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**SUBSTITUTE SENATE BILL 6148**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Salomon, Van De Wege, Nguyen, and Das)

1 AN ACT Relating to peace officer certification; and amending RCW  
2 43.101.095.

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

4 **Sec. 1.** RCW 43.101.095 and 2018 c 32 s 5 are each amended to  
5 read as follows:

6 (1) As a condition of continuing employment as peace officers,  
7 all Washington peace officers: (a) Shall timely obtain certification  
8 as peace officers, or timely obtain certification or exemption  
9 therefrom, by meeting all requirements of RCW 43.101.200, as that  
10 section is administered under the rules of the commission, as well by  
11 meeting any additional requirements under this chapter; and (b) shall  
12 maintain the basic certification as peace officers under this  
13 chapter.

14 (2)(a) As a condition of continuing employment for any applicant  
15 who has been offered a conditional offer of employment as a fully  
16 commissioned peace officer or a reserve officer after July 24, 2005,  
17 including any person whose certification has lapsed as a result of a  
18 break of more than twenty-four consecutive months in the officer's  
19 service as a fully commissioned peace officer or reserve officer, the  
20 applicant shall submit to a background investigation including a  
21 check of criminal history, verification of immigrant or citizenship

1 status as either a citizen of the United States of America or a  
2 lawful permanent resident, a psychological examination, and a  
3 polygraph or similar assessment as administered by the county, city,  
4 or state law enforcement agency, the results of which shall be used  
5 to determine the applicant's suitability for employment as a fully  
6 commissioned peace officer or a reserve officer.

7 (i) The background investigation including a check of criminal  
8 history shall be administered by the county, city, or state law  
9 enforcement agency that made the conditional offer of employment in  
10 compliance with standards established in the rules of the commission.

11 (ii) The psychological examination shall be administered by a  
12 psychiatrist licensed in the state of Washington pursuant to chapter  
13 18.71 RCW or a psychologist licensed in the state of Washington  
14 pursuant to chapter 18.83 RCW, in compliance with standards  
15 established in rules of the commission.

16 (iii) The polygraph test shall be administered by an experienced  
17 polygrapher who is a graduate of a polygraph school accredited by the  
18 American polygraph association and in compliance with standards  
19 established in rules of the commission.

20 (iv) Any other test or assessment to be administered as part of  
21 the background investigation shall be administered in compliance with  
22 standards established in rules of the commission.

23 (b) Nothing in this section shall be construed to require a law  
24 enforcement agency to deem an applicant unsuitable for employment as  
25 a fully commissioned peace officer or a reserve officer based solely  
26 on a polygraph or other similar assessment's indication of deception.  
27 This provision may not be construed to affect preemployment screening  
28 techniques and hiring determinations in other provisions of law.

29 (c) The employing county, city, or state law enforcement agency  
30 may require that each peace officer or reserve officer who is  
31 required to take a psychological examination and a polygraph or  
32 similar test pay a portion of the testing fee based on the actual  
33 cost of the test or four hundred dollars, whichever is less. County,  
34 city, and state law enforcement agencies may establish a payment plan  
35 if they determine that the peace officer or reserve officer does not  
36 readily have the means to pay for his or her portion of the testing  
37 fee.

38 (3) The commission shall certify peace officers who have  
39 satisfied, or have been exempted by statute or by rule from, the  
40 basic training requirements of RCW 43.101.200 on or before January 1,

1 2002. Thereafter, the commission may revoke certification pursuant to  
2 this chapter.

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

12 (5) As a prerequisite to certification, as well as a prerequisite  
13 to pursuit of a hearing under RCW 43.101.155, a peace officer must,  
14 on a form devised or adopted by the commission, authorize the release  
15 to the commission of his or her personnel files, termination papers,  
16 criminal investigation files, or other files, papers, or information  
17 that are directly related to a certification matter or  
18 decertification matter before the commission.

19 (6) The commission is authorized to receive criminal history  
20 record information that includes nonconviction data for any purpose  
21 associated with employment by the commission or peace officer  
22 certification under this chapter. Dissemination or use of  
23 nonconviction data for purposes other than that authorized in this  
24 section is prohibited.

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

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