
HOUSE BILL 1423

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1997 Regular Session

By Representatives Sterk, Costa, Sheahan, McDonald, Koster, Robertson, Carrell, Sherstad, Hickel, Delvin, L. Thomas, O'Brien and Conway

Read first time 01/27/97. Referred to Committee on Criminal Justice & Corrections.

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 (3) 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 charge revenue recovery fees to all law
16 enforcement personnel for training other than that addressed in
17 subsection (1) of this section in an amount equal to all or a portion
18 of the commission's pro rata cost of providing the training at the time

1 and place provided, plus interest as provided for in subsection (3) of
2 this section.

3 (3) The commission may establish a monthly payment schedule with
4 the law enforcement personnel for the payment of revenue recovery fees.
5 The monthly payment schedule is calculated based on the law enforcement
6 personnel's monthly salary, the total revenue recovery fee charged, and
7 any other factors the commission deems reasonable to consider. The
8 commission may charge a reasonable rate of interest, not to exceed
9 eight percent, on the total amount of the revenue recovery fee over the
10 entire period of the payment schedule.

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

18 (5) The commission shall establish standards for waiver of all or
19 a portion of the pro rata training fees assessed in this section. The
20 standards for waiver must be based on a showing of low income or other
21 showing of need by an individual officer.

22 (6) Payment in full of all fees assessed by the commission under
23 this section is a prerequisite to the commission's approval or
24 certification of successful completion of the training for which the
25 fees have been assessed. If the payment of fees is based on a monthly
26 payment schedule, the law enforcement personnel's signature on an
27 obligation note reflecting the total fee owed plus interest is a
28 prerequisite to the commission's approval or certification of
29 successful completion of the training for which the fees have been
30 assessed.

31 (7) All fee payments received by the commission are deemed to be
32 revenue recoveries by the commission.

33 (8) All recoveries of revenue under this section must be deposited
34 in the public safety and education account created under RCW 43.08.250
35 and are subject to appropriation under that section.

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

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

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

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

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

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

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

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

3 All members of each of the training standards and education boards
4 must be appointed for terms of six years, commencing on July 1st, and
5 expiring on June 30th. However, of the members first appointed three
6 will serve for terms of two years, four will serve for terms of four
7 years, and four will serve for terms of six years. A member chosen to
8 fill a vacancy that has been created other than by expiration of a term
9 must be appointed for the unexpired term of the member to be succeeded.
10 A member may be reappointed for additional terms.

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

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

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

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

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

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

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

30 The training standards and education boards have the following
31 powers:

- 32 (1) To meet at such times and places as they may deem proper;
- 33 (2) To adopt bylaws for the conduct of their business as deemed
34 necessary by each board;

1 (3) To cooperate with and secure the cooperation of any department,
2 agency, or instrumentality in state, county, or city government, and
3 commissions affected by or concerned with the business of the
4 commission;

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

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

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

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

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

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

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

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

26 Each training standards and education board shall report to the
27 commission at the end of each fiscal year on the effectiveness of
28 training and education programs for criminal justice personnel within
29 its specific purview.

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

32 For the purpose of raising the level of competence of criminal
33 justice personnel, the commission shall review the recommendations of
34 training standards and education boards made under section 8 of this
35 act.

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

1 (1) All law enforcement personnel initially hired to, transferred
2 to, or promoted to a supervisory or management position on or after
3 January 1, 1999, shall, within the first six months of entry into the
4 position, successfully complete the core training requirements
5 prescribed by rule of the commission for the position, or obtain a
6 waiver or extension of the core training requirements from the
7 commission.

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

14 (3) The commission shall provide the training required in this
15 section, together with facilities, supplies, materials, and the room
16 and board for noncommuting attendees.

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.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 13.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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