office.

8 **Sec. 13.** RCW 43.101.095 and 2025 c 349 s 2 are each amended to  
9 read as follows:

10 (1) (a) As a condition of employment, election, or appointment to  
11 office, all peace officers and all corrections officers are required  
12 to obtain certification (~~or exemption therefrom~~) and maintain  
13 certification as required by this chapter and the rules of the  
14 commission.

15 (b) To ensure that sheriffs, police chiefs, and town marshals  
16 meet the requirements in RCW 35.21.333 and 36.28.025 to obtain  
17 certification within nine months of assuming office, the commission  
18 must prioritize their access to any commission training required for  
19 certification.

20 (2) (a) Any (~~applicant who has been offered a conditional offer~~  
21 ~~of employment~~) person seeking election, appointment, or employment  
22 as a peace officer (~~or~~), reserve officer, (~~offered a conditional~~  
23 ~~offer of employment as a~~) corrections officer (~~after July 1,~~  
24 ~~2021~~), or (~~offered a conditional offer of employment~~) as a limited  
25 authority Washington peace officer who if hired would qualify as a  
26 peace officer as defined (~~by~~) in RCW 43.101.010 (~~after July 1,~~  
27 ~~2023~~), must submit to a background investigation to determine the  
28 (~~applicant's~~) person's suitability for employment. (~~This~~  
29 ~~requirement applies to any applicant moving from any Washington law~~  
30 ~~enforcement or corrections agency to another, as well as applicants~~  
31 ~~moving from a certified peace officer position to a certified~~  
32 ~~corrections officer position, or vice versa, within the same~~  
33 ~~agency.~~) Any person seeking election to the office of sheriff must  
34 meet the background investigation requirements under RCW 36.28.025.  
35 This requirement does not apply to any person whose certification has  
36 lapsed as a result of a break of more than 24 consecutive months in  
37 the officer's service as a result of being recalled into military  
38 service. Employing agencies and appointing authorities may only make  
39 a conditional offer of employment pending completion of the

1 background (~~check~~) investigation and shall (~~verify~~) attest in  
2 writing to the commission that they have complied with all background  
3 (~~check~~) investigation requirements prior to making any  
4 nonconditional offer of employment.

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

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

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

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

30 (iv) A review of the (~~applicant's~~) person's social media  
31 accounts;

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

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

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

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

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

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

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

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

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

35 (a) On a form devised or adopted by the commission, authorize the  
36 release to the employing county, city, or agency and to the  
37 commission of the officer's personnel files, including disciplinary,  
38 termination, civil or criminal investigation, or other records or  
39 information that are directly related to a certification matter or

1 decertification matter before the commission(~~(. The peace officer or~~  
2 ~~corrections officer must also consent))~~);

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

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

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

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

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

1 candidate meets all eligibility requirements pursuant to RCW  
2 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 whether it has been passed or failed, is a public record. The  
8 commission must retain background investigation files it receives.

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 a  
12 person, the commission shall, by December 31, 2027, issue guidelines  
13 with criteria to be applied by employing counties, cities, agencies,  
14 and the commission in determining whether a person is suitable for  
15 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 under RCW 43.101.105(2), and criteria that  
39 may result in disqualification, including all grounds for the denial,  
40 suspension, or revocation of an officer's certification under RCW

1 43.101.105(3), with factors to be considered by the agency or by the  
2 commission in making that discretionary determination.

3 (10) The requirements of this section apply to persons applying  
4 to serve as a new officer, a lateral transfer within the state or  
5 from another state from a law enforcement or corrections agency to a  
6 different law enforcement or corrections agency, or an officer moving  
7 from a corrections division to a law enforcement division or vice  
8 versa within the same agency unless exempted by the commission, or a  
9 person seeking appointment or election as a sheriff, chief, or  
10 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 43.101.115 and 2021 c 323 s 10 are each amended to  
17 read as follows:

18 (1) A person denied a certification based upon dismissal or  
19 withdrawal from a basic law enforcement academy or basic corrections  
20 academy under RCW 43.101.105(3)(a) is eligible for readmission and  
21 certification upon meeting standards established in rules of the  
22 commission, which rules may provide for probationary terms on  
23 readmission.

24 (2) A person whose certification is denied or revoked based upon  
25 prior administrative error of issuance, failure to cooperate, or  
26 interference with an investigation is eligible for certification upon  
27 meeting standards established in rules of the commission, which rules  
28 shall provide for a probationary period of certification in the event  
29 of reinstatement of eligibility.

30 (3) A person whose certification is mandatorily denied or revoked  
31 pursuant to RCW 43.101.105(2) is not eligible for certification at  
32 any time.

33 (4) Any officer who is required to obtain and maintain  
34 certification and who has had their certification denied, revoked, or  
35 voluntarily surrendered and not reinstated in this state or any other  
36 state may not serve in any role as a peace officer, corrections  
37 officer, limited authority Washington peace officer, specially  
38 commissioned officer, or reserve officer.

1        (5) A person whose certification is denied or revoked for reasons  
2 other than provided in subsections (1) through (3) of this section  
3 may, five years after the revocation or denial, petition the  
4 commission for reinstatement of the certificate or for eligibility  
5 for reinstatement. The commission may hold a hearing on the petition  
6 to consider reinstatement, and the commission may allow reinstatement  
7 based upon standards established in rules of the commission. If the  
8 certificate is reinstated or eligibility for certification is  
9 determined, the commission shall establish a probationary period of  
10 certification.

11        ~~((+5))~~ (6) A person whose certification is revoked based solely  
12 upon a criminal conviction may petition the commission for  
13 reinstatement immediately upon a final judicial reversal of the  
14 conviction. The commission shall hold a hearing on request to  
15 consider reinstatement, and the commission may allow reinstatement  
16 based on standards established in rules of the commission. If the  
17 certificate is reinstated or if eligibility for certification is  
18 determined, the commission shall establish a probationary period of  
19 certification.

20        ~~((+6))~~ (7) The commission's rules and decisions regarding  
21 reinstatement shall align with its responsibilities to enhance public  
22 trust and confidence in the law enforcement profession and  
23 correctional system.

24        **Sec. 15.** RCW 10.93.170 and 2021 c 323 s 30 are each amended to  
25 read as follows:

26        A general authority Washington law enforcement agency or limited  
27 authority Washington law enforcement agency is prohibited from  
28 considering the application for any office, place, position, or  
29 employment within the agency if the ~~((applicant))~~ person has not  
30 provided the agency a document, voluntarily and knowingly signed by  
31 the ~~((applicant))~~ person, that authorizes each prior employer and  
32 each agency to which the person has applied to release any and all  
33 information relating to the ~~((applicant's))~~ person's employment and  
34 application for employment, and further releasing and holding  
35 harmless the agency and each prior employer and agency to which the  
36 person has applied from any and all liability that may potentially  
37 result from the release and use of such information provided.

1       **Sec. 16.** RCW 36.28.020 and 2009 c 549 s 4051 are each amended to  
2 read as follows:

3       (~~Every deputy sheriff shall possess all the power, and may~~  
4 ~~perform any of the duties, prescribed by law to be performed by the~~  
5 ~~sheriff, and shall serve or execute, according to law, all process,~~  
6 ~~writs, precepts, and orders, issued by lawful authority.~~)

7       Persons may ~~((also))~~ be deputed by the sheriff in writing ~~((to do~~  
8 ~~particular acts; including the))~~ to conduct service of process in  
9 civil or criminal cases, and the sheriff shall be responsible on  
10 ~~((his or her))~~ the sheriff's official bond for their default or  
11 misconduct. The use of such persons shall be limited to functions and  
12 actions not involving use of law enforcement authority or carrying of  
13 firearms or other weapons unless such persons are certified as peace  
14 officers under chapter 43.101 RCW.

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

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

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

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

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

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

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

23 NEW SECTION. **Sec. 18.** The following acts or parts of acts are  
24 each repealed:

25 (1) RCW 35.66.010 (Authority to establish) and 1965 c 7 s  
26 35.66.010;

27 (2) RCW 35.66.020 (Appointment) and 1965 c 7 s 35.66.020;

28 (3) RCW 35.66.030 (Assistance by police) and 1965 c 7 s  
29 35.66.030;

30 (4) RCW 35.66.040 (Compensation) and 2007 c 218 s 68 & 1965 c 7 s  
31 35.66.040;

32 (5) RCW 35.66.050 (Persons under arrest—Separate quarters) and  
33 1973 1st ex.s. c 154 s 53 & 1965 c 7 s 35.66.050; and

34 (6) RCW 36.28.011 (Duty to make complaint) and 1963 c 4 s  
35 36.28.011.

36 NEW SECTION. **Sec. 19.** Sections 6, 7, and 10 of this act take  
37 effect January 1, 2027.

1        NEW SECTION.    **Sec. 20.**    Except for sections 6, 7, and 10 of this  
2 act, this act is necessary for the immediate preservation of the  
3 public peace, health, or safety, or support of the state government  
4 and its existing public institutions, and takes effect April 30,  
5 2026.

6        NEW SECTION.    **Sec. 21.**    If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

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