
SECOND SUBSTITUTE HOUSE BILL 1423

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Sterk, Costa, Sheahan, McDonald, Koster, Robertson, Carrell, Sherstad, Hickel, Delvin, L. Thomas, O'Brien and Conway)

Read first time 03/10/97.

1 AN ACT Relating to criminal justice training; adding new sections
2 to chapter 43.101 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW
5 to read as follows:

6 (1) The commission shall charge revenue recovery fees to all law
7 enforcement personnel who are subject to the mandatory basic law
8 enforcement training requirement of RCW 43.101.200 and who begin
9 training on or after July 1, 1997, in an amount equal to all or a
10 portion of the commission's pro rata cost of providing basic law
11 enforcement training at the time and place provided, plus interest as
12 provided for in subsection (2) of this section. The commission may
13 begin charging revenue recovery fees as of July 1, 1997, but no later
14 than July 1, 1998.

15 (2) The commission may establish a monthly payment schedule with
16 the law enforcement personnel for the payment of revenue recovery fees.
17 The monthly payment schedule is calculated based on the law enforcement
18 personnel's monthly salary, the total revenue recovery fee charged, and
19 any other factors the commission deems reasonable to consider. The

1 commission may charge a reasonable rate of interest, not to exceed
2 eight percent, on the total amount of the revenue recovery fee over the
3 entire period of the payment schedule.

4 (3) Revenue recovery fees authorized under subsections (1) and (2)
5 of this section may be charged only as prescribed by rule adopted by
6 the commission under chapter 34.05 RCW. In any such rule, the
7 commission shall, in its sole discretion, establish the percentage of
8 the pro rata cost to be charged, up to and including the full pro rata
9 cost, plus any interest as provided for in subsection (2) of this
10 section.

11 (4) The commission shall establish standards for waiver of all or
12 a portion of the pro rata training fees assessed in this section. The
13 standards for waiver must be based on a showing of low income or other
14 showing of need by an individual officer.

15 (5) Payment in full of all fees assessed by the commission under
16 this section is a prerequisite to the commission's approval or
17 certification of successful completion of the training for which the
18 fees have been assessed. If the payment of fees is based on a monthly
19 payment schedule, the law enforcement personnel's signature on an
20 obligation note reflecting the total fee owed plus interest is a
21 prerequisite to the commission's approval or certification of
22 successful completion of the training for which the fees have been
23 assessed.

24 (6) All fee payments received by the commission are deemed to be
25 revenue recoveries by the commission.

26 (7) All recoveries of revenue under this section must be deposited
27 in the public safety and education account created under RCW 43.08.250
28 and are subject to appropriation under that section.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW
30 to read as follows:

31 (1) Two separate training standards and education boards are
32 created and established, to be known and designated as (a) the board on
33 law enforcement training standards and education and (b) the board on
34 correctional training standards and education.

35 (2) The purpose of the board on law enforcement training standards
36 and education is to review and recommend to the commission programs and
37 standards for the training and education of law enforcement personnel.

1 (3) The purpose of the board on correctional training standards and
2 education is to review and recommend to the commission programs and
3 standards for the training and education of correctional personnel.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW
5 to read as follows:

6 (1) The board on law enforcement training standards and education
7 consists of thirteen members, appointed by the executive director and
8 subject to approval by the commission. Members must be selected as
9 follows: (a) Three must represent county law enforcement agencies, at
10 least two of whom must be incumbent sheriffs; (b) three must represent
11 city police agencies, at least two of whom must be incumbent police
12 chiefs, one of whom shall be from a city under five thousand; (c) one
13 must represent community colleges; (d) one must represent the four-year
14 colleges and universities; (e) four must represent the council of
15 police officers, two of whom must be training officers; and (f) one
16 must represent tribal law enforcement in Washington. The four officers
17 under (e) of this subsection may be solicited by the executive director
18 only after the council of police officers provides the director with
19 the names of qualified officers.

20 (2) The board on correctional training standards and education
21 consists of fourteen members, appointed by the executive director and
22 subject to approval by the commission. Members must be selected as
23 follows: (a) Three must be employed in the state correctional system;
24 (b) three must be employed in county correctional systems; (c) two must
25 be employed in juvenile corrections or probation, one at the local
26 level and the other at the state level; (d) two must be employed in
27 community corrections; (e) one must represent community colleges; (f)
28 one must represent four-year colleges and universities; and (g) two
29 must be additional persons with experience and interest in correctional
30 training standards and education. At least one of the members
31 appointed under (a) of this subsection and at least one of the members
32 appointed under (b) of this subsection must be currently employed as
33 front line correctional officers.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW
35 to read as follows:

36 All members of each of the training standards and education boards
37 must be appointed for terms of six years, commencing on July 1st, and

1 expiring on June 30th. However, of the members first appointed three
2 will serve for terms of two years, four will serve for terms of four
3 years, and four will serve for terms of six years. A member chosen to
4 fill a vacancy that has been created other than by expiration of a term
5 must be appointed for the unexpired term of the member to be succeeded.
6 A member may be reappointed for additional terms.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW
8 to read as follows:

9 A member of either board appointed under section 3 of this act as
10 an incumbent official or because of employment status, ceases to be a
11 member of the board immediately upon the termination of the holding of
12 the qualifying office or employment.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101 RCW
14 to read as follows:

15 Each training standards and education board shall elect a chair and
16 vice-chair from among its members. A simple majority of the members of
17 a training standards and education board constitutes a quorum. The
18 commission shall summon each of the training standards and education
19 boards to its first meeting.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.101 RCW
21 to read as follows:

22 Members of the training standards and education boards may be paid
23 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

24 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.101 RCW
25 to read as follows:

26 The training standards and education boards have the following
27 powers:

- 28 (1) To meet at such times and places as they may deem proper;
- 29 (2) To adopt bylaws for the conduct of their business as deemed
30 necessary by each board;
- 31 (3) To cooperate with and secure the cooperation of any department,
32 agency, or instrumentality in state, county, or city government, and
33 commissions affected by or concerned with the business of the
34 commission;

1 (4) To do any and all things necessary or convenient to enable them
2 fully and adequately to perform their duties and to exercise the powers
3 granted to them;

4 (5) To advise the commission of the training and education needs of
5 criminal justice personnel within their specific purview;

6 (6) To recommend to the commission standards for the training and
7 education of criminal justice personnel within their specific purview;

8 (7) To recommend to the commission minimum curriculum standards for
9 all training and education programs conducted for criminal justice
10 personnel within their specific purview;

11 (8) To recommend to the commission standards for instructors of
12 training and education programs for criminal justice personnel within
13 their specific purview;

14 (9) To recommend to the commission alternative, innovative, and
15 interdisciplinary training and education techniques for criminal
16 justice personnel within their specific purview;

17 (10) To review and recommend to the commission the approval of
18 training and education programs for criminal justice personnel within
19 their specific purview;

20 (11) To monitor and evaluate training and education programs for
21 criminal justice personnel with their specific purview.

22 Each training standards and education board shall report to the
23 commission at the end of each fiscal year on the effectiveness of
24 training and education programs for criminal justice personnel within
25 its specific purview.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.101 RCW
27 to read as follows:

28 For the purpose of raising the level of competence of criminal
29 justice personnel, the commission shall review the recommendations of
30 training standards and education boards made under section 8 of this
31 act.

32 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.101
33 RCW to read as follows:

34 (1) All law enforcement personnel initially hired to, transferred
35 to, or promoted to a supervisory or management position on or after
36 January 1, 1999, shall, within the first six months of entry into the
37 position, successfully complete the core training requirements

1 prescribed by rule of the commission for the position, or obtain a
2 waiver or extension of the core training requirements from the
3 commission.

4 (2) Within one year after completion of the core training
5 requirements of this section, all law enforcement personnel shall
6 successfully complete all remaining requirements for career level
7 certification prescribed by rule of the commission applicable to their
8 position or rank, or obtain a waiver or extension of the career level
9 training requirements from the commission.

10 (3) The commission shall provide the training required in this
11 section, together with facilities, supplies, materials, and the room
12 and board for attendees who do not live within one hundred miles of the
13 training center. The training shall be delivered in the least
14 disruptive manner to local law enforcement agencies, and will include
15 but not be limited to regional on-site training, interactive training,
16 and credit for training given by the home department.

17 (4) Nothing in this section affects or impairs the employment
18 status of an employee whose employer does not provide the opportunity
19 to engage in the required training.

20 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.101
21 RCW to read as follows:

22 By January 1st of every odd-numbered year, the commission shall
23 provide a written report to the legislature addressing the following
24 items: (1) Status and satisfaction of service to its clients; (2)
25 detailed analysis of how it will maintain and update adequate
26 state-of-the-art training models and their delivery in the most
27 cost-effective and efficient manner; and (3) fiscal data projecting its
28 current and future funding requirements.

29 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.101
30 RCW to read as follows:

31 Each year the criminal justice training commission shall offer an
32 intensive training session on investigation of child abuse and neglect.
33 The training shall focus on the investigative duties of law enforcement
34 established under chapter 26.44 RCW with particular emphasis placed on
35 child interview techniques to increase the accuracy of statements taken
36 from children and decrease the need for additional interviews.

1 NEW SECTION. **Sec. 13.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

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