

2SHB 2499 - S COMM AMD
By Committee on Ways & Means

ADOPTED 03/06/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 43.101.085 and 2006 c 22 s 1 are each amended to
4 read as follows:

5 In addition to its other powers granted under this chapter, the
6 commission has authority and power to:

7 (1) Adopt, amend, or repeal rules as necessary to carry out this
8 chapter;

9 (2) Issue subpoenas and administer oaths in connection with
10 investigations, hearings, or other proceedings held under this
11 chapter;

12 (3) Take or cause to be taken depositions and other discovery
13 procedures as needed in investigations, hearings, and other
14 proceedings held under this chapter;

15 (4) Appoint members of a hearings board as provided under RCW
16 43.101.380;

17 (5) Enter into contracts for professional services determined by
18 the commission to be necessary for adequate enforcement of this
19 chapter;

20 (6) Grant, deny, or revoke certification of peace officers and
21 corrections officers under the provisions of this chapter;

22 (7) Designate individuals authorized to sign subpoenas and
23 statements of charges under the provisions of this chapter;

24 (8) Employ such investigative, administrative, and clerical staff
25 as necessary for the enforcement of this chapter; and

26 (9) (~~(7)~~) Grant, deny, or revoke certification of tribal police
27 officers whose tribal governments have agreed to participate in the
28 tribal police officer certification process.

29 **Sec. 2.** RCW 43.101.010 and 2008 c 69 s 2 are each amended to
30 read as follows:

31 When used in this chapter:

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

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

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

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

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

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

36 (7) A peace officer or corrections officer is "convicted" at the
37 time a plea of guilty has been accepted, or a verdict of guilty or
38 finding of guilt has been filed, notwithstanding the pendency of any
39 future proceedings, including but not limited to sentencing,
40 posttrial or postfact-finding motions and appeals. "Conviction"

1 includes a deferral of sentence and also includes the equivalent
2 disposition by a court in a jurisdiction other than the state of
3 Washington.

4 (8) (a) "Discharged for disqualifying misconduct" ~~((means))~~ has
5 the following meanings:

6 (i) A peace officer terminated from employment for: ~~((+a))~~ (A)
7 Conviction of ~~((+i))~~ (I) any crime committed under color of
8 authority as a peace officer, ~~((+ii))~~ (II) any crime involving
9 dishonesty or false statement within the meaning of Evidence Rule
10 609(a), ~~((+iii))~~ (III) the unlawful use or possession of a
11 controlled substance, or ~~((+iv))~~ (IV) any other crime the conviction
12 of which disqualifies a Washington citizen from the legal right to
13 possess a firearm under state or federal law; ~~((+b))~~ (B) conduct
14 that would constitute any of the crimes addressed in (a) (i) (A) of
15 this subsection; or ~~((+e))~~ (C) knowingly making materially false
16 statements during disciplinary investigations, where the false
17 statements are the sole basis for the termination; or

18 (ii) A corrections officer terminated from employment for: (A)
19 Conviction of (I) any crime committed under color of authority as a
20 corrections officer, (II) any crime involving dishonesty or false
21 statement within the meaning of Evidence Rule 609(a), or (III) the
22 unlawful use or possession of a controlled substance; (B) conduct
23 that would constitute any of the crimes addressed in (a) (ii) (A) of
24 this subsection; or (C) knowingly making materially false statements
25 during disciplinary investigations, where the false statements are
26 the sole basis for the termination.

27 ~~((+9))~~ (b) A peace officer or corrections officer is "discharged
28 for disqualifying misconduct" within the meaning of this subsection
29 ~~((of this section))~~ under the ordinary meaning of the term and
30 when the totality of the circumstances support a finding that the
31 officer resigned in anticipation of discipline, whether or not the
32 misconduct was discovered at the time of resignation, and when such
33 discipline, if carried forward, would more likely than not have led
34 to discharge for disqualifying misconduct within the meaning of this
35 subsection (8) ~~((of this section))~~.

36 ~~((+10))~~ (9) When used in context of proceedings referred to in
37 this chapter, "final" means that the peace officer or corrections
38 officer has exhausted all available civil service appeals, collective
39 bargaining remedies, and all other such direct administrative
40 appeals, and the officer has not been reinstated as the result of the

1 action. Finality is not affected by the pendency or availability of
2 state or federal administrative or court actions for discrimination,
3 or by the pendency or availability of any remedies other than direct
4 civil service and collective bargaining remedies.

5 ~~((11))~~ (10) "Peace officer" means any law enforcement personnel
6 subject to the basic law enforcement training requirement of RCW
7 43.101.200 and any other requirements of that section,
8 notwithstanding any waiver or exemption granted by the commission,
9 and notwithstanding the statutory exemption based on date of initial
10 hire under RCW 43.101.200. Commissioned officers of the Washington
11 state patrol, whether they have been or may be exempted by rule of
12 the commission from the basic training requirement of RCW 43.101.200,
13 are included as peace officers for purposes of this chapter. Fish and
14 wildlife officers with enforcement powers for all criminal laws under
15 RCW 77.15.075 are peace officers for purposes of this chapter.

16 (11) "Corrections officer" means any corrections agency employee
17 whose primary job function is to provide for the custody, safety, and
18 security of adult prisoners in jails and detention facilities and who
19 is subject to the basic corrections training requirement of RCW
20 43.101.220 and any other requirements of that section,
21 notwithstanding any waiver or exemption granted by the commission,
22 and notwithstanding the statutory exemption based on date of initial
23 hire under RCW 43.101.220. For the purpose of sections 3 through 13
24 of this act, "corrections officer" does not include individuals
25 employed by state agencies.

26 NEW SECTION. **Sec. 3.** (1) As a condition of continuing
27 employment as corrections officers, all Washington state corrections
28 officers shall: (a) Timely obtain certification as corrections
29 officers, or timely obtain exemption therefrom, by meeting all
30 requirements of RCW 43.101.220, as that section is administered under
31 the rules of the commission, as well as by meeting any additional
32 requirements under this chapter; and (b) maintain the basic
33 certification as corrections officers under this chapter. The
34 commission shall certify corrections officers who have satisfied, or
35 have been exempted by statute or by rule from, the basic training
36 requirements of RCW 43.101.220 on or before the effective date of
37 this section. Thereafter, the commission may revoke certification
38 pursuant to this chapter.

1 (2) As a condition of continuing employment for any applicant who
2 has been offered a conditional offer of employment as a corrections
3 officer after July 1, 2021, including any person whose certification
4 has lapsed as a result of a break of more than twenty-four
5 consecutive months in the officer's service as a corrections officer,
6 the applicant shall submit to a background investigation including a
7 check of criminal history, verification of immigrant or citizenship
8 status as either a citizen of the United States or a lawful permanent
9 resident, a psychological examination, and a polygraph or similar
10 assessment as administered by the corrections agency, the results of
11 which shall be used to determine the applicant's suitability for
12 employment as a corrections officer.

13 (3) The commission shall allow a corrections officer to retain
14 status as a certified corrections officer as long as the officer: (a)
15 Timely meets the basic corrections officer training requirements, or
16 is exempted therefrom, in whole or in part, under RCW 43.101.220 or
17 under rule of the commission; (b) meets or is exempted from any other
18 requirements under this chapter as administered under the rules
19 adopted by the commission; (c) is not denied certification by the
20 commission under this chapter; and (d) has not had certification
21 revoked by the commission.

22 (4) As a prerequisite to certification, as well as a prerequisite
23 to pursuit of a hearing under section 9 of this act, a corrections
24 officer must, on a form devised or adopted by the commission,
25 authorize the release to the commission of his or her personnel
26 files, termination papers, criminal investigation files, or other
27 files, papers, or information that are directly related to a
28 certification matter or decertification matter before the commission.

29 NEW SECTION. **Sec. 4.** Upon request by a corrections officer's
30 employer or on its own initiative, the commission may deny or revoke
31 certification of any corrections officer after written notice and
32 hearing, if a hearing is timely requested by the corrections officer
33 under section 9 of this act, based upon a finding of one or more of
34 the following conditions:

35 (1) The corrections officer has failed to timely meet all
36 requirements for obtaining a certificate of basic corrections
37 training, or a certificate of exemption from the training;

1 (2) The corrections officer has knowingly falsified or omitted
2 material information on an application for training or certification
3 to the commission;

4 (3) The corrections officer has been convicted at any time of a
5 felony offense under the laws of this state or has been convicted of
6 a federal or out-of-state offense comparable to a felony under the
7 laws of this state; except that if a certified corrections officer
8 was convicted of a felony before being employed as a corrections
9 officer, and the circumstances of the prior felony conviction were
10 fully disclosed to his or her employer before being hired, the
11 commission may revoke certification only with the agreement of the
12 employing corrections agency;

13 (4) The corrections officer has been discharged for disqualifying
14 misconduct, the discharge is final, and some or all of the acts or
15 omissions forming the basis for the discharge proceedings occurred on
16 or after the effective date of this section;

17 (5) The corrections officer's certificate was previously issued
18 by administrative error on the part of the commission; or

19 (6) The corrections officer has interfered with an investigation
20 or action for denial or revocation of certificate by: (a) Knowingly
21 making a materially false statement to the commission; or (b) in any
22 matter under investigation by or otherwise before the commission,
23 tampering with evidence or tampering with or intimidating any
24 witness.

25 NEW SECTION. **Sec. 5.** (1) A person denied a certification based
26 upon dismissal or withdrawal from a basic corrections academy for any
27 reason not also involving discharge for disqualifying misconduct is
28 eligible for readmission and certification upon meeting standards
29 established in rules of the commission, which rules may provide for
30 probationary terms on readmission.

31 (2) A person whose certification is denied or revoked based upon
32 prior administrative error of issuance, failure to cooperate, or
33 interference with an investigation is eligible for certification upon
34 meeting standards established in rules of the commission, rules which
35 may provide for a probationary period of certification in the event
36 of reinstatement of eligibility.

37 (3) A person whose certification is denied or revoked based upon
38 a felony criminal conviction is not eligible for certification at any
39 time.

1 (4) A corrections officer whose certification is denied or
2 revoked based upon discharge for disqualifying misconduct, but not
3 also based upon a felony criminal conviction, may, five years after
4 the revocation or denial, petition the commission for reinstatement
5 of the certificate or for eligibility for reinstatement. The
6 commission shall hold a hearing on the petition to consider
7 reinstatement, and the commission may allow reinstatement based upon
8 standards established in rules of the commission. If the certificate
9 is reinstated or eligibility for certification is determined, the
10 commission may establish a probationary period of certification.

11 (5) A corrections officer whose certification is revoked based
12 solely upon a criminal conviction may petition the commission for
13 reinstatement immediately upon a final judicial reversal of the
14 conviction. The commission shall hold a hearing on request to
15 consider reinstatement, and the commission may allow reinstatement
16 based on standards established in rules of the commission. If the
17 certificate is reinstated or if eligibility for certification is
18 determined, the commission may establish a probationary period of
19 certification.

20 NEW SECTION. **Sec. 6.** A corrections officer's certification
21 lapses automatically when there is a break of more than twenty-four
22 consecutive months in the officer's service as a full-time
23 corrections officer. A break in full-time corrections service which
24 is due solely to the pendency of direct review or appeal from a
25 disciplinary discharge, or to the pendency of a work-related injury,
26 does not cause a lapse in certification. The officer may petition the
27 commission for reinstatement of certification. Upon receipt of a
28 petition for reinstatement of a lapsed certificate, the commission
29 shall determine under this chapter and any applicable rules of the
30 commission if the corrections officer's certification status is to be
31 reinstated, and the commission shall also determine any requirements
32 which the officer must meet for reinstatement. The commission may
33 adopt rules establishing requirements for reinstatement.

34 NEW SECTION. **Sec. 7.** Upon termination of a corrections officer
35 for any reason, including resignation, the agency of termination
36 shall, within fifteen days of the termination, notify the commission
37 on a personnel action report form provided by the commission. The
38 agency of termination shall, upon request of the commission, provide

1 such additional documentation or information as the commission deems
2 necessary to determine whether the termination provides grounds for
3 revocation under section 4 of this act. The commission shall maintain
4 these notices in a permanent file, subject to RCW 43.101.400.

5 NEW SECTION. **Sec. 8.** A corrections officer or duly authorized
6 representative of a corrections agency may submit a written complaint
7 to the commission charging that a corrections officer's certificate
8 should be denied or revoked, and specifying the grounds for the
9 charge. Filing a complaint does not make a complainant a party to the
10 commission's action. The commission has sole discretion whether to
11 investigate a complaint, and the commission has sole discretion
12 whether to investigate matters relating to certification, denial of
13 certification, or revocation of certification on any other basis,
14 without restriction as to the source or the existence of a complaint.
15 A person who files a complaint in good faith under this section is
16 immune from suit or any civil action related to the filing or the
17 contents of the complaint.

18 NEW SECTION. **Sec. 9.** (1) If the commission determines, upon
19 investigation, that there is probable cause to believe that a
20 corrections officer's certification should be denied or revoked under
21 section 4 of this act, the commission must prepare and serve upon the
22 officer a statement of charges. Service on the officer must be by
23 mail or by personal service on the officer. Notice of the charges
24 must also be mailed to or otherwise served upon the officer's agency
25 of termination and any current corrections employer. The statement of
26 charges must be accompanied by a notice that to receive a hearing on
27 the denial or revocation, the officer must, within sixty days of
28 communication of the statement of charges, request a hearing before
29 the hearings panel appointed under RCW 43.101.380. Failure of the
30 officer to request a hearing within the sixty-day period constitutes
31 a default, whereupon the commission may enter an order under RCW
32 34.05.440.

33 (2) If a hearing is requested, the date of the hearing must be
34 scheduled not earlier than ninety days nor later than one hundred
35 eighty days after the officer requests a hearing; the one hundred
36 eighty-day period may be extended on mutual agreement of the parties
37 or for good cause. The commission shall give written notice of

1 hearing at least twenty days prior to the hearing, specifying the
2 time, date, and place of hearing.

3 **Sec. 10.** RCW 43.101.380 and 2010 1st sp.s. c 7 s 14 are each
4 amended to read as follows:

5 (1) The procedures governing adjudicative proceedings before
6 agencies under chapter 34.05 RCW, the administrative procedure act,
7 govern hearings before the commission and govern all other actions
8 before the commission unless otherwise provided in this chapter. The
9 standard of proof in actions before the commission is clear, cogent,
10 and convincing evidence.

11 (2) In all hearings requested under RCW 43.101.155 or section 9
12 of this act, a five-member hearings panel shall both hear the case
13 and make the commission's final administrative decision. Members of
14 the commission may, but need not, be appointed to the hearings
15 panels. The commission shall appoint as follows two or more panels to
16 hear (~~appeals from~~) certification actions:

17 (a) When a hearing is requested in relation to a certification
18 action of a Washington peace officer who is not a peace officer of
19 the Washington state patrol, the commission shall appoint to the
20 panel: (i) One police chief; (ii) one sheriff; (iii) two certified
21 Washington peace officers who are at or below the level of first line
22 supervisor, one of whom is from a city or county law enforcement
23 agency, and who have at least ten years' experience as peace
24 officers; and (iv) one person who is not currently a peace officer
25 and who represents a community college or four-year college or
26 university.

27 (b) When a hearing is requested in relation to a certification
28 action of a peace officer of the Washington state patrol, the
29 commission shall appoint to the panel: (i) Either one police chief or
30 one sheriff; (ii) one administrator of the state patrol; (iii) one
31 certified Washington peace officer who is at or below the level of
32 first line supervisor, who is not a state patrol officer, and who has
33 at least ten years' experience as a peace officer; (iv) one state
34 patrol officer who is at or below the level of first line supervisor,
35 and who has at least ten years' experience as a peace officer; and
36 (v) one person who is not currently a peace officer and who
37 represents a community college or four-year college or university.

38 (c) When a hearing is requested in relation to a certification
39 action of a Washington corrections officer, the commission shall

1 appoint to the panel: (i) Two heads of either a city or county
2 corrections agency or facility or of a Washington state department of
3 corrections facility; (ii) two corrections officers who are at or
4 below the level of first line supervisor, who are from city, county,
5 or state corrections agencies, and who have at least ten years'
6 experience as corrections officers; and (iii) one person who is not
7 currently a corrections officer and who represents a community
8 college or four-year college or university.

9 (d) When a hearing is requested in relation to a certification
10 action of a tribal police officer, the commission shall appoint to
11 the panel (i) either one police chief or one sheriff; (ii) one tribal
12 police chief; (iii) one certified Washington peace officer who is at
13 or below the level of first line supervisor, and who has at least ten
14 years' experience as a peace officer; (iv) one tribal police officer
15 who is at or below the level of first line supervisor, and who has at
16 least ten years' experience as a peace officer; and (v) one person
17 who is not currently a peace officer and who represents a community
18 college or four-year college or university.

19 ~~((d))~~ (e) Persons appointed to hearings panels by the
20 commission shall, in relation to any certification action on which
21 they sit, have the powers, duties, and immunities, and are entitled
22 to the emoluments, including travel expenses in accordance with RCW
23 43.03.050 and 43.03.060, of regular commission members.

24 (3) Where the charge upon which revocation or denial is based is
25 that a peace officer or corrections officer was "discharged for
26 disqualifying misconduct," and the discharge is "final," within the
27 meaning of RCW 43.101.105(1)(d) or section 4(4) of this act, and the
28 officer received a civil service hearing or arbitration hearing
29 culminating in an affirming decision following separation from
30 service by the employer, the hearings panel may revoke or deny
31 certification if the hearings panel determines that the discharge
32 occurred and was based on disqualifying misconduct; the hearings
33 panel need not redetermine the underlying facts but may make this
34 determination based solely on review of the records and decision
35 relating to the employment separation proceeding. However, the
36 hearings panel may, in its discretion, consider additional evidence
37 to determine whether such a discharge occurred and was based on such
38 disqualifying misconduct. The hearings panel shall, upon written
39 request by the subject peace officer or corrections officer, allow

1 the peace officer or corrections officer to present additional
2 evidence of extenuating circumstances.

3 Where the charge upon which revocation or denial of certification
4 is based is that a peace officer or corrections officer "has been
5 convicted at any time of a felony offense" within the meaning of RCW
6 43.101.105(1)(c) or section 4(3) of this act, the hearings panel
7 shall revoke or deny certification if it determines that the peace
8 officer or corrections officer was convicted of a felony. The
9 hearings panel need not redetermine the underlying facts but may make
10 this determination based solely on review of the records and decision
11 relating to the criminal proceeding. However, the hearings panel
12 shall, upon the panel's determination of relevancy, consider
13 additional evidence to determine whether the peace officer or
14 corrections officer was convicted of a felony.

15 Where the charge upon which revocation or denial is based is
16 under RCW 43.101.105(1) (a), (b), (e), or (f) or section 4 (1), (2),
17 (5), or (6) of this act, the hearings panel shall determine the
18 underlying facts relating to the charge upon which revocation or
19 denial of certification is based.

20 (4) The commission's final administrative decision is subject to
21 judicial review under RCW 34.05.510 through 34.05.598.

22 NEW SECTION. **Sec. 11.** An individual whose peace officer
23 certification is denied or revoked pursuant to this chapter may not
24 thereafter be certified as a corrections officer without first
25 satisfying the requirements of eligibility for certification or
26 reinstatement of certification. A corrections officer whose
27 corrections officer certification is denied or revoked pursuant to
28 this chapter may not thereafter be certified as a peace officer
29 without first satisfying the requirements of eligibility for
30 certification or reinstatement of certification.

31 **Sec. 12.** RCW 43.101.400 and 2001 c 167 s 12 are each amended to
32 read as follows:

33 (1) Except as provided under subsection (2) of this section, the
34 following records of the commission are confidential and exempt from
35 public disclosure: (a) The contents of personnel action reports filed
36 under RCW 43.101.135 or section 7 of this act; (b) all files, papers,
37 and other information obtained by the commission pursuant to RCW
38 43.101.095(~~(3)~~) (5) or section 3 of this act; and (c) all

1 investigative files of the commission compiled in carrying out the
2 responsibilities of the commission under this chapter. Such records
3 are not subject to public disclosure, subpoena, or discovery
4 proceedings in any civil action, except as provided in subsection (5)
5 of this section.

6 (2) Records which are otherwise confidential and exempt under
7 subsection (1) of this section may be reviewed and copied: (a) By the
8 officer involved or the officer's counsel or authorized
9 representative, who may review the officer's file and may submit any
10 additional exculpatory or explanatory evidence, statements, or other
11 information, any of which must be included in the file; (b) by a duly
12 authorized representative of (i) the agency of termination, or (ii) a
13 current employing law enforcement or corrections agency, which may
14 review and copy its employee-officer's file; or (c) by a
15 representative of or investigator for the commission.

16 (3) Records which are otherwise confidential and exempt under
17 subsection (1) of this section may also be inspected at the offices
18 of the commission by a duly authorized representative of a law
19 enforcement or corrections agency considering an application for
20 employment by a person who is the subject of a record. A copy of
21 records which are otherwise confidential and exempt under subsection
22 (1) of this section may later be obtained by an agency after it hires
23 the applicant. In all other cases under this subsection, the agency
24 may not obtain a copy of the record.

25 (4) Upon a determination that a complaint is without merit, that
26 a personnel action report filed under RCW 43.101.135 does not merit
27 action by the commission, or that a matter otherwise investigated by
28 the commission does not merit action, the commission shall purge
29 records addressed in subsection (1) of this section.

30 (5) The hearings, but not the deliberations, of the hearings
31 board are open to the public. The transcripts, admitted evidence, and
32 written decisions of the hearings board on behalf of the commission
33 are not confidential or exempt from public disclosure, and are
34 subject to subpoena and discovery proceedings in civil actions.

35 (6) Every individual, legal entity, and agency of federal, state,
36 or local government is immune from civil liability, whether direct or
37 derivative, for providing information to the commission in good
38 faith.

1 **Sec. 13.** RCW 43.101.080 and 2018 c 32 s 4 are each amended to
2 read 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
9 department, agency, or instrumentality in state, county, and city
10 government, and other commissions affected by or concerned with the
11 business of the 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
16 him or her to perform such duties and responsibilities as it may deem
17 necessary;

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

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

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

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

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

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

38 (13) To review and approve or reject training programs conducted
39 for criminal justice personnel and rules establishing and prescribing

1 minimum training and education standards recommended by the training
2 standards and education boards;

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

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

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

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

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

18 (19) To require county, city, or state law enforcement and
19 corrections agencies that make a conditional offer of employment to
20 an applicant as a fully commissioned peace officer ((~~or~~)), a reserve
21 officer, or a corrections officer to administer a background
22 investigation including a check of criminal history, verification of
23 immigrant or citizenship status as either a citizen of the United
24 States of America or a lawful permanent resident, a psychological
25 examination, and a polygraph test or similar assessment to each
26 applicant, the results of which shall be used by the employer to
27 determine the applicant's suitability for employment as a fully
28 commissioned peace officer ((~~or~~)), a reserve officer, or a
29 corrections officer. The background investigation, psychological
30 examination, and the polygraph examination shall be administered in
31 accordance with the requirements of RCW 43.101.095(2) for peace
32 officers, and section 3 of this act for corrections officers. The
33 employing county, city, or state law enforcement agency may require
34 that each peace officer ((~~or~~)), reserve officer, or corrections
35 officer who is required to take a psychological examination and a
36 polygraph or similar test pay a portion of the testing fee based on
37 the actual cost of the test or four hundred dollars, whichever is
38 less. County, city, and state law enforcement agencies may establish
39 a payment plan if they determine that the peace officer ((~~or~~)),
40 reserve officer, or corrections officer does not readily have the

1 means to pay for his or her portion of the testing fee. This
2 subsection does not apply to corrections officers employed by state
3 agencies;

4 (20) To promote positive relationships between law enforcement
5 and the citizens of the state of Washington by allowing commissioners
6 and staff to participate in the "chief for a day program." The
7 executive director shall designate staff who may participate. In
8 furtherance of this purpose, the commission may accept grants of
9 funds and gifts and may use its public facilities for such purpose.
10 At all times, the participation of commissioners and staff shall
11 comply with chapter 42.52 RCW and chapter 292-110 WAC.

12 All rules and regulations adopted by the commission shall be
13 adopted and administered pursuant to the administrative procedure
14 act, chapter 34.05 RCW, and the open public meetings act, chapter
15 42.30 RCW.

16 **Sec. 14.** RCW 43.101.220 and 2019 c 415 s 970 are each amended to
17 read as follows:

18 (1) The corrections personnel of the state and all counties and
19 municipal corporations initially employed on or after January 1,
20 1982, shall engage in basic corrections training which complies with
21 standards adopted by the commission. The standards adopted must
22 provide for basic corrections training of at least ten weeks in
23 length for any corrections officers subject to the certification
24 requirement under section 3 of this act who are hired on or after
25 July 1, 2021, or on an earlier date set by the commission. The
26 training shall be successfully completed during the first six months
27 of employment of the personnel, unless otherwise extended or waived
28 by the commission, and shall be requisite to the continuation of
29 employment.

30 (2) The commission shall provide the training required in this
31 section, together with facilities, supplies, materials, and the room
32 and board for noncommuting attendees, except during the 2017-2019 and
33 2019-2021 fiscal biennia, when the employing county, municipal
34 corporation, or state agency shall reimburse the commission for
35 twenty-five percent of the cost of training its personnel.

36 (3)(a) Subsections (1) and (2) of this section do not apply to
37 the Washington state department of corrections prisons division. The
38 Washington state department of corrections is responsible for
39 identifying training standards, designing curricula and programs, and

1 providing the training for those corrections personnel employed by
2 it. In doing so, the secretary of the department of corrections shall
3 consult with staff development experts and correctional professionals
4 both inside and outside of the agency, to include soliciting input
5 from labor organizations.

6 (b) The commission and the department of corrections share the
7 responsibility of developing and defining training standards and
8 providing training for community corrections officers employed within
9 the community corrections division of the department of corrections.

10 NEW SECTION. **Sec. 15.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 16.** Sections 3 through 9 and 11 of this act
15 are each added to chapter 43.101 RCW."

2SHB 2499 - S COMM AMD
By Committee on Ways & Means

ADOPTED 03/06/2020

16 On page 1, line 1 of the title, after "officers;" strike the
17 remainder of the title and insert "amending RCW 43.101.085,
18 43.101.010, 43.101.380, 43.101.400, 43.101.080, and 43.101.220; and
19 adding new sections to chapter 43.101 RCW."

EFFECT: (1) Clarifies that the background investigation,
psychological examination, and polygraph or other similar assessment
are different for peace officers than corrections officers and cannot
be used interchangeably.

(2) Clarifies and makes corrections officer certification
requirements more consistently mirror requirements already in place
for peace officer certification.

(3) Clarifies that the hearing to appeal the denial or revocation
of a person's certification as a corrections officer must take place
within ninety to one hundred eighty days of the officer's request for
a hearing rather than ninety to one hundred eighty days after
communication of the statement of charges to the officer.

--- END ---