
SENATE BILL 5089

State of Washington

67th Legislature

2021 Regular Session

By Senators Kuderer and Pedersen

Prefiled 01/06/21.

1 AN ACT Relating to peace officer hiring and certification; and
2 amending RCW 41.12.070, 41.12.100, 41.14.100, 41.14.130, 43.43.020,
3 and 43.43.360.

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

5 **Sec. 1.** RCW 41.12.070 and 2018 c 32 s 2 are each amended to read
6 as follows:

7 (1) An applicant for a position of any kind under civil service
8 under the provisions of this chapter(~~(7)~~) must be a citizen of the
9 United States of America or a lawful permanent resident who can read
10 and write the English language(~~(-~~

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

16 (2) An applicant for a position with a law enforcement agency
17 must:

18 (a) Be at least 23 years of age; and

19 (b) Have a degree equivalent to an associate of arts or sciences
20 degree.

1 (3) An application for a position with a law enforcement agency
2 may be rejected if the law enforcement agency deems that it does not
3 have the resources to conduct the background investigation required
4 pursuant to chapter 43.101 RCW. Resources means materials, funding,
5 and staff time.

6 (4) Consistent with the scoring scheme outlined in RCW 41.04.010,
7 a hiring law enforcement agency shall add a maximum of 10 percent to
8 the passing mark, grade, or rating of any applicant for any of the
9 following qualifications:

10 (a) Proficiency in a language other than English;

11 (b) Two or more years of professional or volunteer experience in
12 the peace corps, AmeriCorps, domestic violence counseling, mental or
13 behavioral health care, homelessness programs, or other social
14 services profession; or

15 (c) Completion of training in a reputable crisis intervention
16 program.

17 (5) Nothing in this section impairs an applicant's rights under
18 state antidiscrimination laws.

19 **Sec. 2.** RCW 41.12.100 and 2007 c 218 s 15 are each amended to
20 read as follows:

21 (1) Whenever a position in the classified service becomes vacant,
22 the appointing power, if it desires to fill the vacancy, shall make
23 requisition upon the commission for the name and address of a person
24 eligible for appointment thereto. The commission shall certify the
25 name of the person highest on the eligible list for the class to
26 which the vacant position has been allocated, who is willing to
27 accept employment. If there is no appropriate eligible list for the
28 class, the commission shall certify the name of the person standing
29 highest on said list held appropriate for such class. If more than
30 one vacancy is to be filled an additional name shall be certified for
31 each additional vacancy. The appointing power shall forthwith appoint
32 such person to such vacant position.

33 (2) Whenever requisition is to be made, or whenever a position is
34 held by a temporary appointee and an eligible list for the class of
35 such position exists, the commission shall forthwith certify the name
36 of the person eligible for appointment to the appointing power, and
37 said appointing power shall forthwith appoint the person so certified
38 to said position. No person so certified shall be laid off,
39 suspended, or given leave of absence from duty, transferred or

1 reduced in pay or grade, except for reasons which will promote the
2 good of the service, specified in writing, and after an opportunity
3 to be heard by the commission and then only with its consent and
4 approval.

5 (3) To enable the appointing power to exercise a choice in the
6 filling of positions, no appointment, employment or promotion in any
7 position in the classified service shall be deemed complete until
8 after the expiration of a period of (~~three to six months~~)
9 probationary service, as may be provided in the rules of the civil
10 service commission during which the appointing power may terminate
11 the employment of the person certified to him or her, or it, if
12 during the performance test thus afforded, upon observation or
13 consideration of the performance of duty, the appointing power deems
14 him or her unfit or unsatisfactory for service in the department,
15 whereupon the appointing power shall designate the person certified
16 as standing next highest on any such list and such person shall
17 likewise enter upon said duties until some person is found who is
18 deemed fit for appointment, employment or promotion for the
19 probationary period provided therefor, whereupon the appointment,
20 employment or promotion shall be deemed to be complete. The
21 probationary period of a person appointed or hired:

22 (a) As a law enforcement officer, must be no less than 24 months
23 from the date of successful completion of the basic law enforcement
24 academy or from the date of hire if academy training is not required;

25 (b) In any other position, must be between three and six months
26 from the date of appointment or hire.

27 **Sec. 3.** RCW 41.14.100 and 2018 c 32 s 3 are each amended to read
28 as follows:

29 (1) An applicant for a position of any kind under civil service
30 under the provisions of this chapter, must be a citizen of the United
31 States or a lawful permanent resident who can read and write the
32 English language.

33 (2) An applicant for a position with a law enforcement agency
34 must:

35 (a) Be at least 23 years of age; and

36 (b) Have a degree equivalent to an associate of arts or sciences
37 degree.

38 (3) An application for a position with a law enforcement agency
39 may be rejected if the law enforcement agency deems that it does not

1 have the resources to conduct the background investigation required
2 pursuant to chapter 43.101 RCW. Resources means materials, funding,
3 and staff time.

4 (4) Consistent with the scoring scheme outlined in RCW 41.04.010,
5 a hiring law enforcement agency shall add a maximum of 10 percent to
6 the passing mark, grade, or rating of any applicant for any of the
7 following qualifications:

8 (a) Proficiency in a language other than English;

9 (b) Two or more years of professional or volunteer experience in
10 the peace corps, AmeriCorps, domestic violence counseling, mental or
11 behavioral health care, homelessness programs, or other social
12 services profession; or

13 (c) Completion of training in a reputable crisis intervention
14 program.

15 (5) Nothing in this section impairs an applicant's rights under
16 state antidiscrimination laws.

17 **Sec. 4.** RCW 41.14.130 and 2020 c 14 s 2 are each amended to read
18 as follows:

19 (1) Whenever a position in the classified service becomes vacant,
20 the appointing power, if it desires to fill the vacancy, shall
21 requisition the commission for the names and addresses of persons
22 eligible for appointment thereto. Before a requisition can be made,
23 the appointing authority shall give employees of the appointing
24 authority who are in layoff status or who have been notified of an
25 intended layoff an opportunity to qualify for any class within the
26 office of the appointing authority. The commission shall certify the
27 names of the five persons highest on the eligible list for the class
28 to which the vacant position has been allocated, who are willing to
29 accept employment. If there is no appropriate eligible list for the
30 class, the commission shall certify the names of the five persons
31 standing highest on the list held appropriate for such class. If more
32 than one vacancy is to be filled an additional name shall be
33 certified for each additional vacancy. The appointing power shall
34 forthwith appoint a person from those certified to the vacant
35 position.

36 (2) To enable the appointing power to exercise a greater degree
37 of choice in the filling of positions, no appointment, employment, or
38 promotion in any position in the classified service shall be deemed
39 complete until after the expiration of a period of one year's

1 probationary service, as may be provided in the rules of the civil
2 service commission, during which the appointing power may terminate
3 the employment of the person appointed, if during the performance
4 test thus afforded, upon observation or consideration of the
5 performance of duty, the appointing power deems such person unfit or
6 unsatisfactory for service in the office of county sheriff. Thereupon
7 the appointing power shall again requisition the commission for the
8 names and addresses of persons eligible for appointment in the manner
9 provided by this section and the person appointed in the manner
10 provided by this section shall likewise enter upon said duties for
11 the probationary period, until some person is found who is deemed fit
12 for appointment, employment, or promotion whereupon the appointment,
13 employment, or promotion shall be deemed complete. The probationary
14 period of a person appointed or hired:

15 (a) As a law enforcement officer, must be no less than 24 months
16 from the date of successful completion of the basic law enforcement
17 academy or from the date of hire if academy training is not required;

18 (b) In any other position, must be no less than one year from the
19 date of appointment or hire.

20 **Sec. 5.** RCW 43.43.020 and 2005 c 434 s 4 are each amended to
21 read as follows:

22 (1) The governor, with the advice and consent of the senate,
23 shall appoint the chief of the Washington state patrol, determine his
24 compensation, and may remove him at will.

25 (2)(a) The chief shall appoint a sufficient number of competent
26 persons to act as Washington state patrol officers, may remove them
27 for cause, as provided in this chapter, and shall make promotional
28 appointments, determine their compensation, and define their rank and
29 duties, as hereinafter provided.

30 (b) Before a person may be appointed to act as a Washington state
31 patrol officer, in addition to the requirements in (c) of this
32 subsection, the person shall meet the minimum standards for
33 employment with the Washington state patrol, including successful
34 completion of a psychological examination and polygraph examination
35 or similar assessment procedure administered by the chief or his or
36 her designee in accordance with the requirements of RCW
37 43.101.095(2).

38 (c) A person appointed as a Washington state patrol officer must:

39 (i) Be at least 23 years of age; and

1 (ii) Have a degree equivalent to an associate of arts or sciences
2 degree.

3 (3) The chief may appoint employees of the Washington state
4 patrol to serve as special deputies, with such restricted police
5 authority as the chief shall designate as being necessary and
6 consistent with their assignment to duty. Such appointment and
7 conferral of authority shall not qualify said employees for
8 membership in the Washington state patrol retirement system, nor
9 shall it grant tenure of office as a regular officer of the
10 Washington state patrol.

11 (4) The chief may personally appoint, with the consent of the
12 state treasurer, employees of the office of the state treasurer who
13 are qualified under the standards of the criminal justice training
14 commission, or who have comparable training and experience, to serve
15 as special deputies. The law enforcement powers of any special
16 deputies appointed in the office of the state treasurer shall be
17 designated by the chief and shall be restricted to those powers
18 necessary to provide for statewide security of the holdings or
19 property of or under the custody of the office of the state
20 treasurer. These appointments may be revoked by the chief at any time
21 and shall be revoked upon the written request of the state treasurer
22 or by operation of law upon termination of the special deputy's
23 employment with the office of the state treasurer or thirty days
24 after the chief who made the appointment leaves office. The chief
25 shall be civilly immune for the acts of such special deputies. Such
26 appointment and conferral of authority shall not qualify such
27 employees for membership in the Washington state patrol retirement
28 system, nor shall it grant tenure of office as a regular officer of
29 the Washington state patrol.

30 **Sec. 6.** RCW 43.43.360 and 1984 c 141 s 5 are each amended to
31 read as follows:

32 All newly appointed or promoted officers shall serve a
33 probationary period of (~~one year after appointment or promotion~~) 24
34 months from the date of successful completion of the basic law
35 enforcement academy or from the date of appointment or promotion if
36 academy training is not required, whereupon their probationary status
37 shall terminate, and they shall acquire regular status in the

1 particular grade, unless given notice in writing to the contrary by
2 the chief prior to the expiration of the probationary period.

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