



Washington State Liquor and Cannabis Board

Bill Description: Concerning oversight and training requirements for limited authority Washington peace officers and agencies

Bill Number: SHB 1132

Sponsor: Rep. Roger Goodman

Effective Date: 7/23/23

Amends: 43.101.095 RCW, 43.101.276, and 43.101.278; and reenacts and amends 43.101.010 and 43.101.200 RCW.

Background

The purpose of the Criminal Justice Training Commission (CJTC) is to establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers.

In doing so, the CJTC must provide programs and training with the goal of enhancing the integrity, effectiveness, and professionalism of peace officers and corrections officers, and ensuring that law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the constitution and laws of Washington and the United States. All law enforcement personnel subject to the training requirements must be certified by the CJTC, and the CJTC may suspend, revoke, or deny certification for several reasons enumerated in statute.

In 2021, SB 5051 amended the duty of the CJTC to include this expanded mission, and amended many definitions in the CJTC's section of the Revised Code of Washington. Before and after the passage of this law, all general authority law enforcement officers were required to be trained by the CJTC. General authority officers are defined in RCW 10.93.020 as all state and local officers, "the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency."

Limited authority officers are also defined in that section as, "Any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible." The Washington State Liquor and Cannabis Board's Enforcement and Education Division's officers are

considered limited authority officers, as they enforce the laws governing the Board's regulatory powers, and they have the power of arrest in those specific areas.

Among the definitions changed by SB 5051 are those of "law enforcement personnel" subject to the training and background checks of the CJTC. Prior to the bill's passage, some limited authority law enforcement officers – such as those employed by the LCB, the Gambling Commission, or the Insurance Commissioner – also attended basic training at the CJTC. However, as part of the definitional changes, "law enforcement personnel" was limited to general authority peace officers. This could be read as barring limited duty law enforcement personnel from attending, and potentially leading to a divergence in training between limited and general authority officers.

Summary

HB 1132 adds some limited authority law enforcement personnel to the definition of "law enforcement personnel" in RCW 43.101.010. Specifically, those limited authority officers, "who, as a normal part of their duties has power of arrest and carries a firearm," would be defined as requiring certification and training by the CJTC. This applies to all new hires after the bill's effective date. The CJTC must certify all limited authority officers employed before July 1, 2023, and the Commission can revoke that certification after that date.

The training is not required if limited authority officers transfer to another limited authority state agency or to a general authority agency or police force if they have completed the basic law enforcement equivalency academy training and performed their in-service training requirements. These limited authority officers receive a time limit of one year to begin the training instead of the six month limit for general authority law enforcement officers.

A training requirement of a trauma-informed approach to dealing with victims of sexual assault is not required for many limited authority personnel, as their authority does not cover the investigation of these crimes.

###