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**SECOND SUBSTITUTE SENATE BILL 5974**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

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

READ FIRST TIME 02/09/26.

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)). ((He or she)) 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, and may not use dogs to apprehend or bite people or animals.  
11 They may, however, use dogs to assist with search and rescue,  
12 including assisting with canine human remains detection, cadaver  
13 search, evidence search, or other search-oriented support of a law  
14 enforcement investigation.

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

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

35 Agency policies must also require that volunteers, youth cadets,  
36 and specially commissioned officers be clearly identifiable by the  
37 public as such, and as distinguishable from peace officers, with  
38 limitations on the use of face coverings consistent with standards in  
39 state law for law enforcement. Sheriffs, police chiefs, and marshals  
40 must only provide badges or other identifying insignia to volunteers,

1 youth cadets, and specially commissioned officers that are authorized  
2 in agency policy, and such identification may only be used by them  
3 while on duty in their authorized roles.

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

11 (c) For purposes of this section, "youth cadets" means  
12 participants in law enforcement agency training programs for careers  
13 in law enforcement.

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

16 (1)(a) Any law enforcement agency in any code city that uses  
17 volunteers or youth cadets, as defined in section 6 of this act, to  
18 assist in the work of its law enforcement agency may not provide  
19 authority to these volunteers, unless they have completed peace  
20 officer training and maintained certification requirements, to  
21 enforce criminal laws or civil immigration laws; engage in pursuits;  
22 detain or arrest; use force; carry or use firearms or other weapons;  
23 use surveillance technologies; or share information from law  
24 enforcement databases. They also may not be authorized to use dogs to  
25 track people or animals, and may not use dogs to apprehend or bite  
26 people or animals. They may, however, use dogs to assist with search  
27 and rescue, including assisting with canine human remains detection,  
28 cadaver search, evidence search, or other search-oriented support of  
29 a law enforcement investigation.

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

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

20 (b) Any code city that uses volunteers, youth cadets, or  
21 specially commissioned officers must adopt or amend its laws and  
22 ordinances to comply with the requirements of this section. The  
23 requirements of this section take effect January 1, 2027, to provide  
24 time for adoption of policies, laws, and ordinances, and this section  
25 supersedes, preempts, and invalidates any local law or ordinance that  
26 conflicts with this section.

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

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

32 (1) Shall uphold and enforce the Constitution and laws of the  
33 state of Washington, as interpreted and applied by the state supreme  
34 court, and uphold the United States Constitution;

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

38 ~~((+2))~~ (3) Shall defend the county against those who, by riot or  
39 otherwise, endanger the public peace or safety;

1       ~~((3))~~ (4) Shall execute the process and orders of the courts of  
2 justice or judicial officers, when delivered for that purpose,  
3 according to law;

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

7       ~~((5))~~ (6) Shall ~~((attend the sessions of the courts of record  
8 held within the county, and))~~ obey ~~((their))~~ lawful judicial orders  
9 or directions;

10       ~~((6))~~ (7) Shall keep and preserve the peace in their respective  
11 counties, and ~~((quiet and suppress all affrays, riots, unlawful  
12 assemblies and insurrections, for which purpose, and for))~~ are  
13 authorized to work in collaboration with other law enforcement  
14 agencies pursuant to the Washington mutual aid peace officers powers  
15 act, chapter 10.93 RCW;

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

19       (9) (a) (i) May call to their aid ~~((such persons, or power of their  
20 county as they may deem necessary))~~ volunteers and youth cadets, as  
21 defined in section 6 of this act. Any sheriff in any county that uses  
22 volunteers or youth cadets to assist in the sheriff's work may not  
23 provide authority to them, unless they have completed peace officer  
24 training and maintained certification requirements, to enforce  
25 criminal laws or civil immigration laws; engage in pursuits; detain  
26 or arrest; use force; carry or use firearms or other weapons; use  
27 surveillance technologies; or share information from law enforcement  
28 databases. Additionally, volunteers and youth cadets may not be  
29 authorized to use dogs to track people or animals, and may not use  
30 dogs to apprehend or bite people or animals. They may, however, use  
31 dogs to assist with search and rescue, including assisting with  
32 canine human remains detection, cadaver search, evidence search, or  
33 other search-oriented support of a law enforcement investigation.

34       (ii) A sheriff may authorize volunteers to assist with roles  
35 including, but not limited to, technical and administrative support,  
36 bicycle recovery, community crime prevention coordination, vehicle  
37 maintenance, helping with search and rescue as described in (a) (i) of  
38 this subsection, serving as faith leaders, transport, parking  
39 enforcement and traffic management, assisting with parks and  
40 recreation, animal control and caring for domestic animals, and other

1 public safety-related community service, education, and outreach  
2 work.

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

22 The requirements of this subsection must be implemented in  
23 accordance with section 10 of this act and take effect January 1,  
24 2027, to provide time for adoption of policies, laws, and ordinances.

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

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

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

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

39 (b) Is at least 25 years old;

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

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

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

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

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

15 (h) Has completed at least five years of regular, uninterrupted,  
16 full-time law enforcement employment, involving enforcement  
17 responsibilities with a government law enforcement agency, as defined  
18 in subsection (4) of this section;

19 (i) Within nine months of assuming office, unless otherwise  
20 extended by the criminal justice training commission, has obtained  
21 certification, thereafter maintains certification as required under  
22 chapter 43.101 RCW and the rules of the commission, and has never had  
23 their certification denied, revoked, or voluntarily surrendered, and  
24 not reinstated, by any other state; and

25 (j) Except as provided in subsection (5) of this section, prior  
26 to the election filing deadline, within 30 days after certification  
27 of the election, or at the time of appointment, if not yet certified,  
28 has met the background investigation requirements under RCW  
29 43.101.095, or if certified, has completed a background investigation  
30 that confirms that the person has met the requirements in (a) through  
31 (i) of this subsection. Procedures for background investigations are  
32 provided in subsection (2) of this section.

33 (2)(a) For any person filing for candidacy or elected to the  
34 office of sheriff, the Washington state patrol must conduct the  
35 background investigation no later than the election filing deadline,  
36 or, if the request for the background investigation is made too close  
37 to the election filing deadline to meet that timeline, no later than  
38 one month after the date of certification of the election results. A  
39 person filing for candidacy for the office of sheriff must submit a  
40 background investigation request to the Washington state patrol

1 within six months of, and up to, the deadline for filing for  
2 election, and provide with the request the attestation required by  
3 subsection (3) of this section. Once the state patrol completes the  
4 background investigation, the state patrol shall submit verification  
5 to the commission that the person meets or does not meet the  
6 eligibility criteria and has or has not passed the background check.  
7 The verification is a public record. The state patrol shall notify  
8 the candidate or elected person.

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

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

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

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

39 (3) A person seeking election or appointment to the office of  
40 sheriff must provide a sworn statement under penalty of perjury to

1 the state patrol or to the appointing authority stating that the  
2 person meets the requirements of this section, and the state patrol,  
3 upon completion of the background investigation, or appointing  
4 authority must attest as part of the public record that the  
5 requirements of this section have been met. In addition to posting  
6 all requests for background investigations, attestations, and a list  
7 of background investigations completed, and whether each person  
8 passed or failed, by the filing deadline as required in subsection  
9 (2)(b) of this section, the criminal justice training commission  
10 shall, after the election, but no later than 60 days following the  
11 election, post on its public website maintained under RCW  
12 43.101.400(4) a list of sheriffs who have completed the background  
13 investigation, and whether each passed or failed, as required by this  
14 section.

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

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

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

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

1 dogs to apprehend or bite people or animals. They may, however, use  
2 dogs to assist with search and rescue, including assisting with  
3 canine human remains detection, cadaver search, evidence search, or  
4 other search-oriented support of a law enforcement investigation.

5 (b) A sheriff may authorize volunteers to assist with roles  
6 including, but not limited to, technical and administrative support,  
7 bicycle recovery, community crime prevention coordination, vehicle  
8 maintenance, helping with search and rescue as described in (a) of  
9 this subsection, serving as faith leaders, transport, parking  
10 enforcement and traffic management, assisting with parks and  
11 recreation, animal control and caring for domestic animals, and other  
12 public safety-related community service, education, and outreach  
13 work.

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

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

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 36.28

2    RCW to read as follows:

3        (1) In addition to the causes for vacancy of elective office set  
4    forth in RCW 42.12.010, a vacancy in the office of sheriff is created  
5    if the incumbent does not maintain certification as required under  
6    chapter 43.101 RCW, is decertified under chapter 43.101 RCW, or if  
7    the other requirements of RCW 36.28.025 are determined to have not  
8    been met or to have not been complied with while in office. When a  
9    vacancy has been created, the vacancy shall be filled pursuant to RCW  
10   36.16.110. The person appointed must meet the requirements of RCW  
11   36.28.025.

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

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

22        Every elective office shall become vacant on the happening of any  
23   of the following events:

24        (1) The death of the incumbent;

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

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

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

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

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

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

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

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

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

16           (1) (a) As a condition of employment, election, or appointment to  
17 office, all peace officers and all corrections officers are required  
18 to obtain certification ~~((or exemption therefrom))~~ and maintain  
19 certification as required by this chapter and the rules of the  
20 commission.

21           (b) To ensure that sheriffs, police chiefs, and town marshals  
22 meet the requirements in RCW 35.21.333 and 36.28.025 to obtain  
23 certification within nine months of assuming office, the commission  
24 must prioritize their access to any commission training required for  
25 certification.

26           (2) (a) Any ~~((applicant who has been offered a conditional offer~~  
27 ~~of employment))~~ person seeking election, appointment, or employment  
28 as a peace officer ~~((or)),~~ reserve officer, ~~((offered a conditional~~  
29 ~~offer of employment as a))~~ corrections officer ~~((after July 1,~~  
30 ~~2021)),~~ or ~~((offered a conditional offer of employment))~~ as a limited  
31 authority Washington peace officer who if hired would qualify as a  
32 peace officer as defined ~~((by))~~ in RCW 43.101.010 ~~((after July 1,~~  
33 ~~2023)),~~ must submit to a background investigation to determine the  
34 ~~((applicant's))~~ person's suitability for employment. ~~((This~~  
35 ~~requirement applies to any applicant moving from any Washington law~~  
36 ~~enforcement or corrections agency to another, as well as applicants~~  
37 ~~moving from a certified peace officer position to a certified~~  
38 ~~corrections officer position, or vice versa, within the same~~  
39 ~~agency.))~~ Any person seeking election to the office of sheriff must

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (b) The commission shall certify peace officers who are limited  
35 authority Washington peace officers employed on or before July 1,  
36 2023. Thereafter, the commission may revoke certification pursuant to  
37 this chapter.

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

1        (a) On a form devised or adopted by the commission, authorize the  
2 release to the employing county, city, or agency and to the  
3 commission of the officer's personnel files, including disciplinary,  
4 termination, civil or criminal investigation, or other records or  
5 information that are directly related to a certification matter or  
6 decertification matter before the commission~~((. The peace officer or~~  
7 ~~corrections officer must also consent))~~;

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

14        (c) Indicate, on a form provided by the hiring agency, any prior  
15 application materials, including any background investigation  
16 conducted while seeking employment with any other law enforcement  
17 agency, including where the person began but did not complete a full  
18 background investigation.

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

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

30        (7) Prior to certification, or to appointment as a sheriff,  
31 chief, or marshal, the employing agency shall ~~((certify))~~ attest to  
32 the commission that the agency has received or conducted a completed  
33 ~~((the))~~ background ~~((check))~~ investigation, that no information has  
34 been found that would disqualify the ~~((applicant))~~ person from  
35 certification, and that the ~~((applicant is))~~ person was determined by  
36 the background investigation and under commission rules to be  
37 suitable for employment as a peace officer ~~((or))~~ , corrections  
38 officer, sheriff, chief, or marshal. Persons determined by the  
39 background investigation to have engaged in conduct meeting the  
40 criteria set forth in RCW 43.101.105(2) shall be considered

1 unsuitable for employment as a peace officer. For candidates for the  
2 elective office of sheriff, the person filing for office must, by the  
3 deadline to file as a candidate, have submitted the request for the  
4 background investigation and the required attestation that the  
5 candidate meets all eligibility requirements pursuant to RCW  
6 36.28.025.

7 (8) All files, papers, and other information obtained as part of  
8 the background investigation are confidential and exempt from public  
9 disclosure under chapter 42.56 RCW. The verification by the  
10 commission that the background investigation has been completed, and  
11 whether it has been passed or failed, is a public record. The  
12 commission must retain background investigation files it receives.

13 (9) The requirements of this section apply to persons applying to  
14 serve as a new officer, a lateral transfer within the state or from  
15 another state from a law enforcement or corrections agency to a  
16 different law enforcement or corrections agency, or an officer moving  
17 from a corrections division to a law enforcement division or vice  
18 versa within the same agency unless exempted by the commission, or a  
19 person seeking appointment or election as a sheriff, chief, or  
20 marshal.

21 (10) Every individual, legal entity, and agency of federal,  
22 state, or local government is immune from civil liability, whether  
23 direct or derivative, for providing information to the commission,  
24 employing agencies, potential employing agencies, or appointing  
25 authorities in good faith.

26 **Sec. 14.** RCW 43.101.115 and 2021 c 323 s 10 are each amended to  
27 read as follows:

28 (1) A person denied a certification based upon dismissal or  
29 withdrawal from a basic law enforcement academy or basic corrections  
30 academy under RCW 43.101.105(3)(a) is eligible for readmission and  
31 certification upon meeting standards established in rules of the  
32 commission, which rules may provide for probationary terms on  
33 readmission.

34 (2) A person whose certification is denied or revoked based upon  
35 prior administrative error of issuance, failure to cooperate, or  
36 interference with an investigation is eligible for certification upon  
37 meeting standards established in rules of the commission, which rules  
38 shall provide for a probationary period of certification in the event  
39 of reinstatement of eligibility.

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

4 (4) Any officer who is required to obtain and maintain  
5 certification and who has had their certification denied, revoked, or  
6 voluntarily surrendered and not reinstated in this state or any other  
7 state may not serve in any role as a peace officer, corrections  
8 officer, limited authority Washington peace officer, specially  
9 commissioned officer, or reserve officer.

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

20 (~~(5)~~) (6) A person whose certification is revoked based solely  
21 upon a criminal conviction may petition the commission for  
22 reinstatement immediately upon a final judicial reversal of the  
23 conviction. The commission shall hold a hearing on request to  
24 consider reinstatement, and the commission may allow reinstatement  
25 based on standards established in rules of the commission. If the  
26 certificate is reinstated or if eligibility for certification is  
27 determined, the commission shall establish a probationary period of  
28 certification.

29 (~~(6)~~) (7) The commission's rules and decisions regarding  
30 reinstatement shall align with its responsibilities to enhance public  
31 trust and confidence in the law enforcement profession and  
32 correctional system.

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

35 A general authority Washington law enforcement agency or limited  
36 authority Washington law enforcement agency is prohibited from  
37 considering the application for any office, place, position, or  
38 employment within the agency if the (~~applicant~~) person has not  
39 provided the agency a document, voluntarily and knowingly signed by

1 the (~~applicant~~) person, that authorizes each prior employer and  
2 each agency to which the person has applied to release any and all  
3 information relating to the (~~applicant's~~) person's employment and  
4 application for employment, and further releasing and holding  
5 harmless the agency and each prior employer and agency to which the  
6 person has applied from any and all liability that may potentially  
7 result from the release and use of such information provided.

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

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

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

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

24 (1) Except as provided under subsection (2) of this section, all  
25 files, papers, and other information obtained by the commission as  
26 part of (~~an initial~~) a background investigation pursuant to RCW  
27 43.101.095 (~~(2) and (4)~~), 36.28.025, and 35.21.333 are confidential  
28 and exempt from public disclosure. Such records are not subject to  
29 public disclosure, subpoena, or discovery proceedings in any civil  
30 action, except as provided in RCW 43.101.380(6) or which become part  
31 of the record in a suspension or decertification (~~matter~~) hearing.

32 (2) Records which are otherwise confidential and exempt from  
33 public disclosure under subsection (1) of this section may be  
34 reviewed and copied: (a) By the officer involved or the officer's  
35 counsel or authorized representative, who may review the officer's  
36 file after the officer has been served with a statement of charges  
37 pursuant to RCW 43.101.155, and may submit any additional exculpatory  
38 or explanatory evidence, statements, or other information, any of

1 which must be included in the file; (b) by a duly authorized  
2 representative of (i) the agency of termination, or (ii) a current  
3 employing law enforcement or corrections agency, which may review and  
4 copy its employee-officer's file; or (c) by a representative of or  
5 investigator for the commission.

6 (3) Records which are otherwise confidential and exempt from  
7 public disclosure under subsection (1) of this section may also be  
8 inspected at the offices of the commission by a duly authorized  
9 representative of a law enforcement or corrections agency considering  
10 an application for employment by a person who is the subject of a  
11 record. A copy of records which are otherwise confidential and exempt  
12 under subsection (1) of this section may later be obtained by an  
13 agency after it hires the (~~applicant~~) person. In all other cases  
14 under this subsection, the agency may not obtain a copy of the  
15 record.

16 (4) The commission shall maintain a database that is publicly  
17 searchable, machine readable, and exportable, and accompanied by a  
18 complete, plain-language data dictionary describing the names of  
19 officers and employing agencies, all conduct investigated,  
20 certifications denied, notices and accompanying information provided  
21 by law enforcement or correctional agencies, including the reasons  
22 for separation from the agency, decertification or suspension actions  
23 pursued, and final disposition and the reasons therefor for at least  
24 30 years after final disposition of each incident. The dates for each  
25 material step of the process must be included. Any decertification  
26 must be reported to the national decertification index.

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

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

33 (1) RCW 35.66.010 (Authority to establish) and 1965 c 7 s  
34 35.66.010;

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

36 (3) RCW 35.66.030 (Assistance by police) and 1965 c 7 s  
37 35.66.030;

38 (4) RCW 35.66.040 (Compensation) and 2007 c 218 s 68 & 1965 c 7 s  
39 35.66.040;

1 (5) RCW 35.66.050 (Persons under arrest—Separate quarters) and  
2 1973 1st ex.s. c 154 s 53 & 1965 c 7 s 35.66.050; and

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

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

7 NEW SECTION. **Sec. 20.** Except for sections 6, 7, and 10 of this  
8 act, this act is necessary for the immediate preservation of the  
9 public peace, health, or safety, or support of the state government  
10 and its existing public institutions, and takes effect April 30,  
11 2026.

12 NEW SECTION. **Sec. 21.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

--- END ---