
HOUSE BILL 1400

State of Washington

69th Legislature

2025 Regular Session

By Representatives Goodman, Salahuddin, and Ormsby; by request of Criminal Justice Training Commission

Read first time 01/20/25. Referred to Committee on Community Safety.

1 AN ACT Relating to officer certification definitions, processes,
2 and commissioning; amending RCW 43.101.010, 43.101.095, 43.101.125,
3 43.101.126, 43.101.200, 43.101.380, 81.60.010, 81.60.020, 81.60.030,
4 81.60.040, and 81.60.060; and adding a new section to chapter 81.60
5 RCW.

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

7 **Sec. 1.** RCW 43.101.010 and 2024 c 319 s 5 are each amended to
8 read as follows:

9 When used in this chapter:

10 (1) "Applicant" means an individual who has received a
11 conditional offer of employment with a law enforcement or corrections
12 agency.

13 (2) "Certified" means the individual has met the background check
14 requirements under this chapter; completed the basic law enforcement
15 academy, the corrections officer academy, or other training as
16 determined by the commission; and fulfilled any other requirements
17 adopted by the commission in rule, and has been granted a license by
18 the commission to serve as an officer.

19 (3) "Chief for a day program" means a program in which
20 commissioners and staff partner with local, state, and federal law
21 enforcement agencies, hospitals, and the community to provide a day

1 of special attention to chronically ill children. Each child is
2 selected and sponsored by a law enforcement agency. The event, "chief
3 for a day," occurs on one day, annually or every other year and may
4 occur on the grounds and in the facilities of the commission. The
5 program may include any appropriate honoring of the child as a
6 "chief," such as a certificate swearing them in as a chief, a badge,
7 a uniform, and donated gifts such as games, puzzles, and art
8 supplies.

9 ~~((3))~~ (4) "Commission" means the Washington state criminal
10 justice training commission.

11 ~~((4))~~ (5) "Commissioned" means the appointing entity has
12 granted authority in accordance with local or state law, to act as a
13 peace officer or corrections officer. However, for railroad police
14 officers commissioned under RCW 81.60.010 through 81.60.060,
15 "commissioned" has the meaning provided in chapter 81.60 RCW.

16 (6) "Convicted" means at the time a plea of guilty, nolo
17 contendere, or deferred sentence has been accepted, or a verdict of
18 guilty or finding of guilt has been filed, notwithstanding the
19 pendency of any future proceedings, including but not limited to
20 sentencing, posttrial or postfact-finding motions and appeals.
21 "Conviction" includes all instances in which a plea of guilty or nolo
22 contendere is the basis for conviction, all proceedings in which
23 there is a case disposition agreement, and any equivalent disposition
24 by a court in a jurisdiction other than the state of Washington.

25 ~~((5))~~ (7) "Correctional personnel" means any employee or
26 volunteer who by state, county, municipal, or combination thereof,
27 statute has the responsibility for the confinement, care, management,
28 training, treatment, education, supervision, or counseling of those
29 individuals whose civil rights have been limited in some way by legal
30 sanction.

31 ~~((6))~~ (8) "Corrections officer" means any corrections agency
32 employee whose primary job function is to provide for the custody,
33 safety, and security of adult persons in jails and detention
34 facilities in the state. "Corrections officer" does not include
35 individuals employed by state agencies.

36 ~~((7))~~ (9) "Criminal justice personnel" means any person who
37 serves as a peace officer, reserve officer, or corrections officer.

38 ~~((8))~~ (10) "Finding" means a determination based on a
39 preponderance of the evidence whether alleged misconduct occurred;

1 did not occur; occurred, but was consistent with law and policy; or
2 could neither be proven or disproven.

3 ~~((9))~~ (11) "Law enforcement personnel" means any person
4 elected, appointed, or employed as a general authority Washington
5 peace officer as defined in RCW 10.93.020 or as a limited authority
6 Washington peace officer as defined in RCW 10.93.020 who as a normal
7 part of their duties has powers of arrest and carries a firearm. For
8 the purposes of this chapter, "law enforcement personnel" does not
9 include individuals employed by the department of corrections.

10 ~~((10))~~ (12) "Limited authority Washington law enforcement
11 agency" has the same meaning as defined in RCW 10.93.020.

12 (13) "Peace officer" has the same meaning as a general authority
13 Washington peace officer as defined in RCW 10.93.020. Commissioned
14 officers of the Washington state patrol, whether they have been or
15 may be exempted by rule of the commission from the basic training
16 requirement of RCW 43.101.200, are included as peace officers for
17 purposes of this chapter. Fish and wildlife officers with enforcement
18 powers for all criminal laws under RCW 77.15.075 are peace officers
19 for purposes of this chapter. Limited authority Washington peace
20 officers as defined in RCW 10.93.020, who have powers of arrest and
21 carry a firearm as part of their normal duty, are peace officers for
22 purposes of this chapter. For the purposes of this chapter, "peace
23 officer" does not include reserve officers or individuals employed by
24 the department of corrections.

25 ~~((11))~~ (14) "Reserve officer" has the same meaning as provided
26 in RCW 10.93.020.

27 ~~((12))~~ (15) "Specially commissioned Washington peace officer"
28 has the same meaning as provided in RCW 10.93.020.

29 ~~((13))~~ (16) "Tribal police officer" means any person employed
30 and commissioned by a tribal government to enforce the criminal laws
31 of that government.

32 **Sec. 2.** RCW 43.101.095 and 2024 c 330 s 10 are each amended to
33 read as follows:

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

1 (2) (a) Any applicant who has been offered a conditional offer of
2 employment as a peace officer or reserve officer, offered a
3 conditional offer of employment as a corrections officer after July
4 1, 2021, or offered a conditional offer of employment as a limited
5 authority Washington peace officer who if hired would qualify as a
6 peace officer as defined by RCW 43.101.010 after July 1, 2023, must
7 submit to a background investigation to determine the applicant's
8 suitability for employment. This requirement applies to any applicant
9 moving from any Washington law enforcement or corrections agency to
10 another, as well as applicants moving from a certified peace officer
11 position to a certified corrections officer position, or vice versa,
12 within the same agency. This requirement (~~applies~~) does not apply
13 to any person whose certification has lapsed as a result of a break
14 of more than 24 consecutive months in the officer's service (~~for a~~
15 ~~reason other than~~) as a result of being recalled into military
16 service. Employing agencies may only make a conditional offer of
17 employment pending completion of the background check and shall
18 verify in writing to the commission that they have complied with all
19 background check requirements prior to making any nonconditional
20 offer of employment.

21 (b) The background check must include:

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

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

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

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

1 (v) Verification of immigrant or citizenship status as either a
2 citizen of the United States of America, lawful permanent resident,
3 or deferred action for childhood arrivals recipient;

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

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

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

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

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

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

35 (b) The commission shall certify peace officers who are limited
36 authority Washington peace officers employed on or before July 1,
37 2023. Thereafter, the commission may revoke certification pursuant to
38 this chapter.

39 (4) As a condition of certification, a peace officer or
40 corrections officer must, on a form devised or adopted by the

1 commission, authorize the release to the employing agency and
2 commission of the officer's personnel files, including disciplinary,
3 termination, civil or criminal investigation, or other records or
4 information that are directly related to a certification matter or
5 decertification matter before the commission. The peace officer or
6 corrections officer must also consent to and facilitate a review of
7 the officer's social media accounts, however, consistent with RCW
8 49.44.200, the officer is not required to provide login information.
9 The release of information may not be delayed, limited, or precluded
10 by any agreement or contract between the officer, or the officer's
11 union, and the entity responsible for the records or information.

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

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

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

27 **Sec. 3.** RCW 43.101.125 and 2001 c 167 s 5 are each amended to
28 read as follows:

29 A peace officer's certification lapses automatically when there
30 is a break of more than (~~twenty-four~~) 24 consecutive months in the
31 officer's service as a (~~full-time~~) law enforcement officer. A break
32 in (~~full-time~~) law enforcement service which is due solely to the
33 pendency of direct review or appeal from a disciplinary discharge, or
34 to the pendency of a work-related injury, does not cause a lapse in
35 certification. The officer may petition the commission for
36 reinstatement of certification. Upon receipt of a petition for
37 reinstatement of a lapsed certificate, the commission shall determine
38 under this chapter and any applicable rules of the commission if the
39 peace officer's certification status is to be reinstated, and the

1 commission shall also determine any requirements which the officer
2 must meet for reinstatement. The commission may adopt rules
3 establishing requirements for reinstatement.

4 **Sec. 4.** RCW 43.101.126 and 2020 c 119 s 6 are each amended to
5 read as follows:

6 A corrections officer's certification lapses automatically when
7 there is a break of more than (~~(twenty-four)~~) 24 consecutive months
8 in the officer's service as a (~~(full-time)~~) corrections officer. A
9 break in (~~(full-time)~~) corrections service which is due solely to the
10 pendency of direct review or appeal from a disciplinary discharge, or
11 to the pendency of a work-related injury, does not cause a lapse in
12 certification. The officer may petition the commission for
13 reinstatement of certification. Upon receipt of a petition for
14 reinstatement of a lapsed certificate, the commission shall determine
15 under this chapter and any applicable rules of the commission if the
16 corrections officer's certification status is to be reinstated, and
17 the commission shall also determine any requirements which the
18 officer must meet for reinstatement. The commission may adopt rules
19 establishing requirements for reinstatement.

20 **Sec. 5.** RCW 43.101.200 and 2024 c 376 s 908 are each amended to
21 read as follows:

22 (1) Except as provided in subsection (2) of this section, all law
23 enforcement personnel, except volunteers, and reserve officers
24 whether paid or unpaid, initially employed on or after January 1,
25 1978, shall engage in basic law enforcement training which complies
26 with standards adopted by the commission pursuant to RCW 43.101.080.
27 For personnel initially employed before January 1, 1990, such
28 training shall be successfully completed during the first (~~(fifteen)~~)
29 15 months of employment of such personnel unless otherwise extended
30 or waived by the commission and shall be requisite to the
31 continuation of such employment. Personnel initially employed on or
32 after January 1, 1990, shall commence basic training during the first
33 six months of employment unless the basic training requirement is
34 otherwise waived or extended by the commission. Successful completion
35 of basic training is requisite to the continuation of employment of
36 such personnel initially employed on or after January 1, 1990.

37 (2)(a) All law enforcement personnel who are limited authority
38 Washington peace officers and whose employment commences on or after

1 July 1, 2023, shall commence basic training during the first 12
2 months of employment unless the basic training requirement is
3 otherwise waived or extended by the commission. Successful completion
4 of basic training is requisite to the continuation of employment of
5 such personnel initially employed on or after July 1, 2023.

6 (b) (i) The commission shall review the training files of all law
7 enforcement personnel who are limited authority Washington peace
8 officers, whose employment commenced prior to July 1, 2023, and who
9 have not successfully completed training that complies with standards
10 adopted by the commission, to determine what, if any, supplemental
11 training is required to appropriately carry out the officers' duties
12 and responsibilities.

13 (ii) Nothing in this section may be interpreted to require law
14 enforcement personnel who are limited authority Washington peace
15 officers, whose employment commenced prior to July 1, 2023, to
16 complete the basic law enforcement training academy as a condition of
17 continuing employment as a limited authority Washington peace
18 officer.

19 (iii) Law enforcement personnel who are limited authority
20 Washington peace officers are not required to complete the basic law
21 enforcement academy or an equivalent basic academy upon transferring
22 to a general authority Washington law enforcement agency or limited
23 authority Washington law enforcement agency, as defined in RCW
24 10.93.020, if they have:

25 (A) Been employed as a special agent with the Washington state
26 gambling commission, been a natural resource investigator with the
27 department of natural resources, been a liquor enforcement officer
28 with the liquor and cannabis board, been an investigator with the
29 office of the insurance commissioner, or been a park ranger with the
30 Washington state parks and recreation commission, before or after
31 July 1, 2023; and

32 (B) Received a certificate of successful completion from the
33 basic law enforcement academy or the basic law enforcement
34 equivalency academy and thereafter engaged in regular and
35 commissioned law enforcement employment with an agency listed in
36 (b) (iii) (A) of this subsection without a break or interruption in
37 excess of 24 months; and

38 (C) Remained current with the in-service training requirements as
39 adopted by the commission by rule.

1 (3) Except as provided in RCW 43.101.170, the commission shall
2 provide the aforementioned training and shall have the sole authority
3 to do so. The commission shall provide necessary facilities,
4 supplies, materials, and the board and room of noncommuting attendees
5 for seven days per week, except during the 2017-2019, 2019-2021, and
6 2021-2023 fiscal biennia, and during fiscal year 2024, when the
7 employing, county, city, or state law enforcement agency shall
8 reimburse the commission for (~~twenty-five~~) 25 percent of the cost
9 of training its personnel. Additionally, to the extent funds are
10 provided for this purpose, the commission shall reimburse to
11 participating law enforcement agencies with (~~ten~~) 10 or less full-
12 time commissioned patrol officers the cost of temporary replacement
13 of each officer who is enrolled in basic law enforcement training:
14 PROVIDED, That such reimbursement shall include only the actual cost
15 of temporary replacement not to exceed the total amount of salary and
16 benefits received by the replaced officer during (~~his or her~~) the
17 training period: PROVIDED FURTHER, That limited authority Washington
18 law enforcement agencies as defined in RCW 10.93.020 shall reimburse
19 the commission for the full cost of training their personnel.

20 **Sec. 6.** RCW 43.101.380 and 2021 c 323 s 20 are each amended to
21 read as follows:

22 (1) The procedures governing adjudicative proceedings before
23 agencies under chapter 34.05 RCW, the administrative procedure act,
24 govern hearings before the commission and govern all other actions
25 before the commission unless otherwise provided in this chapter. The
26 standard of proof in actions before the commission is a preponderance
27 of the evidence.

28 (2) In all hearings requested under RCW 43.101.155, an
29 administrative law judge appointed under chapter 34.12 RCW shall be
30 the presiding officer(~~7~~) and shall make all necessary rulings in
31 the course of the hearing, (~~and shall issue a proposed~~
32 ~~recommendation,~~) but is not entitled to vote. In addition, a five-
33 member hearings panel shall hear the case and make the commission's
34 final administrative decision.

35 (3) The commission shall appoint a panel to hear certification
36 actions as follows:

37 (a) When a hearing is requested in relation to a certification
38 action of a Washington peace officer, the commission shall appoint to
39 the panel: (i) One police chief or sheriff from an agency not a

1 current or past employer of the peace officer; (ii) one certified
2 Washington peace officer who is at or below the level of first line
3 supervisor and who has at least ten years' experience as a peace
4 officer; (iii) one civilian member of the commission as appointed
5 under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of
6 the public who is not a prosecutor, defense attorney, judge, or law
7 enforcement officer; and (v) one person with expertise and background
8 in police accountability who is not a current or former peace officer
9 or corrections officer.

10 (b) When a hearing is requested in relation to a certification
11 action of a Washington corrections officer, the commission shall
12 appoint to the panel: (i) A person who heads either a city or county
13 corrections agency or facility or of a Washington state department of
14 corrections facility; (ii) one corrections officer who is at or below
15 the level of first line supervisor and who has at least ten years'
16 experience as a corrections officer; (iii) one civilian member of the
17 commission as appointed under RCW 43.101.030(1) (f) and (h) through
18 (j); (iv) one member of the public who is not a prosecutor, defense
19 attorney, judge, or law enforcement officer; and (v) one person with
20 expertise and background in police accountability who is not a
21 current or former peace officer or corrections officer.

22 (c) When a hearing is requested in relation to a certification
23 action of a tribal police officer, the commission shall appoint to
24 the panel (i) one tribal police chief; (ii) one tribal police officer
25 who is at or below the level of first line supervisor, and who has at
26 least ten years' experience as a peace officer; (iii) one civilian
27 member of the commission as appointed under RCW 43.101.030(1) (f) and
28 (h) through (j); (iv) one member of the public who is not a
29 prosecutor, defense attorney, judge, or law enforcement officer; and
30 (v) one person with expertise and background in police accountability
31 who is not a current or former peace officer or corrections officer.

32 (d) Persons appointed to hearings panels by the commission shall,
33 in relation to any certification action on which they sit, have the
34 powers, duties, and immunities, and are entitled to the emoluments,
35 including travel expenses in accordance with RCW 43.03.050 and
36 43.03.060, of regular commission members.

37 (4) In decertification matters where there was a due process
38 hearing or a disciplinary appeals hearing following an investigation
39 by a law enforcement agency, or a criminal hearing regarding the
40 alleged misconduct, the hearings panel need not redetermine the

1 underlying facts but may make its determination based solely on
2 review of the records and decision relating to those proceedings and
3 any investigative or summary materials from the administrative law
4 judge, legal counsel, and commission staff. However, the hearings
5 panel may, in its discretion, consider additional evidence to
6 determine whether misconduct occurred. The hearings panel shall, upon
7 written request by the subject peace officer or corrections officer,
8 allow the peace officer or corrections officer to present additional
9 evidence of extenuating circumstances.

10 (5) The commission is authorized to proceed regardless of whether
11 an arbitrator or other appellate decision maker overturns the
12 discipline imposed by the officer's employing agency or whether the
13 agency settles an appeal. No action or failure to act by a law
14 enforcement agency or corrections agency or decision resulting from
15 an appeal of that action precludes action by the commission to
16 suspend or revoke an officer's certificate, to place on probation, or
17 to require remedial training for the officer.

18 (6) The hearings, but not the deliberations of the hearings
19 panel, are open to the public. The transcripts, admitted evidence,
20 and written decisions of the hearings panel on behalf of the
21 commission are not confidential or exempt from public disclosure, and
22 are subject to subpoena and discovery proceedings in civil actions.

23 (7) Summary records of hearing dispositions must be made
24 available on an annual basis on a public website.

25 (8) The commission's final administrative decision is subject to
26 judicial review under RCW 34.05.510 through 34.05.598.

27 **Sec. 7.** RCW 81.60.010 and 2001 c 72 s 1 are each amended to read
28 as follows:

29 The criminal justice training commission shall have the power to
30 and may in its discretion (~~appoint and~~) commission railroad police
31 officers at the request of any railroad corporation and may revoke
32 any (~~appointment~~) commission at its pleasure.

33 **Sec. 8.** RCW 81.60.020 and 2001 c 72 s 2 are each amended to read
34 as follows:

35 Any railroad corporation desiring the (~~appointment~~)
36 commissioning of any of its officers, agents, or servants not
37 exceeding twenty-five in number for any one division of any railroad
38 operating in this state as railroad police officers shall file a

1 request with the criminal justice training commission on an approved
2 application form. The application shall be signed by the president or
3 some managing officer of the railroad corporation and shall be
4 accompanied by an affidavit stating that the officer is acquainted
5 with the person whose (~~appointment~~) commission is sought, that the
6 officer believes the person to be of good moral character, and that
7 the person is of such character and experience that he or she can be
8 safely entrusted with the powers of a police officer.

9 For the purposes of this section, "division" means the part of
10 any railroad or railroads under the jurisdiction of any one division
11 superintendent.

12 **Sec. 9.** RCW 81.60.030 and 2001 c 72 s 3 are each amended to read
13 as follows:

14 Before receiving a commission each person (~~appointed under the~~
15 ~~provisions of RCW 81.60.010 through 81.60.060~~) shall successfully
16 complete a course of training prescribed or approved by the criminal
17 justice training commission, and shall take, subscribe, and file with
18 the commission an oath to support the Constitution of the United
19 States and the Constitution and laws of the state of Washington, and
20 to faithfully perform the duties of the office. The corporation
21 requesting (~~appointment~~) commissioning of a railroad police officer
22 shall bear the full cost of training.

23 Railroad police officers (~~appointed and~~) commissioned under RCW
24 81.60.010 through 81.60.060 are subject to rules and regulations
25 adopted by the commission.

26 **Sec. 10.** RCW 81.60.040 and 2001 c 72 s 4 are each amended to
27 read as follows:

28 Every police officer (~~appointed and~~) commissioned under the
29 provisions of RCW 81.60.010 through 81.60.060 shall when on duty have
30 the power and authority conferred by law on peace officers, but shall
31 exercise such power only in the protection of the property belonging
32 to or under the control of the corporation at whose instance the
33 officer is (~~appointed~~) commissioned and in preventing, and making
34 arrest for, violations of law upon or in connection with such
35 property.

36 **Sec. 11.** RCW 81.60.060 and 2001 c 72 s 6 are each amended to
37 read as follows:

1 The corporation procuring (~~the appointment~~) a commission of any
2 railroad police shall be solely responsible for the compensation for
3 the officer's services and shall be liable civilly for any unlawful
4 act of the officer resulting in damage to any person or corporation.

5 NEW SECTION. **Sec. 12.** A new section is added to chapter 81.60
6 RCW to read as follows:

7 For purposes of RCW 81.60.010 through 81.60.060, "commissioned"
8 means the criminal justice training commission has granted authority
9 in accordance with state law, to act as a railroad police officer.

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