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## Community Safety, Justice, & Reentry Committee

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### SB 5274

**Brief Description:** Expanding eligibility in certain public employment positions for lawful permanent residents.

**Sponsors:** Senators Valdez, Dhingra, Keiser, Kuderer, Lias, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C..

#### Brief Summary of Bill

- Allows law enforcement agencies to consider applications of United States citizens or lawful permanent residents for offices, places, positions, or employment.
- Specifies that deputy prosecutors do not have to be qualified electors in the county in which they serve, but may be United States citizens or lawful permanent residents.
- Removes language requiring that certain civil service applicants, or applicants for fish and wildlife officer positions, read and write the English language.

**Hearing Date:** 3/21/23

**Staff:** Michelle Rusk (786-7153).

#### **Background:**

##### Law Enforcement Agencies.

A general authority peace officer is an individual commissioned to enforce the criminal laws of the State of Washington generally. A limited authority peace officer is an individual empowered

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by his or her employing agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which his or her employing agency is responsible.

All general authority peace officers must be certified by the Criminal Justice Training Commission as a condition of employment. The certification process includes a background check that verifies whether the peace officer is a citizen of the United States or a lawful permanent resident. Similarly, statutory provisions relating to civil service for city police require that applicants be citizens of the United States or lawful permanent residents.

#### Prosecuting Attorneys.

To qualify as a prosecuting attorney, a person must be an attorney licensed to practice in Washington and a qualified elector in the county where he or she is running. A prosecuting attorney may appoint deputy prosecuting attorneys who possess the same power as their principal. Each deputy must have the same qualifications required of the prosecuting attorney, except that a deputy does not need to reside in the county where the deputy serves.

#### Civil Service Positions.

State civil service laws establish a system of employment for professions including city firefighters, city police, and county sheriff's offices. Civil service applicants for city police, city firefighters, or with a county sheriff's offices must be a citizen of the United States or a lawful permanent resident who can read and write the English language.

Depending on the civil service position, other requirements may apply, including possessing good moral character and ordinary good health. Information concerning an applicant's eligibility may be ascertained in a manner deemed advisable by the civil service commission. Additionally, where an applicant has applied for a position with a law enforcement agency, an application may be rejected if the agency does not have the resources to conduct a background investigation pursuant to Criminal Justice Training Commission requirements.

#### Fish and Wildlife Officers.

Fish and wildlife officers are general authority peace officers, and generally possess the same powers and duties as sheriffs and peace officers. Applicants for these positions must be a U.S. citizen or lawful permanent resident and read and write the English language.

#### Lawful Permanent Residents.

Under federal law, a lawful permanent resident (sometimes known as a "green card" holder) is a person who is legally authorized to reside permanently in the United States. A lawful permanent resident has many of the same rights as a United States citizen, including the ability to accept employment, own property, and join the United States armed forces.

### **Summary of Bill:**

#### Law Enforcement Agencies.

A general authority law enforcement agency or limited authority law enforcement agency may

consider applications of a U.S. citizen or a lawful permanent resident for any office, place, position, or employment within that agency.

Prosecuting Attorneys.

Appointed deputy prosecuting attorneys are not required to be a qualified elector of the county in which they serve. Each deputy may be a U.S. citizen or a lawful permanent resident.

Civil Service Positions.

The language requiring that applicants for any kind of city firefighter, city police, or sheriff's office civil service position read and write the English language is removed.

Fish and Wildlife Officers.

The language requiring that applicants for fish and wildlife officer positions read and write the English language is removed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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