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**SENATE BILL 5022**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Lovick, Hansen, Dhingra, Liias, Nobles, Salomon, Slatter, Valdez, and Wellman

AN ACT Relating to law enforcement agency and prosecutor offices hiring of persons legally authorized to work in the United States; amending RCW 10.93.165, 10.93.200, 41.08.070, 41.12.070, 41.14.100, 36.27.040, 43.101.095, and 77.15.075; and adding a new section to chapter 36.27 RCW.

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

**Sec.**  RCW 10.93.165 and 2024 c 11 s 1 are each amended to read as follows:

A general authority Washington law enforcement agency or limited authority Washington law enforcement agency may consider the application of a ((~~citizen of the United States or a lawful permanent resident~~)) person who is legally authorized to work in the United States under federal law for any office, place, position, or employment within the agency.

This section shall be interpreted and applied consistent with federal law and regulations. This section shall not be construed to permit an employer to override or bypass work authorization requirements stated in section 274a.2 of Title 8 of the Code of Federal Regulations.

**Sec.**  RCW 10.93.200 and 2024 c 330 s 2 are each amended to read as follows:

(1) A peace officer as defined in RCW 10.120.010 or corrections officer as defined in RCW 43.101.010 employed by a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency, as those terms are defined in RCW 10.93.020, shall have the authority to possess and carry firearms, subject to the written firearms policy created by the agency employing the peace officer or corrections officer.

(2) A law enforcement agency that employs a person who is ((~~a lawful permanent resident as defined in RCW 41.04.899 or a person who is a deferred action for childhood arrivals recipient~~)) legally authorized to work in the United States under federal law shall ensure that it has a written firearms policy authorizing the possession and carry of firearms by persons employed by that agency as a peace officer as defined in RCW 10.120.010 or a corrections officer as defined in RCW 43.101.010. A firearms policy must comply with any federal law or regulation promulgated by the United States department of justice, bureau of alcohol, tobacco, firearms, and explosives, or any successor agency, governing possession of a firearm and any related exceptions.

**Sec.**  RCW 41.08.070 and 2024 c 330 s 5 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States of America((~~, a lawful permanent resident, or a deferred action for childhood arrivals recipient~~)) or legally authorized to work in the United States under federal law. An applicant for a position of any kind under civil service under the provisions of this chapter must be able to speak, read, and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

**Sec.**  RCW 41.12.070 and 2024 c 330 s 6 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a ((~~citizen of the United States of America, a lawful permanent resident, or a deferred action for childhood arrivals recipient~~)) person who is legally authorized to work in the United States under federal law. An applicant for a position of any kind under civil service under the provisions of this chapter must be able to speak, read, and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

This section shall be interpreted and applied consistent with federal law and regulations. This section shall not be construed to permit an employer to override or bypass work authorization requirements stated in section 274a.2 of Title 8 of the Code of Federal Regulations.

**Sec.**  RCW 41.14.100 and 2024 c 330 s 7 are each amended to read as follows:

An applicant for a position of any kind under civil service under the provisions of this chapter, must be a citizen of the United States((~~, a lawful permanent resident, or a deferred action for childhood arrivals recipient~~)) or legally authorized to work in the United States under federal law. An applicant for a position of any kind under civil service under the provisions of this chapter must be able to speak, read, and write the English language.

An application for a position with a law enforcement agency may be rejected if the law enforcement agency deems that it does not have the resources to conduct the background investigation required pursuant to chapter 43.101 RCW. Resources means materials, funding, and staff time. Nothing in this section impairs an applicant's rights under state antidiscrimination laws.

**Sec.**  RCW 36.27.040 and 2024 c 11 s 2 are each amended to read as follows:

The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney, except that such deputy need not be a resident of the county in which he or she serves nor a qualified elector therein. Each deputy appointed must be a ((~~citizen of the United States or a lawful permanent resident~~)) person who is legally authorized to work in the United States under federal law. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys upon a contract or fee basis whose authority shall be limited to the purposes stated in the writing signed by the prosecuting attorney and filed in the county auditor's office. Such special deputy prosecuting attorney shall be admitted to practice as an attorney before the courts of this state but need not be a resident of the county in which he or she serves and shall not be under the legal disabilities attendant upon prosecuting attorneys or their deputies except to avoid any conflict of interest with the purpose for which he or she has been engaged by the prosecuting attorney. The prosecuting attorney shall be responsible for the acts of his or her deputies and may revoke appointments at will.

Two or more prosecuting attorneys may agree that one or more deputies for any one of them may serve temporarily as deputy for any other of them on terms respecting compensation which are acceptable to said prosecuting attorneys. Any such deputy thus serving shall have the same power in all respects as if he or she were serving permanently.

The provisions of chapter 39.34 RCW shall not apply to such agreements.

The provisions of RCW 41.56.030(12) shall not be interpreted to permit a prosecuting attorney to alter the at-will relationship established between the prosecuting attorney and his or her appointed deputies by this section for a period of time exceeding his or her term of office. Neither shall the provisions of RCW 41.56.030(12) require a prosecuting attorney to alter the at-will relationship established by this section.

NEW SECTION. **Sec.**  A new section is added to chapter 36.27 RCW to read as follows:

Employees of prosecuting attorneys' offices must be legally authorized to work in the United States under federal law.

This section shall be interpreted and applied consistent with federal law and regulations. This section shall not be construed to permit an employer to override or bypass work authorization requirements stated in section 274a.2 of Title 8 of the Code of Federal Regulations.

**Sec.**  RCW 43.101.095 and 2024 c 330 s 10 are each amended to read as follows:

(1) As a condition of employment, all Washington peace officers and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the commission.

(2)(a) Any applicant who has been offered a conditional offer of employment as a peace officer or reserve officer, offered a conditional offer of employment as a corrections officer after July 1, 2021, or offered a conditional offer of employment as a limited authority Washington peace officer who if hired would qualify as a peace officer as defined by RCW 43.101.010 after July 1, 2023, must submit to a background investigation to determine the applicant's suitability for employment. This requirement applies to any person whose certification has lapsed as a result of a break of more than 24 consecutive months in the officer's service for a reason other than being recalled into military service. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment.

(b) The background check must include:

(i) A check of criminal history, any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant shall disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation, including the reason for the officer's separation from the agency. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation or whether the complaint was unfounded;

(ii) Inquiry to the local prosecuting authority in any jurisdiction in which the applicant has served as to whether the applicant is on any potential impeachment disclosure list;

(iii) Inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined by the commission;

(iv) A review of the applicant's social media accounts;

(v) Verification of immigrant or citizenship status as ((~~either~~)) a ((~~citizen of the United States of America, lawful permanent resident, or deferred action for childhood arrivals recipient~~)) person who is legally authorized to work in the United States under federal law.

This section shall be interpreted and applied consistent with federal law and regulations. This section shall not be construed to permit an employer to override or bypass work authorization requirements stated in section 274a.2 of Title 8 of the Code of Federal Regulations;

(vi) A psychological examination administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission;

(vii) A polygraph or similar assessment administered by an experienced professional with appropriate training and in compliance with standards established in rules of the commission; and

(viii) Except as otherwise provided in this section, any test or assessment to be administered as part of the background investigation shall be administered in compliance with standards established in rules of the commission.

(c) The commission may establish standards for the background check requirements in this section and any other preemployment background check requirement that may be imposed by an employing agency or the commission.

(d) The employing law enforcement agency may require that each person who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or $400, whichever is less. Employing agencies may establish a payment plan if they determine that the person does not readily have the means to pay the testing fee.

(3)(a) The commission shall allow a peace officer or corrections officer to retain status as a certified peace officer or corrections officer as long as the officer: (i) Timely meets the basic training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (ii) timely meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (iii) is not denied certification by the commission under this chapter; and (iv) has not had certification suspended or revoked by the commission.

(b) The commission shall certify peace officers who are limited authority Washington peace officers employed on or before July 1, 2023. Thereafter, the commission may revoke certification pursuant to this chapter.

(4) As a condition of certification, a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of the officer's personnel files, including disciplinary, termination, civil or criminal investigation, or other records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.

(5) The employing agency and commission are authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment or certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

(6) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

(7) Prior to certification, the employing agency shall certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer.

**Sec.**  RCW 77.15.075 and 2024 c 330 s 8 are each amended to read as follows:

(1) Fish and wildlife officers shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. Fish and wildlife officers are general authority Washington peace officers.

(2) An applicant for a fish and wildlife officer position must be a citizen of the United States of America((~~, a lawful permanent resident, or a deferred action for childhood arrivals recipient~~)) or legally authorized to work in the United States under federal law. An applicant for a fish and wildlife officer position must be able to speak, read, and write the English language. Before a person may be appointed to act as a fish and wildlife officer, the person shall meet the minimum standards for employment with the department, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered in accordance with the requirements of RCW 43.101.095(2).

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

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