

HOUSE BILL REPORT

SSB 6316

As Reported By House Committee On:
Local Government

Title: An act relating to minimum qualifications for the office of sheriff.

Brief Description: Providing minimum qualifications for county sheriffs.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Haugen, A. Smith, Oke, M. Rasmussen, Loveland, Winsley and Ludwig).

Brief History:

Reported by House Committee on:
Local Government, February 25, 1994, DPA.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 6 members: Representatives H. Myers, Chair; Springer, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Moak and Rayburn.

Minority Report: Do not pass. Signed by 5 members: Representatives Dunshee; R. Fisher; Horn; Van Luven and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The office of sheriff is required by the state constitution to be elected in every county without a home rule charter. The only qualification to run for the office of county sheriff is that a candidate be a registered voter of the county.

Any person convicted of an "infamous" crime loses the right to vote unless his or her civil rights have been restored. Recent determinant sentencing laws automatically restore a persons civil rights when the full term has been served.

Any person who initially holds office as a sheriff after September 1, 1979, is required to complete a basic law enforcement training program which complies with standards adopted by the state Criminal Justice Training Commission.

A vacancy occurs in any elective office if the official has ever been convicted of a felony or any offense involving a violation of the oath of office.

The state supreme court has held that if a person is eligible to vote for an office, he or she is eligible to run for that office and that only the courts may determine eligibility requirements to run for public office.

Summary of Amended Bill:

1. New qualifications.

Commencing in the November, 1994, general election, no person is eligible to be a candidate for the office of sheriff, hold office as sheriff, or be appointed to the office of sheriff, unless at the time of filing for that office that person:

- o is a registered voter of the county.
- o has been awarded a high school diploma or a recognized equivalent.
- o has not been convicted of or pled guilty to a felony under the laws of this state, another state, or the United States.
- o has not been convicted of a gross misdemeanor or any crime involving moral turpitude within the past 10 years.
- o has been fingerprinted by the state patrol within the last 60 days.
- o has a certificate of completion of a basic law enforcement training program which complies with the standards adopted by the state Criminal Justice Training Commission. However, if the certificate is not obtained prior to assuming office, then the sheriff shall have one year to complete this requirement. This requirement does not apply to anyone holding this office as of September 1, 1994.
- o has completed at least three years of full-time law enforcement employment responsibilities with a government law enforcement agency.

Where no eligible person files for the office of sheriff during the normal filing period, this latter requirement for three years of law enforcement employment is waived during the special filing period. Further, this latter requirement may be waived if no "applicant" for appointment to a vacancy

meets this law enforcement or correctional employment requirement.

2. Action by county auditor.

The county auditor shall disqualify a candidate for the office of sheriff if the auditor determines that a candidate does not meet these qualifications and that person's name shall not appear on the general election ballot.

If the ballots have already been printed, then votes cast for the disqualified candidate shall not be counted.

3. Legal action to declare office vacant.

A lawsuit may be brought in the Superior Court to declare the office of sheriff vacant if the sheriff does not meet these qualifications.

4. Continuing education.

Every sheriff must obtain 30 training hours of continuing education each year as approved by the state Criminal Justice Training Commission.

5. State patrol search.

The Washington State Patrol shall search local, state and national fingerprint files to disclose any criminal records for candidates for the office of sheriff. If such an offense is discovered, the state patrol shall notify the auditor of the county in which the candidate is running or holds office.

Amended Bill Compared to Substitute Bill: Past employment requirements are made more strict by not including past employment as a corrections officer or law enforcement manager, and increasing the number of years from two to three of such required employment.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: All but one sheriff supports this legislation. We want the best, most-qualified people to run for sheriff.

Testimony Against: None.

Witnesses: Senator Mary Margaret Haugen, prime sponsor; and Tim Sheldon, Sheriffs and Police Chiefs Association.