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**SENATE BILL 5022**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

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

Prefiled 12/10/24. Read first time 01/13/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to law enforcement agency and prosecutor offices  
2 hiring of persons legally authorized to work in the United States;  
3 amending RCW 10.93.165, 10.93.200, 41.08.070, 41.12.070, 41.14.100,  
4 36.27.040, 43.101.095, and 77.15.075; and adding a new section to  
5 chapter 36.27 RCW.

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

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

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

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

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

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

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

22       **Sec. 3.** RCW 41.08.070 and 2024 c 330 s 5 are each amended to  
23 read as follows:

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

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

36       **Sec. 4.** RCW 41.12.070 and 2024 c 330 s 6 are each amended to  
37 read as follows:

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

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

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

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

24 **Sec. 5.** RCW 41.14.100 and 2024 c 330 s 7 are each amended to  
25 read as follows:

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

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

1       **Sec. 6.** RCW 36.27.040 and 2024 c 11 s 2 are each amended to read  
2 as follows:

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

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

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

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

1        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 36.27  
2    RCW to read as follows:

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

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

10       **Sec. 8.**    RCW 43.101.095 and 2024 c 330 s 10 are each amended to  
11    read as follows:

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

17        (2)(a) Any applicant who has been offered a conditional offer of  
18    employment as a peace officer or reserve officer, offered a  
19    conditional offer of employment as a corrections officer after July  
20    1, 2021, or offered a conditional offer of employment as a limited  
21    authority Washington peace officer who if hired would qualify as a  
22    peace officer as defined by RCW 43.101.010 after July 1, 2023, must  
23    submit to a background investigation to determine the applicant's  
24    suitability for employment. This requirement applies to any person  
25    whose certification has lapsed as a result of a break of more than 24  
26    consecutive months in the officer's service for a reason other than  
27    being recalled into military service. Employing agencies may only  
28    make a conditional offer of employment pending completion of the  
29    background check and shall verify in writing to the commission that  
30    they have complied with all background check requirements prior to  
31    making any nonconditional offer of employment.

32        (b) The background check must include:

33        (i) A check of criminal history, any national decertification  
34    index, commission records, and all disciplinary records by any  
35    previous law enforcement or correctional employer, including  
36    complaints or investigations of misconduct and the reason for  
37    separation from employment. Law enforcement or correctional agencies  
38    that previously employed the applicant shall disclose employment  
39    information within 30 days of receiving a written request from the

1 employing agency conducting the background investigation, including  
2 the reason for the officer's separation from the agency. Complaints  
3 or investigations of misconduct must be disclosed regardless of the  
4 result of the investigation or whether the complaint was unfounded;

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

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

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

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

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

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

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

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

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

38 (d) The employing law enforcement agency may require that each  
39 person who is required to take a psychological examination and a  
40 polygraph or similar test pay a portion of the testing fee based on

1 the actual cost of the test or \$400, whichever is less. Employing  
2 agencies may establish a payment plan if they determine that the  
3 person does not readily have the means to pay the testing fee.

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

13 (b) The commission shall certify peace officers who are limited  
14 authority Washington peace officers employed on or before July 1,  
15 2023. Thereafter, the commission may revoke certification pursuant to  
16 this chapter.

17 (4) As a condition of certification, a peace officer or  
18 corrections officer must, on a form devised or adopted by the  
19 commission, authorize the release to the employing agency and  
20 commission of the officer's personnel files, including disciplinary,  
21 termination, civil or criminal investigation, or other records or  
22 information that are directly related to a certification matter or  
23 decertification matter before the commission. The peace officer or  
24 corrections officer must also consent to and facilitate a review of  
25 the officer's social media accounts, however, consistent with RCW  
26 49.44.200, the officer is not required to provide login information.  
27 The release of information may not be delayed, limited, or precluded  
28 by any agreement or contract between the officer, or the officer's  
29 union, and the entity responsible for the records or information.

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

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

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

6 **Sec. 9.** RCW 77.15.075 and 2024 c 330 s 8 are each amended to  
7 read as follows:

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

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

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

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

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