

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5974

69th Legislature
2026 Regular Session

Passed by the Senate March 9, 2026
Yeas 30 Nays 19

President of the Senate

Passed by the House March 5, 2026
Yeas 54 Nays 42

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5974** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5974

AS AMENDED BY THE HOUSE

Passed Legislature - 2026 Regular Session

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)) unless the
19 conviction has been vacated;

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

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

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

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

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

1 (j) Except as provided in subsection (3) of this section, has
2 completed a background check that verifies that the person has met
3 the eligibility requirements in (a) through (i) of this subsection.

4 (i) The background check verifying eligibility must be completed
5 by the appointing authority no earlier than six months prior to the
6 date of appointment. The appointing authority must submit
7 confirmation to the criminal justice training commission that the
8 background check verified that the person meets the eligibility
9 requirements. Such confirmation is a public record.

10 (ii) The appointing authority is responsible for any cost
11 associated with the background check.

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

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

25 (3) The requirement of five years of experience with a government
26 law enforcement agency and the age requirement in subsection (1) of
27 this section do not apply to any person who is holding the office of
28 chief of police or marshal as of the effective date of this section,
29 unless the person seeks appointment to a different office of chief of
30 police or town marshal. All other eligibility requirements apply as
31 of the effective date of this section.

32 (4) For the purposes of this section, "government law enforcement
33 agency" means a general authority Washington law enforcement agency
34 or a limited authority Washington law enforcement agency as defined
35 in RCW 10.93.020, or a state or federal governmental agency that is
36 authorized by law to engage in or supervise the prevention,
37 detection, investigation, or prosecution of, or the incarceration of,
38 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; engage in
6 pursuits; detain or arrest; use force; carry or use firearms or other
7 weapons; use surveillance technologies except fixed cameras within
8 police stations; or share information from law enforcement databases
9 with any party other than the agency's chief or marshal, or the
10 volunteer supervisor designated in accordance with subsection (2) of
11 this section. They also may not be authorized to enforce civil
12 immigration laws. However, volunteers who are qualified retired law
13 enforcement officers under the federal law enforcement officers
14 safety act improvements act of 2010 (18 U.S.C. Sec. 926C) may be
15 authorized to carry firearms as part of their volunteer work for the
16 law enforcement agency. Additionally, volunteers and youth cadets may
17 not be authorized to use dogs to track people or animals, and may not
18 use dogs to apprehend or bite people or animals. They may, however,
19 use dogs to assist with search and rescue, including assisting with
20 canine human remains detection, cadaver search, evidence search, or
21 other search-oriented support of a law enforcement investigation.

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

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

1 specially commissioned officers or youth cadets are authorized to
2 use.

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

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

19 (c) A specially commissioned Washington peace officer as defined
20 in RCW 10.93.020 is not considered a volunteer for purposes of this
21 section.

22 (d) For purposes of this section, "youth cadets" means
23 participants in law enforcement agency training programs for careers
24 in law enforcement.

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

27 (1)(a) Any law enforcement agency in any code city that uses
28 volunteers or youth cadets, as defined in section 6 of this act, to
29 assist in the work of its law enforcement agency may not provide
30 authority to these volunteers, unless they have completed peace
31 officer training and maintained certification requirements, to
32 enforce criminal laws; engage in pursuits; detain or arrest; use
33 force; carry or use firearms or other weapons; use surveillance
34 technologies except fixed cameras within police stations; or share
35 information from law enforcement databases with any party other than
36 the agency's chief or marshal, or the volunteer supervisor designated
37 in accordance with subsection (2) of this section. They also may not
38 be authorized to enforce civil immigration laws. However, volunteers
39 who are qualified retired law enforcement officers under the federal

1 law enforcement officers safety act improvements act of 2010 (18
2 U.S.C. Sec. 926C) may be authorized to carry firearms as part of
3 their volunteer work for the law enforcement agency. Additionally,
4 volunteers and youth cadets may not be authorized to use dogs to
5 track people or animals, and may not use dogs to apprehend or bite
6 people or animals. They may, however, use dogs to assist with search
7 and rescue, including assisting with canine human remains detection,
8 cadaver search, evidence search, or other search-oriented support of
9 a law enforcement investigation.

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

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

38 (b) Any code city that uses volunteers, youth cadets, or
39 specially commissioned officers must adopt or amend its laws and
40 ordinances to comply with the requirements of this section. The

1 requirements of this section take effect January 1, 2027, to provide
2 time for adoption of policies, laws, and ordinances, and this section
3 supersedes, preempts, and invalidates any local law or ordinance that
4 conflicts with this section.

5 (c) A specially commissioned Washington peace officer as defined
6 in RCW 10.93.020 is not considered a volunteer for purposes of this
7 section.

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

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

13 (1) Shall uphold and enforce the Constitution and laws of the
14 state of Washington, as interpreted and applied by the state supreme
15 court, and uphold the United States Constitution;

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

19 ~~((2))~~ (3) Shall defend the county against those who, by riot or
20 otherwise, endanger the public peace or safety;

21 ~~((3))~~ (4) Shall execute the process and orders of the courts of
22 justice or judicial officers, when delivered for that purpose,
23 according to law;

24 ~~((4))~~ (5) Shall execute all warrants delivered for that purpose
25 by other public officers, according to the provisions of particular
26 statutes;

27 ~~((5))~~ (6) Shall ~~((attend the sessions of the courts of record~~
28 ~~held within the county, and))~~ obey ~~((their))~~ lawful judicial orders
29 or directions;

30 ~~((6))~~ (7) Shall keep and preserve the peace in their respective
31 counties, and ~~((quiet and suppress all affrays, riots, unlawful~~
32 ~~assemblies and insurrections, for which purpose, and for))~~ are
33 authorized to work in collaboration with other law enforcement
34 agencies pursuant to the Washington mutual aid peace officers powers
35 act, chapter 10.93 RCW;

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

1 (9) (a) (i) May call to their aid ((such persons, or power of their
2 county as they may deem necessary)) volunteers and youth cadets, as
3 defined in section 6 of this act. Any sheriff in any county that uses
4 volunteers or youth cadets to assist in the sheriff's work may not
5 provide authority to them, unless they have completed peace officer
6 training and maintained certification requirements, to enforce
7 criminal laws; engage in pursuits; detain or arrest; use force; carry
8 or use firearms or other weapons; use surveillance technologies
9 except fixed cameras within sheriff's offices; or share information
10 from law enforcement databases with any party other than the sheriff
11 or the volunteer supervisor designated in accordance with (b) of this
12 subsection. They also may not be authorized to enforce civil
13 immigration laws. However, volunteers who are qualified retired law
14 enforcement officers under the federal law enforcement officers
15 safety act improvements act of 2010 (18 U.S.C. Sec. 926C) may be
16 authorized to carry firearms as part of their volunteer work for the
17 law enforcement agency. Additionally, volunteers and youth cadets may
18 not be authorized to use dogs to track people or animals, and may not
19 use dogs to apprehend or bite people or animals. They may, however,
20 use dogs to assist with search and rescue, including assisting with
21 canine human remains detection, cadaver search, evidence search, or
22 other search-oriented support of a law enforcement investigation.

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

32 (b) Limitations on authority pursuant to (a) of this subsection,
33 and the required supervision of volunteers and youth cadets, must be
34 set forth in agency policies. Agency policies must also include
35 limitations on the authority of, and requirements for, specially
36 commissioned officers, including requirements that specially
37 commissioned officers must be supervised by the law enforcement
38 agency that commissioned them, other than when acting pursuant to RCW
39 10.93.050. Policies and ordinances must require appropriate training
40 for any firearms or other weapons that specially commissioned

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

11 (c) A specially commissioned Washington peace officer as defined
12 in RCW 10.93.020 is not considered a volunteer for purposes of this
13 section.

14 (d) The requirements of this subsection must be implemented in
15 accordance with section 10 of this act and take effect January 1,
16 2027, to provide time for adoption of policies, laws, and ordinances.

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

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

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

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

31 (b) Is at least 25 years old;

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

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

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

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, full-time law
8 enforcement employment, involving enforcement responsibilities with a
9 government law enforcement agency, as defined in subsection (4) of
10 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 (5) of this section, prior
18 to the election filing deadline, within 30 days after certification
19 of the election results, or at the time of appointment, has completed
20 a background check verifying that the person has met the requirements
21 in (a) through (i) of this subsection. Procedures for background
22 checks verifying eligibility requirements have been met are provided
23 in subsection (2) of this section.

24 (2)(a) For any person filing for candidacy or elected to the
25 office of sheriff, the Washington state patrol must conduct the
26 background check verifying eligibility. The state patrol must
27 complete the background check no later than the election filing
28 deadline, or, if the request for the background check is made too
29 close to the election filing deadline to meet that timeline, no later
30 than 30 days after the date of certification of the election results.
31 A person filing for candidacy for the office of sheriff must submit a
32 background check request to the Washington state patrol within six
33 months of, and up to, the deadline for filing for election, and
34 provide with the request the attestation required by subsection (3)
35 of this section. Once the state patrol completes the background
36 check, the state patrol shall submit confirmation to the criminal
37 justice training commission that the person has or has not passed the
38 background check verifying eligibility. The confirmation is a public
39 record. The state patrol shall notify the candidate or elected
40 person.

1 (b) Immediately following the filing deadline, the criminal
2 justice training commission shall post on its public website
3 maintained under RCW 43.101.400(4) a list of all candidates for
4 sheriff who have submitted the request for a background check and the
5 attestation as required by this section, and each candidate who has
6 passed the required background check.

7 (c)(i) The Washington state patrol must develop and provide on
8 its website, by May 1, 2026, a standard form and process for persons
9 filing for candidacy for the office of sheriff to use in requesting
10 the required background check, including the required attestation
11 that the person meets all the eligibility requirements, submission of
12 fingerprints and all information necessary to conduct state and
13 national criminal history record checks, and all other information
14 necessary for the Washington state patrol to conduct the eligibility
15 verification required by this section. The Washington state patrol
16 must submit the fingerprints to the federal bureau of investigation
17 for a comparison with nationwide records, as required and authorized
18 under P.L. 92-544.

19 (ii) For the purpose of the Washington state patrol accessing
20 state and national criminal history record information, including
21 mandatory fingerprint-based background checks submitted to the
22 federal bureau of investigation, any person who is not certified,
23 filing for candidacy for the office of sheriff, elected to the office
24 of sheriff, or seeking appointment to the office of sheriff is deemed
25 an applicant for peace officer certification eligibility under
26 chapter 43.101 RCW. Completion of this state and national criminal
27 history record check is a mandatory condition of their candidacy,
28 election, or appointment.

29 (d) In the case of appointment, the background check verifying
30 eligibility must be completed by the appointing authority no earlier
31 than six months prior to the date of appointment. The appointing
32 authority must submit confirmation to the criminal justice training
33 commission that the background check verified that the person meets
34 the eligibility requirements. Such confirmation is a public record.

35 (e) The county in which a person is seeking appointment or
36 election to the office of sheriff is responsible for any costs
37 associated with the background check required by this section. The
38 county shall reimburse the Washington state patrol for all costs
39 associated with the background check it conducts for any person
40 seeking election to the office of sheriff. The appointing authority

1 is responsible for all costs associated with the background check it
2 conducts for any person being appointed to the office of sheriff in
3 that county.

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

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

26 (5) The requirement of five years of experience with a government
27 law enforcement agency and the age requirement in subsection (1) of
28 this section do not apply to any person who is holding the office of
29 sheriff as of the effective date of this section, unless the person
30 seeks election to a different office of sheriff, or appointment to a
31 different office of sheriff. All other eligibility requirements apply
32 as of the effective date of this section.

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

35 (1)(a) Any sheriff in any county that uses volunteers or youth
36 cadets, as defined in section 6 of this act, to assist in the
37 sheriff's work may not provide authority to them, unless they have
38 completed peace officer training and maintained certification
39 requirements, to enforce criminal laws; engage in pursuits; detain or

1 arrest; use force; carry or use firearms or other weapons; use
2 surveillance technologies except fixed cameras within sheriff's
3 offices; or share information from law enforcement databases with any
4 party other than the sheriff or the volunteer supervisor designated
5 in accordance with subsection (2) of this section. They also may not
6 be authorized to enforce civil immigration laws. However, volunteers
7 who are qualified retired law enforcement officers under the federal
8 law enforcement officers safety act improvements act of 2010 (18
9 U.S.C. Sec. 926C) may be authorized to carry firearms as part of
10 their volunteer work for the law enforcement agency. Additionally,
11 volunteers and youth cadets may not be authorized to use dogs to
12 track people or animals, and may not use dogs to apprehend or bite
13 people or animals. They may, however, use dogs to assist with search
14 and rescue, including assisting with canine human remains detection,
15 cadaver search, evidence search, or other search-oriented support of
16 a law enforcement investigation.

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

26 (2)(a) Limitations on authority pursuant to subsection (1) of
27 this section, and the required supervision of volunteers and youth
28 cadets, must be set forth in agency policies. Agency policies must
29 also include limitations on the authority of, and requirements for,
30 specially commissioned officers, including requirements that
31 specially commissioned officers must be supervised by the law
32 enforcement agency that commissioned them, other than when acting
33 pursuant to RCW 10.93.050. Policies and ordinances must require
34 appropriate training for any firearms or other weapons that specially
35 commissioned officers or youth cadets are authorized to use. Agency
36 policies must also require that volunteers, youth cadets, and
37 specially commissioned officers be clearly identifiable by the public
38 as such, and as distinguishable from peace officers, with limitations
39 on the use of face coverings consistent with standards in state law
40 for law enforcement. Sheriffs, police chiefs, and marshals must only

1 provide badges or other identifying insignia to volunteers, youth
2 cadets, and specially commissioned officers that are authorized in
3 agency policy, and such identification may only be used by them while
4 on duty in their authorized roles.

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

13 (c) A specially commissioned Washington peace officer as defined
14 in RCW 10.93.020 is not considered a volunteer for purposes of this
15 section.

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

18 (1) In addition to the causes for vacancy of elective office set
19 forth in RCW 42.12.010, a vacancy in the office of sheriff is created
20 if the incumbent does not maintain certification as required under
21 chapter 43.101 RCW, is decertified pursuant to a final decision by
22 the criminal justice training commission under chapter 43.101 RCW or
23 a final decision on appeal, or if the other requirements of RCW
24 36.28.025 have not been met or have not been complied with while in
25 office. When a vacancy has been created, the vacancy shall be filled
26 pursuant to RCW 36.16.110. The person appointed must meet the
27 requirements of RCW 36.28.025.

28 (2) Where the office of sheriff is an appointed position, such
29 appointment is terminated, and a vacancy created, if the incumbent
30 does not maintain certification as required under chapter 43.101 RCW,
31 is decertified pursuant to a final decision by the criminal justice
32 training commission under chapter 43.101 RCW or a final decision on
33 appeal, or if the other requirements of RCW 36.28.025 have not been
34 met or have not been complied with while in office. The appointing
35 county legislative authority shall appoint a replacement to fill the
36 office. The person appointed must meet the requirements of RCW
37 36.28.025.

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

3 Every elective office shall become vacant on the happening of any
4 of the following events:

5 (1) The death of the incumbent;

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

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

10 (4) Except as provided in RCW 3.46.067 and 3.50.057, ~~((his or~~
11 ~~her))~~ the incumbent ceasing to be a legally registered voter of the
12 district, county, city, town, or other municipal or quasi municipal
13 corporation from which ~~((he or she))~~ the incumbent shall have been
14 elected or appointed, including where applicable the council
15 district, commissioner district, or ward from which ~~((he or she))~~ the
16 incumbent shall have been elected or appointed;

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

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

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

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

28 (9) Whenever an elected law enforcement official does not
29 maintain certification as required under chapter 43.101 RCW, has been
30 decertified pursuant to a final decision by the criminal justice
31 training commission under chapter 43.101 RCW or a final decision on
32 appeal, or if the other requirements of RCW 36.28.025 have not been
33 met or have not been complied with while in office.

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

36 (1) (a) As a condition of employment, or of holding office, all
37 peace officers and all corrections officers are required to obtain
38 certification ~~((or exemption therefrom))~~ and maintain certification
39 as required by this chapter and the rules of the commission.

1 (b) To ensure that sheriffs, police chiefs, and town marshals
2 meet the requirements in RCW 35.21.333 and 36.28.025 to obtain
3 certification within nine months of assuming office, the commission
4 must prioritize their access to any commission training required for
5 certification.

6 (2) (a) Any ~~((applicant who has been offered a conditional offer~~
7 ~~of employment))~~ person being considered for appointment as a sheriff,
8 police chief, or marshal, or seeking employment as a peace officer
9 ~~((or)),~~ reserve officer, ((offered a conditional offer of employment
10 ~~as a))~~ corrections officer ((after July 1, 2021)), or ((offered a
11 ~~conditional offer of employment))~~ as a limited authority Washington
12 peace officer who if hired would qualify as a peace officer as
13 defined ((by)) in RCW 43.101.010 ((after July 1, 2023)), must submit
14 to a background investigation to determine that they meet eligibility
15 requirements and to determine the ((applicant's)) person's
16 suitability for employment. ((This requirement applies to any
17 ~~applicant moving from any Washington law enforcement or corrections~~
18 ~~agency to another, as well as applicants moving from a certified~~
19 ~~peace officer position to a certified corrections officer position,~~
20 ~~or vice versa, within the same agency.))~~ This requirement does not
21 apply to any person whose certification has lapsed as a result of a
22 break of more than 24 consecutive months in the officer's service as
23 a result of being recalled into military service. Employing agencies
24 and appointing authorities may only make a conditional offer of
25 employment pending completion of the background ((check))
26 investigation and shall ((verify)) attest in writing to the
27 commission that they have complied with all background ((check))
28 investigation requirements prior to making any nonconditional offer
29 of employment.

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

32 (i) A check of criminal history, any national decertification
33 index, commission records, and all disciplinary records by any
34 previous law enforcement or correctional employer, including
35 complaints or investigations of misconduct and the reason for
36 separation from employment. Law enforcement or correctional agencies
37 that previously employed or received an application from the
38 ~~((applicant))~~ person shall retain application records and disclose
39 employment or application information within 30 days of receiving a
40 written request from the employing agency conducting the background

1 investigation, including the reason for the (~~officer's~~) person's
2 separation from the agency, any information regarding the person's
3 application to that agency, and any other information obtained during
4 the background investigation conducted as part of the application
5 process. Complaints or investigations of misconduct must be disclosed
6 regardless of the result of the investigation or whether the
7 complaint was unfounded;

8 (ii) Inquiry to the local prosecuting authority in any
9 jurisdiction in which the (~~applicant~~) person has served as to
10 whether the (~~applicant~~) person is on any potential impeachment
11 disclosure list;

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

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

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

20 (vi) A psychological examination administered by a psychiatrist
21 licensed in the state of Washington pursuant to chapter 18.71 RCW or
22 a psychologist licensed in the state of Washington pursuant to
23 chapter 18.83 RCW, in compliance with standards established in rules
24 of the commission;

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

28 (viii) Except as otherwise provided in this section, any test or
29 assessment to be administered as part of the background investigation
30 shall be administered in compliance with standards established in
31 rules of the commission.

32 (c) The commission (~~may~~) shall establish standards for the
33 background (~~check~~) investigation requirements in this section and
34 any other preemployment background (~~check~~) investigation
35 requirement that may be imposed by an employing agency or the
36 commission.

37 (~~(d) The employing law enforcement agency may require that each~~
38 ~~person who is required to take a psychological examination and a~~
39 ~~polygraph or similar test pay a portion of the testing fee based on~~
40 ~~the actual cost of the test or \$400, whichever is less. Employing~~

1 ~~agencies may establish a payment plan if they determine that the~~
2 ~~person does not readily have the means to pay the testing fee.)~~)

3 (3) (a) The commission shall allow a peace officer or corrections
4 officer to retain status as a certified (~~peace officer or~~
5 ~~corrections~~) officer as long as the officer: (i) Timely meets the
6 basic training requirements, or is exempted therefrom, in whole or in
7 part, under RCW 43.101.200 or under rule of the commission; (ii)
8 timely meets or is exempted from any other requirements under this
9 chapter as administered under the rules adopted by the commission;
10 (iii) is not denied certification by the commission under this
11 chapter; and (iv) has not had certification suspended or revoked by
12 the commission.

13 (b) The commission shall certify peace officers who are limited
14 authority Washington peace officers employed on or before July 1,
15 2023. Thereafter, the commission may revoke certification pursuant to
16 this chapter.

17 (4) As a condition of certification and of a background
18 investigation, a peace officer or corrections officer must (~~(, or on)~~):

19 (a) On a form devised or adopted by the commission, authorize the
20 release to the employing county, city, or agency and to the
21 commission of the officer's personnel files, including disciplinary,
22 termination, civil or criminal investigation, or other records or
23 information that are directly related to a certification matter or
24 decertification matter before the commission (~~(. The peace officer or~~
25 ~~corrections officer must also consent)~~);

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

32 (c) Indicate, on a form provided by the hiring agency, any prior
33 application materials, including any background investigation
34 conducted while seeking employment with any other law enforcement
35 agency, including where the person began but did not complete a full
36 background investigation.

37 (5) The employing county, city, or agency and the commission are
38 authorized to receive criminal history record information that
39 includes nonconviction data for any purpose associated with
40 employment or certification under this chapter. Dissemination or use

1 of nonconviction data for purposes other than that authorized in this
2 section is prohibited.

3 (6) For a national criminal history records check, the commission
4 shall require fingerprints be submitted and searched through the
5 Washington state patrol identification and criminal history section.
6 The Washington state patrol shall forward the fingerprints to the
7 federal bureau of investigation.

8 (7) Prior to certification or appointment of a sheriff, police
9 chief, or marshal, the employing agency or appointing authority shall
10 ~~((certify))~~ attest to the commission that the agency or appointing
11 authority has received or conducted a completed ~~((the))~~ background
12 ~~((check))~~ investigation, that no information has been found that
13 would disqualify the ~~((applicant))~~ person from certification, and
14 that the ~~((applicant is))~~ person was determined by the background
15 investigation and under commission rules to have met eligibility
16 requirements and to be suitable for employment as a peace officer or
17 corrections officer, or appointment as a sheriff, chief, or marshal.
18 Persons determined by the background investigation to have engaged in
19 conduct meeting the criteria set forth in RCW 43.101.105(2) shall be
20 considered unsuitable for employment as a peace officer.

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

27 (9) The requirements of this section apply to persons applying to
28 serve as a new officer, a lateral transfer within the state or from
29 another state from a law enforcement or corrections agency to a
30 different law enforcement or corrections agency, or an officer moving
31 from a corrections division to a law enforcement division or vice
32 versa within the same agency unless exempted by the commission, or a
33 person appointed or elected as a sheriff, chief, or marshal.

34 (10) Every individual, legal entity, and agency of federal,
35 state, or local government is immune from civil liability, whether
36 direct or derivative, for providing information to the commission,
37 employing agencies, potential employing agencies, or appointing
38 authorities in good faith.

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

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

9 (2) A person whose certification is denied or revoked based upon
10 prior administrative error of issuance, failure to cooperate, or
11 interference with an investigation is eligible for certification upon
12 meeting standards established in rules of the commission, which rules
13 shall provide for a probationary period of certification in the event
14 of reinstatement of eligibility.

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

18 (4) Any officer who is required to obtain and maintain
19 certification and who has had their certification denied, revoked, or
20 voluntarily surrendered and not reinstated in this state or any other
21 state may not serve in any role as a peace officer, corrections
22 officer, limited authority Washington peace officer, specially
23 commissioned officer, or reserve officer.

24 (5) A person whose certification is denied or revoked for reasons
25 other than provided in subsections (1) through (3) of this section
26 may, five years after the revocation or denial, petition the
27 commission for reinstatement of the certificate or for eligibility
28 for reinstatement. The commission may hold a hearing on the petition
29 to consider reinstatement, and the commission may allow reinstatement
30 based upon standards established in rules of the commission. If the
31 certificate is reinstated or eligibility for certification is
32 determined, the commission shall establish a probationary period of
33 certification.

34 ~~((+5))~~ (6) A person whose certification is revoked based solely
35 upon a criminal conviction may petition the commission for
36 reinstatement immediately upon a final judicial reversal of the
37 conviction. The commission shall hold a hearing on request to
38 consider reinstatement, and the commission may allow reinstatement
39 based on standards established in rules of the commission. If the
40 certificate is reinstated or if eligibility for certification is

1 determined, the commission shall establish a probationary period of
2 certification.

3 ~~((+6))~~ (7) The commission's rules and decisions regarding
4 reinstatement shall align with its responsibilities to enhance public
5 trust and confidence in the law enforcement profession and
6 correctional system.

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

9 A general authority Washington law enforcement agency or limited
10 authority Washington law enforcement agency is prohibited from
11 considering the application for any office, place, position, or
12 employment within the agency if the ~~((applicant))~~ person has not
13 provided the agency a document, voluntarily and knowingly signed by
14 the ~~((applicant))~~ person, that authorizes each prior employer and
15 each agency to which the person has applied to release any and all
16 information relating to the ~~((applicant's))~~ person's employment and
17 application for employment, and further releasing and holding
18 harmless the agency and each prior employer and agency to which the
19 person has applied from any and all liability that may potentially
20 result from the release and use of such information provided.

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

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

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

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

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

9 (2) Records which are otherwise confidential and exempt from
10 public disclosure under subsection (1) of this section may be
11 reviewed and copied: (a) By the officer involved or the officer's
12 counsel or authorized representative, who may review the officer's
13 file and may submit any additional exculpatory or explanatory
14 evidence, statements, or other information, any of which must be
15 included in the file; (b) by a duly authorized representative of (i)
16 the agency of termination, or (ii) a current employing law
17 enforcement or corrections agency, which may review and copy its
18 employee-officer's file; or (c) by a representative of or
19 investigator for the commission.

20 (3) Records which are otherwise confidential and exempt from
21 public disclosure under subsection (1) of this section may also be
22 inspected at the offices of the commission by a duly authorized
23 representative of a law enforcement or corrections agency considering
24 an application for employment by a person who is the subject of a
25 record. A copy of records which are otherwise confidential and exempt
26 under subsection (1) of this section may later be obtained by an
27 agency after it hires the (~~(applicant)~~) person. In all other cases
28 under this subsection, the agency may not obtain a copy of the
29 record.

30 (4) The commission shall maintain a database that is publicly
31 searchable, machine readable, and exportable, and accompanied by a
32 complete, plain-language data dictionary describing the names of
33 officers and employing agencies, all conduct investigated,
34 certifications denied, notices and accompanying information provided
35 by law enforcement or correctional agencies, including the reasons
36 for separation from the agency, decertification or suspension actions
37 pursued, and final disposition and the reasons therefor for at least
38 30 years after final disposition of each incident. The dates for each
39 material step of the process must be included. Any decertification
40 must be reported to the national decertification index.

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

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

7 (1) RCW 35.66.010 (Authority to establish) and 1965 c 7 s
8 35.66.010;

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

10 (3) RCW 35.66.030 (Assistance by police) and 1965 c 7 s
11 35.66.030;

12 (4) RCW 35.66.040 (Compensation) and 2007 c 218 s 68 & 1965 c 7 s
13 35.66.040;

14 (5) RCW 35.66.050 (Persons under arrest—Separate quarters) and
15 1973 1st ex.s. c 154 s 53 & 1965 c 7 s 35.66.050; and

16 (6) RCW 36.28.011 (Duty to make complaint) and 1963 c 4 s
17 36.28.011.

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

20 NEW SECTION. **Sec. 20.** Except for sections 6, 7, and 10 of this
21 act, this act is necessary for the immediate preservation of the
22 public peace, health, or safety, or support of the state government
23 and its existing public institutions, and takes effect April 30,
24 2026.

25 NEW SECTION. **Sec. 21.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

--- END ---