

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2999

60th Legislature
2008 Regular Session

Passed by the House February 12, 2008
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 7, 2008
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2999** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2999

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Representatives Hurst, Loomis, Kelley, Kirby, Lias, Morrell, Green, and Simpson; by request of Governor Gregoire

Read first time 01/21/08. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to the "chief for a day" program; amending RCW
2 43.101.010 and 43.101.080; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the Washington
5 state criminal justice commission's participation in charitable work,
6 such as the "chief for a day" program that provides special attention
7 to chronically ill children through recognition by various law
8 enforcement agencies within the state, advances the overall purposes of
9 the commission by promoting positive relationships between law
10 enforcement and the citizens of the state of Washington.

11 **Sec. 2.** RCW 43.101.010 and 2003 c 39 s 27 are each amended to read
12 as follows:

13 When used in this chapter:

14 (1) The term "commission" means the Washington state criminal
15 justice training commission.

16 (2) The term "boards" means the education and training standards
17 boards, the establishment of which are authorized by this chapter.

1 (3) The term "criminal justice personnel" means any person who
2 serves in a county, city, state, or port commission agency engaged in
3 crime prevention, crime reduction, or enforcement of the criminal law.

4 (4) The term "law enforcement personnel" means any public employee
5 or volunteer having as a primary function the enforcement of criminal
6 laws in general or any employee or volunteer of, or any individual
7 commissioned by, any municipal, county, state, or combination thereof,
8 agency having as its primary function the enforcement of criminal laws
9 in general as distinguished from an agency possessing peace officer
10 powers, the primary function of which is the implementation of
11 specialized subject matter areas. For the purposes of this subsection
12 "primary function" means that function to which the greater allocation
13 of resources is made.

14 (5) The term "correctional personnel" means any employee or
15 volunteer who by state, county, municipal, or combination thereof,
16 statute has the responsibility for the confinement, care, management,
17 training, treatment, education, supervision, or counseling of those
18 individuals whose civil rights have been limited in some way by legal
19 sanction.

20 (6) "Chief for a day program" means a program in which
21 commissioners and staff partner with local, state, and federal law
22 enforcement agencies, hospitals, and the community to provide a day of
23 special attention to chronically ill children. Each child is selected
24 and sponsored by a law enforcement agency. The event, "chief for a
25 day," occurs on one day, annually or every other year and may occur on
26 the grounds and in the facilities of the commission. The program may
27 include any appropriate honoring of the child as a "chief," such as a
28 certificate swearing them in as a chief, a badge, a uniform, and
29 donated gifts such as games, puzzles, and art supplies.

30 (7) A peace officer is "convicted" at the time a plea of guilty has
31 been accepted, or a verdict of guilty or finding of guilt has been
32 filed, notwithstanding the pendency of any future proceedings,
33 including but not limited to sentencing, posttrial or postfact-finding
34 motions and appeals. "Conviction" includes a deferral of sentence and
35 also includes the equivalent disposition by a court in a jurisdiction
36 other than the state of Washington.

37 ((+7)) (8) "Discharged for disqualifying misconduct" means
38 terminated from employment for: (a) Conviction of (i) any crime

1 committed under color of authority as a peace officer, (ii) any crime
2 involving dishonesty or false statement within the meaning of Evidence
3 Rule 609(a), (iii) the unlawful use or possession of a controlled
4 substance, or (iv) any other crime the conviction of which disqualifies
5 a Washington citizen from the legal right to possess a firearm under
6 state or federal law; (b) conduct that would constitute any of the
7 crimes addressed in (a) of this subsection; or (c) knowingly making
8 materially false statements during disciplinary investigations, where
9 the false statements are the sole basis for the termination.

10 ~~((+8))~~ (9) A peace officer is "discharged for disqualifying
11 misconduct" within the meaning of subsection ~~((+7))~~ (8) of this
12 section under the ordinary meaning of the term and when the totality of
13 the circumstances support a finding that the officer resigned in
14 anticipation of discipline, whether or not the misconduct was
15 discovered at the time of resignation, and when such discipline, if
16 carried forward, would more likely than not have led to discharge for
17 disqualifying misconduct within the meaning of subsection ~~((+7))~~ (8)
18 of this section.

19 ~~((+9))~~ (10) When used in context of proceedings referred to in
20 this chapter, "final" means that the peace officer has exhausted all
21 available civil service appeals, collective bargaining remedies, and
22 all other such direct administrative appeals, and the officer has not
23 been reinstated as the result of the action. Finality is not affected
24 by the pendency or availability of state or federal administrative or
25 court actions for discrimination, or by the pendency or availability of
26 any remedies other than direct civil service and collective bargaining
27 remedies.

28 ~~((+10))~~ (11) "Peace officer" means any law enforcement personnel
29 subject to the basic law enforcement training requirement of RCW
30 43.101.200 and any other requirements of that section, notwithstanding
31 any waiver or exemption granted by the commission, and notwithstanding
32 the statutory exemption based on date of initial hire under RCW
33 43.101.200. Commissioned officers of the Washington state patrol,
34 whether they have been or may be exempted by rule of the commission
35 from the basic training requirement of RCW 43.101.200, are included as
36 peace officers for purposes of this chapter. Fish and wildlife
37 officers with enforcement powers for all criminal laws under RCW
38 77.15.075 are peace officers for purposes of this chapter.

1 **Sec. 3.** RCW 43.101.080 and 2005 c 434 s 1 are each amended to read
2 as follows:

3 The commission shall have all of the following powers:

4 (1) To meet at such times and places as it may deem proper;

5 (2) To adopt any rules and regulations as it may deem necessary;

6 (3) To contract for services as it deems necessary in order to
7 carry out its duties and responsibilities;

8 (4) To cooperate with and secure the cooperation of any department,
9 agency, or instrumentality in state, county, and city government, and
10 other commissions affected by or concerned with the business of the
11 commission;

12 (5) To do any and all things necessary or convenient to enable it
13 fully and adequately to perform its duties and to exercise the power
14 granted to it;

15 (6) To select and employ an executive director, and to empower him
16 to perform such duties and responsibilities as it may deem necessary;

17 (7) To assume legal, fiscal, and program responsibility for all
18 training conducted by the commission;

19 (8) To establish, by rule and regulation, standards for the
20 training of criminal justice personnel where such standards are not
21 prescribed by statute;

22 (9) To own, establish, and operate, or to contract with other
23 qualified institutions or organizations for the operation of, training
24 and education programs for criminal justice personnel and to purchase,
25 lease, or otherwise acquire, subject to the approval of the department
26 of general administration, a training facility or facilities necessary
27 to the conducting of such programs;

28 (10) To establish, by rule and regulation, minimum curriculum
29 standards for all training programs conducted for employed criminal
30 justice personnel;

31 (11) To review and approve or reject standards for instructors of
32 training programs for criminal justice personnel, and to employ
33 personnel on a temporary basis as instructors without any loss of
34 employee benefits to those instructors;

35 (12) To direct the development of alternative, innovate, and
36 interdisciplinary training techniques;

37 (13) To review and approve or reject training programs conducted

1 for criminal justice personnel and rules establishing and prescribing
2 minimum training and education standards recommended by the training
3 standards and education boards;

4 (14) To allocate financial resources among training and education
5 programs conducted by the commission;

6 (15) To allocate training facility space among training and
7 education programs conducted by the commission;

8 (16) To issue diplomas certifying satisfactory completion of any
9 training or education program conducted or approved by the commission
10 to any person so completing such a program;

11 (17) To provide for the employment of such personnel as may be
12 practical to serve as temporary replacements for any person engaged in
13 a basic training program as defined by the commission;

14 (18) To establish rules and regulations recommended by the training
15 standards and education boards prescribing minimum standards relating
16 to physical, mental and moral fitness which shall govern the
17 recruitment of criminal justice personnel where such standards are not
18 prescribed by statute or constitutional provision;

19 (19) To require that each applicant that has been offered a
20 conditional offer of employment as a fully commissioned peace officer
21 or a fully commissioned reserve officer take and successfully pass a
22 psychological examination and a polygraph test or similar assessment
23 procedure as administered by county, city, or state law enforcement
24 agencies as a condition of employment as a peace officer. The
25 psychological examination and the polygraph examination shall be
26 administered in accordance with the requirements of RCW 43.101.095(2).
27 The employing county, city, or state law enforcement agency may require
28 that each peace officer or reserve officer who is required to take a
29 psychological examination and a polygraph or similar test pay a portion
30 of the testing fee based on the actual cost of the test or four hundred
31 dollars, whichever is less. County, city, and state law enforcement
32 agencies may establish a payment plan if they determine that the peace
33 officer or reserve officer does not readily have the means to pay for
34 his or her portion of the testing fee;

35 (20) To promote positive relationships between law enforcement and
36 the citizens of the state of Washington by allowing commissioners and
37 staff to participate in the "chief for a day program." The executive
38 director shall designate staff who may participate. In furtherance of

1 this purpose, the commission may accept grants of funds and gifts and
2 may use its public facilities for such purpose. At all times, the
3 participation of commissioners and staff shall comply with chapter
4 42.52 RCW and chapter 292-110 WAC.

5 All rules and regulations adopted by the commission shall be
6 adopted and administered pursuant to the administrative procedure act,
7 chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

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