
HOUSE BILL 1132

State of Washington

68th Legislature

2023 Regular Session

By Representatives Goodman and Rude; by request of Gambling Commission

Prefiled 01/05/23.

1 AN ACT Relating to oversight and training requirements for
2 limited authority Washington peace officers and agencies; amending
3 RCW 43.101.095, 43.101.276, and 43.101.278; and reenacting and
4 amending RCW 43.101.010 and 43.101.200.

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

6 **Sec. 1.** RCW 43.101.010 and 2021 c 323 s 1 are each reenacted and
7 amended to read as follows:

8 When used in this chapter:

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

12 (2) "Chief for a day program" means a program in which
13 commissioners and staff partner with local, state, and federal law
14 enforcement agencies, hospitals, and the community to provide a day
15 of special attention to chronically ill children. Each child is
16 selected and sponsored by a law enforcement agency. The event, "chief
17 for a day," occurs on one day, annually or every other year and may
18 occur on the grounds and in the facilities of the commission. The
19 program may include any appropriate honoring of the child as a
20 "chief," such as a certificate swearing them in as a chief, a badge,

1 a uniform, and donated gifts such as games, puzzles, and art
2 supplies.

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

5 (4) "Convicted" means at the time a plea of guilty, nolo
6 contendere, or deferred sentence has been accepted, or a verdict of
7 guilty or finding of guilt has been filed, notwithstanding the
8 pendency of any future proceedings, including but not limited to
9 sentencing, posttrial or postfact-finding motions and appeals.
10 "Conviction" includes all instances in which a plea of guilty or nolo
11 contendere is the basis for conviction, all proceedings in which
12 there is a case disposition agreement, and any equivalent disposition
13 by a court in a jurisdiction other than the state of Washington.

14 (5) "Correctional personnel" means any employee or volunteer who
15 by state, county, municipal, or combination thereof, statute has the
16 responsibility for the confinement, care, management, training,
17 treatment, education, supervision, or counseling of those individuals
18 whose civil rights have been limited in some way by legal sanction.

19 (6) "Corrections officer" means any corrections agency employee
20 whose primary job function is to provide for the custody, safety, and
21 security of adult persons in jails and detention facilities in the
22 state. "Corrections officer" does not include individuals employed by
23 state agencies.

24 (7) "Criminal justice personnel" means any person who serves as a
25 peace officer, reserve officer, or corrections officer.

26 (8) "Finding" means a determination based on a preponderance of
27 the evidence whether alleged misconduct occurred; did not occur;
28 occurred, but was consistent with law and policy; or could neither be
29 proven or disproven.

30 (9) "Law enforcement personnel" means any person elected,
31 appointed, or employed as a general authority Washington peace
32 officer as defined in RCW 10.93.020 or as a limited authority
33 Washington peace officer as defined in RCW 10.93.020 who as a normal
34 part of their duties has powers of arrest and carries a firearm.

35 (10) "Peace officer" has the same meaning as a general authority
36 Washington peace officer as defined in RCW 10.93.020. Commissioned
37 officers of the Washington state patrol, whether they have been or
38 may be exempted by rule of the commission from the basic training
39 requirement of RCW 43.101.200, are included as peace officers for
40 purposes of this chapter. Fish and wildlife officers with enforcement

1 powers for all criminal laws under RCW 77.15.075 are peace officers
2 for purposes of this chapter. Limited authority Washington peace
3 officers as defined in RCW 10.93.020, who have powers of arrest and
4 carry a firearm as part of their normal duty, are peace officers for
5 purposes of this chapter.

6 (11) "Reserve officer" means any person who does not serve as a
7 peace officer of this state on a full-time basis, but who, when
8 called by an agency into active service, is fully commissioned on the
9 same basis as full-time officers to enforce the criminal laws of this
10 state and includes:

11 (a) Specially commissioned Washington peace officers as defined
12 in RCW 10.93.020;

13 (b) ~~((Limited authority Washington peace officers as defined in~~
14 ~~RCW 10.93.020;~~

15 ~~(e))~~ Persons employed as security by public institutions of
16 higher education as defined in RCW 28B.10.016; and

17 ~~((d))~~ (c) Persons employed for the purpose of providing
18 security in the K-12 Washington state public school system as defined
19 in RCW 28A.150.010 and who are authorized to use force in fulfilling
20 their responsibilities.

21 (12) "Tribal police officer" means any person employed and
22 commissioned by a tribal government to enforce the criminal laws of
23 that government.

24 **Sec. 2.** RCW 43.101.200 and 2021 c 334 s 977 and 2021 c 323 s 31
25 are each reenacted and amended to read as follows:

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

1 of basic training is requisite to the continuation of employment of
2 such personnel initially employed on or after January 1, 1990.

3 (2)(a) All law enforcement personnel who are limited authority
4 Washington peace officers and whose employment commences on or after
5 July 1, 2023, shall commence basic training during the first 12
6 months of employment unless the basic training requirement is
7 otherwise waived or extended by the commission. Successful completion
8 of basic training is requisite to the continuation of employment of
9 such personnel initially employed on or after July 1, 2023.

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

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

23 (iii) Law enforcement personnel who are limited authority
24 Washington peace officers are not required to complete the basic law
25 enforcement academy or an equivalent basic academy upon transferring
26 to a general authority Washington law enforcement agency or limited
27 authority Washington law enforcement agency, as defined in RCW
28 10.93.020, if they have:

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

36 (B) Received a certificate of successful completion from the
37 basic law enforcement academy or the basic law enforcement
38 equivalency academy and thereafter engaged in regular and
39 commissioned law enforcement employment with an agency listed in

1 (b)(iii)(A) of this subsection without a break or interruption in
2 excess of 24 months; and

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

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

21 PROVIDED FURTHER, That limited authority Washington law
22 enforcement agencies as defined in RCW 10.93.020 shall reimburse the
23 commission for the full cost of training their personnel.

24 **Sec. 3.** RCW 43.101.095 and 2021 c 323 s 8 are each amended to
25 read as follows:

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

31 (2)(a) Any applicant who has been offered a conditional offer of
32 employment as a peace officer or reserve officer ~~((or))~~, offered a
33 conditional offer of employment as a corrections officer after July
34 1, 2021, ~~((including any person whose certification has lapsed as a~~
35 ~~result of a break of more than 24 consecutive months in the officer's~~
36 ~~service for a reason other than being recalled to military service,))~~
37 or offered a conditional offer of employment as a limited authority
38 Washington peace officer who if hired would qualify as a peace
39 officer as defined by RCW 43.101.010 after July 1, 2023, must submit

1 to a background investigation to determine the applicant's
2 suitability for employment. This requirement applies to any person
3 whose certification has lapsed as a result of a break of more than 24
4 consecutive months in the officer's service for a reason other than
5 being recalled into military service. Employing agencies may only
6 make a conditional offer of employment pending completion of the
7 background check and shall verify in writing to the commission that
8 they have complied with all background check requirements prior to
9 making any nonconditional offer of employment.

10 (b) The background check must include:

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

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

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

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

29 (v) Verification of immigrant or citizenship status as either a
30 citizen of the United States of America or a lawful permanent
31 resident;

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

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

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

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

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

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

25 (b) The commission shall certify peace officers who are limited
26 authority Washington peace officers employed on or before July 1,
27 2023. Thereafter, the commission may revoke certification pursuant to
28 this chapter.

29 (4) As a condition of certification, a peace officer or
30 corrections officer must, on a form devised or adopted by the
31 commission, authorize the release to the employing agency and
32 commission of the officer's personnel files, including disciplinary,
33 termination, civil or criminal investigation, or other records or
34 information that are directly related to a certification matter or
35 decertification matter before the commission. The peace officer or
36 corrections officer must also consent to and facilitate a review of
37 the officer's social media accounts, however, consistent with RCW
38 49.44.200, the officer is not required to provide login information.
39 The release of information may not be delayed, limited, or precluded

1 by any agreement or contract between the officer, or the officer's
2 union, and the entity responsible for the records or information.

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

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

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

18 **Sec. 4.** RCW 43.101.276 and 2017 c 290 s 5 are each amended to
19 read as follows:

20 (1) Subject to the availability of amounts appropriated for this
21 specific purpose, the commission shall develop training on a victim-
22 centered, trauma-informed approach to interacting with victims and
23 responding to sexual assault calls. The curriculum must: Be designed
24 for commissioned patrol officers not regularly assigned to
25 investigate sexual assault cases; be designed for deployment and use
26 within individual law enforcement agencies; include features allowing
27 for it to be used in different environments, which may include
28 multimedia or video components; allow for law enforcement agencies to
29 host it in small segments at different times over several days or
30 weeks, including roll calls. The training must include components on
31 available resources for victims including, but not limited to,
32 material on and references to community-based victim advocates.

33 (2) In developing the training, the commission shall seek advice
34 from the Washington association of sheriffs and police chiefs, the
35 Washington coalition of sexual assault programs, and experts on
36 sexual assault and the neurobiology of trauma.

37 (3) Beginning in 2018, all law enforcement agencies shall
38 annually host the training for commissioned peace officers. All law

1 enforcement agencies shall, to the extent feasible, consult with and
2 feature local community-based victim advocates during the training.

3 (4) With the exception of the state parks and recreation
4 commission, the training requirements under this section do not apply
5 to limited authority Washington law enforcement agencies as defined
6 in RCW 10.93.020 whose authority does not include the investigation
7 of sexual assaults.

8 **Sec. 5.** RCW 43.101.278 and 2021 c 118 s 3 are each amended to
9 read as follows:

10 (1) Subject to the availability of amounts appropriated for this
11 specific purpose, the commission shall conduct an annual case review
12 program. The program must review case files from law enforcement
13 agencies and prosecuting attorneys selected by the commission in
14 order to identify changes to training and investigatory practices
15 necessary to optimize outcomes in sexual assault investigations and
16 prosecutions involving adult victims. The program must include:

17 (a) An evaluation of whether current training and practices
18 foster a trauma-informed, victim-centered approach to victim
19 interviews and that identifies best practices and current gaps in
20 training and assesses the integration of the community resiliency
21 model;

22 (b) A comparison of cases involving investigators and
23 interviewers who have participated in training to cases involving
24 investigators and interviewers who have not participated in training;

25 (c) Randomly selected cases for a systematic review to assess
26 whether current practices conform to national best practices for a
27 multidisciplinary approach to investigating sexual assault cases and
28 interacting with survivors; and

29 (d) An analysis of the impact that race and ethnicity have on
30 sexual assault case outcomes.

31 (2) The case review program may review and access files,
32 including all reports and recordings, pertaining to closed cases
33 involving allegations of adult sexual assault only. Any law
34 enforcement agency or prosecuting attorney selected for the program
35 by the commission shall make requested case files and other documents
36 available to the commission, provided that the case files are not
37 linked to ongoing, open investigations and that redactions may be
38 made where appropriate and necessary. Agencies and prosecuting
39 attorneys shall include available information on the race and

1 ethnicity of all sexual assault victims in the relevant case files
2 provided to the commission. Case files and other documents must be
3 made available to the commission according to appropriate deadlines
4 established by the commission in consultation with the agency or
5 prosecuting attorney.

6 (3) If a law enforcement agency has not participated in the
7 training under RCW 43.101.272 by July 1, 2022, the commission may
8 prioritize the agency for selection to participate in the program
9 under this section.

10 (4) In designing and conducting the program, the commission shall
11 consult and collaborate with experts in trauma-informed and victim-
12 centered training, experts in sexual assault investigations and
13 prosecutions, victim advocates, and other stakeholders identified by
14 the commission. The commission may form a multidisciplinary working
15 group for the purpose of carrying out the requirements of this
16 section.

17 (5) The program participation requirements under this section do
18 not apply to limited authority Washington law enforcement agencies as
19 defined in RCW 10.93.020 whose authority does not include the
20 investigation of sexual assaults.

21 (6) The commission shall submit a report with a summary of its
22 work to the governor and the appropriate committees of the
23 legislature by December 1st of each year.

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