

# HOUSE BILL REPORT

## HB 2543

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**As Passed House:**  
February 11, 2016

**Title:** An act relating to civil service qualifications.

**Brief Description:** Addressing civil service qualifications.

**Sponsors:** Representatives Stokesbary, Hickel, Stambaugh, Moscoso, Kochmar, Fitzgibbon, Ryu, Santos, Peterson, Walkinshaw, Frame, Fey, Muri, Van De Wege, Zeiger, Rossetti, Pettigrew and Stanford.

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 1/25/16, 2/2/16 [DP].

**Floor Activity:**

Passed House: 2/11/16, 89-7.

**Brief Summary of Bill**

- Provides that city police and fire department and county sheriff civil service applicants may be lawful permanent residents as an alternative to United States citizens.
- Provides that the background investigation for fully commissioned peace officer and reserve officer positions includes verification of status as a United States citizen or lawful permanent resident.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** Do pass. Signed by 6 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Moeller and Ormsby.

**Staff:** Joan Elgee (786-7106).

**Background:**

Law Enforcement.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Under state law, United States citizenship is required for applicants for city police and county sheriff civil service positions. Separate laws require the police chief and sheriff to be U.S. citizens.

Cities with more than six commissioned officers, including the chief, may exclude a number of positions from civil service depending on the size of the city. Civil service is not required for very small cities. For county sheriff's offices, all employees are classified civil service, except that the county may exclude a number of positions depending on the size of the sheriff's office.

The Criminal Justice Training Commission (CJTC) certifies applicants for fully commissioned peace officer and reserve officer positions. The CJTC has power to require county, city, and state law enforcement agencies to administer a background investigation of applicants for these positions. Under the CJTC rules, proof of United States citizenship is required. Peace officers include, in addition to city and county law enforcement officers, commissioned Washington State Patrol officers and Department of Fish and Wildlife officers with enforcement powers for all criminal laws.

#### Firefighters.

State law also specifies that United States citizenship is required for city fire department civil service positions. All full positions are classified civil service, except that a city may exclude the chief. A fire protection district may also provide for civil service.

#### Lawful Permanent Residents.

Under federal immigration law, a person "lawfully admitted for permanent residence" is a person who has been lawfully accorded the privilege of residing permanently in the United States as an immigrant. These persons are also known as green card holders. A person may become a lawful permanent resident through family, a job, or through other specified means.

#### **Summary of Bill:**

Lawful permanent resident status is an alternative to the requirement that city police and sheriff, and city fire department civil service applicants be U.S. citizens. The laws specifying requirements for civil service applicants are clarified to apply only to the respective civil service law. Citizenship continues to be a requirement for sheriffs and police chiefs.

The background investigation for a fully commissioned peace officer or reserve officer includes verification of immigrant or citizen status as either a citizen of the United States or a lawful permanent resident. This qualification applies to city and county law enforcement personnel, Washington State Patrol officers, and Department of Fish and Wildlife officers with enforcement powers for all criminal laws.

A "lawful permanent resident" is a person "lawfully admitted for permanent residence" under federal law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill allows law enforcement agencies and the Department of Fish and Wildlife to hire lawful residents. This is the same standard as the United States military. Lawful residents can join the military and fight for the country but cannot come back and serve the community. Veterans have a high unemployment rate. Law enforcement, especially the Washington State Patrol, has been having trouble with hiring and retention. This bill will give law enforcement a larger and more diverse pool. A law enforcement agency is more successful if it represents the community. Police need to look like the people they police and expanding languages will also help eliminate barriers to serving people. There are over 180,000 legal permanent residents in Washington. Virginia, for one, does not require citizenship. Lawful permanent residents are thoroughly screened. Criminal background checks are done and sometimes rerun.

(Opposed) As part of the background investigation, most agencies go back to the place of origin and talk to the people. There should be an exemption for agencies that cannot afford the background check.

**Persons Testifying:** (In support) Representative Stokesbary, prime sponsor; Chris Helm; Ellicott Dandy, One America; John Urquhart, King County Sheriff's Office; and Monica Alexander, Washington State Patrol.

(Opposed) Mitch Barker, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.