

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1399 S HB	<b>Title:</b> Sheriffs, chiefs, etc.
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## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Secretary of State	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	72,411	72,411	301,711	.0	1,907	1,907	7,946	.0	72,411	72,411	301,711
Criminal Justice Training Commission	1.0	296,544	296,544	296,544	1.0	269,044	269,044	269,044	1.0	269,044	269,044	269,044
<b>Total \$</b>	<b>1.0</b>	<b>368,955</b>	<b>368,955</b>	<b>598,255</b>	<b>1.0</b>	<b>270,951</b>	<b>270,951</b>	<b>276,990</b>	<b>1.0</b>	<b>341,455</b>	<b>341,455</b>	<b>570,755</b>

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

The system incorrectly marked the local government fiscal note as 'sent without approval.' This note has been approved.

**Prepared by:** Danya Clevenger, OFM

**Phone:**

(360) 688-6413

**Date Published:**

Final 2/16/2025

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1399 S HB	<b>Title:</b> Sheriffs, chiefs, etc.	<b>Agency:</b> 085-Office of the Secretary of State
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2025
Agency Preparation: Bonnie Luntzel	Phone: 360-704-5262	Date: 02/07/2025
Agency Approval: Tim Gallivan	Phone: (360) 763-2044	Date: 02/07/2025
OFM Review: Marie Davis	Phone: (360) 890-1163	Date: 02/15/2025

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

NO CHANGE FROM PREVIOUS FISCAL NOTE: Differences in this bill version do not change the fiscal impact for OSOS.

HB: The Office of the Secretary of State (OSOS) has reviewed this bill and determined it will not increase or decrease the current workloads. As a result, there is no fiscal impact on OSOS.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

No Impact.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

No Impact.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

No Impact.

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

NONE

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1399 S HB	<b>Title:</b> Sheriffs, chiefs, etc.	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2025
Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 02/10/2025
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 02/10/2025
OFM Review: Rayanna Evans	Phone: (360) 902-0553	Date: 02/11/2025

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

1. The Attorney General's Office (AGO) Criminal Justice Division (CRJ) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Criminal Justice Training Commission (CJTC). Sections 10, 11, and 13 of this bill impose new duties on CJTC that may generate client advice requests to AGO, however, these requests will have minimal impact. Many of the other sections impose new requirements on cities and towns, but those entities may have questions to CJTC about the impact the new requirements have on issues over which CJTC has authority, which in turn may generate requests for client advice to AGO. New legal services are nominal, and costs are not included in this request.

2. The AGO Government Compliance & Enforcement Division (GCE) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Criminal Justice Training Commission (CJTC). GCE litigates law enforcement decertification actions for CJTC. This bill would amend the eligibility requirements, duties and responsibilities of sheriffs, police chiefs, and marshals to reflect current best practices and would make all the positions subject to the same requirements and standards. All the positions would be required to obtain CJTC certification within 12 months of assuming office, and to maintain the certification while in office. This bill would also require county sheriffs and deputies to enforce the Constitution and the laws of Washington State. CJTC and GCE assume this bill would result in a small increase in the number of decertification actions involving sheriffs, police chiefs, and marshals. Because of the limited number of positions covered by these changes in this bill and the infrequency of decertification action involving sheriffs, police chiefs, and marshals, GCE assumes to receive no more than two new decertification actions between FY 2026 and FY 2031. GCE further assumes each new action would utilize approximately 80 Assistant Attorney General (AAG) hours of work. However, GCE cannot know in which year this new work would be received. New legal services are nominal, and costs are not included in this request.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## **Part IV: Capital Budget Impact**

### **IV. A - Capital Budget Expenditures**

NONE

### **IV. B - Expenditures by Object Or Purpose**

NONE

### **IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### **IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1399 S HB	<b>Title:</b> Sheriffs, chiefs, etc.	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
<b>Account</b>					
General Fund-State 001-1	68,597	3,814	72,411	1,907	72,411
State Patrol Highway Account-State 081-1	217,222	12,078	229,300	6,039	229,300
<b>Total \$</b>	<b>285,819</b>	<b>15,892</b>	<b>301,711</b>	<b>7,946</b>	<b>301,711</b>

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2025
Agency Preparation: Megan Given	Phone: 360-596-4049	Date: 02/12/2025
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/12/2025
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 02/13/2025

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The proposed legislation does have a fiscal impact to the Washington State Patrol (WSP). The substitute version of the proposed legislation makes changes that impact our previous assumptions.

Section 8(j)(i) RCW 36.28.025 is amended to require WSP to conduct background investigations on all candidates for the Office of the Sheriff and submit the completed investigation to the Criminal Justice Training Commission (CJTC) at least 45 days before the filing deadline.

Section 8(j)(ii) RCW 36.28.025 is amended to require the person filing for candidacy to submit a background investigation request to the WSP. The substitute version changes the timeline from at least 3 months before the filing deadline to at least 2 months before the filing deadline.

Section 8(j)(iv) RCW 36.28.025 is amended to require the WSP to bear the cost related to background investigations for candidates seeking election to the Office of Sheriff.

Section 10(11) of the substitute version grants immunity from civil liability for providing information about applicants in good faith to the CJTC, current or potential employing agencies, or appointing authorities.

Section 11 of the substitute version adds agencies to which the applicant has applied to the requirement for which they must provide a signed authorization for release of related information and extends the hold harmless protections to include these agencies.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The substitute version of the proposed legislation changes the time-frame in which a candidate for sheriff must request a background investigation from the WSP from at least three months prior to the filing deadline to at least two months prior. This reduces the time available for the WSP to complete the investigations from six weeks to two weeks.

WSP currently does not have the staff to perform these examinations in the window of time given in this bill. Candidates must submit their request for a background investigation at least two months before the filing deadline for the election, and then WSP must complete the requested investigation at least 45 days prior to the deadline. This would require WSP to divert all background investigators and all polygraph examiners from investigations for hiring and would potentially still require pulling detectives off active cases to meet the requirements of this bill. This would effectively halt all hiring activity for the WSP during this cycle every four years and take up all psychological evaluation appointments for a month.

As a result, we assume that WSP will need to contract with a third party to complete background, polygraph and psychological examinations. Polygraphs cost \$550 per person with each polygraph taking 3 hours. WSP background checks take approximately 60 hours per investigation to complete for an estimated cost of \$5,400 each. Psychological exams takes

4 hours for an estimated cost of \$1800 per person. We also assume the WSP will then review the results of the contracted investigations for completeness prior to providing them to the CJTC. We assume this review will be completed by the Human Resource Division Captain and that it will take one hour to review each candidate investigation. There are 39 counties in WA and one sheriff per county and we assume 38 counties hold an election for sheriff. Assuming one candidate investigation request per county we estimate there will be 35 candidate investigations in 2026, two in 2027, and one in 2028. We expect this pattern to repeat in subsequent years. Our estimated costs are shown in the expenditure tables.

We base estimated salary expenditures on current levels for the positions requested per published salary schedules, plus proposed increases in ratified collective bargaining agreements and any applicable incentive or assignment pay. We compute estimated benefits expenditures based on federal or state mandated rates plus state provided amounts for health insurance and workers' compensation insurance. We assume that any increases in these rates or amounts will be covered by legislation establishing the increase.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 31.34%. We apply this indirect cost rate percentage to all categories of expenditures with only two exceptions: capital equipment and the portion of each professional contract in excess of \$25,000. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

The funding allocation of this proposal uses the results of the Joint Legislative Audit and Review Committee Cost Allocation model approved by both the Transportation and Omnibus Budget Committees in the 2024 Supplemental Budget. The model analyzes costs and relevant activities (hours, transactions, type of enforcement, etc.) of Washington State Patrol (WSP) organizations funded by two or more sources to ensure a consistent and fair use of state resources.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	68,597	3,814	72,411	1,907	72,411
081-1	State Patrol Highway Account	State	217,222	12,078	229,300	6,039	229,300
<b>Total \$</b>			285,819	15,892	301,711	7,946	301,711

**III. B - Expenditures by Object Or Purpose**

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
A-Salaries and Wages	3,847	224	4,071	112	4,071
B-Employee Benefits	1,280	74	1,354	37	1,354
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays	271,250	15,500	286,750	7,750	286,750
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Indirect Costs	9,442	94	9,536	47	9,536
<b>Total \$</b>	285,819	15,892	301,711	7,946	301,711

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 1399 S HB	<b>Title:</b> Sheriffs, chiefs, etc.	<b>Agency:</b> 227-Criminal Justice Training Commission
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
<b>Account</b>					
General Fund-State 001-1	162,022	134,522	296,544	269,044	269,044
<b>Total \$</b>	162,022	134,522	296,544	269,044	269,044

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2025
Agency Preparation: Francesca Heard	Phone: 206-610-8870	Date: 02/12/2025
Agency Approval: Francesca Heard	Phone: 206-610-8870	Date: 02/12/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/16/2025

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

HB 1399- AN ACT Relating to modernizing, harmonizing, and clarifying laws concerning sheriffs, chiefs, marshals, and police matrons; amending RCW 35.21.333, 35.21.334, 35.23.161, 35.27.240, 36.28.010, 36.28.025, 43.101.095, 36.28.020, 43.101.380, and 43.101.400; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.28 RCW; creating a new section; and repealing RCW 35.66.010, 35.66.020, 35.66.030, 35.66.040, 35.66.050, and 36.28.011.

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

(9)(a) In order to assure consistent use of best practices regarding the standards for determining whether a background investigation has identified information that should disqualify an applicant, the commission shall, by June 30, 2026, issue guidelines

with criteria to be applied by employing counties, cities, agencies, and the commission in determining whether an applicant is suitable for employment pursuant to this section.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

HB 1399 will create new and additional duties for WSCJTC’s Certification Bureau, including the development and publication of best practices standards and criteria for background checks, and the review and verification of background checks of Sheriff’s candidates. Certification requires one additional full-time FTE at the Investigator 4 level, with experience in conducting and reviewing backgrounds. This position will manage the mandated process for establishing and publishing guidelines for backgrounds (including stakeholder outreach and expert consultation), provide education and outreach to stakeholders regarding backgrounding standards and criteria, answer stakeholder inquiries regarding backgrounding best practices, review background investigations for compliance and verification, and provide internal training to Certification’s Investigator 3’s to assist in that process. Certification also requests \$20K in one-time funding in FY 2026 for purposes of compensating psychologists and/or polygraphers who provide expert consultation necessary to assist in the development of best practices standards.

Investigator 4 FTE

Salary - \$98,522

Benefits- \$36,000

One- time- professional services \$20,000

One -time costs- equipment and set up \$7,500

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	162,022	134,522	296,544	269,044	269,044
<b>Total \$</b>			162,022	134,522	296,544	269,044	269,044

**III. B - Expenditures by Object Or Purpose**

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	98,522	98,522	197,044	197,044	197,044
B-Employee Benefits	36,000	36,000	72,000	72,000	72,000
C-Professional Service Contracts	20,000		20,000		
E-Goods and Other Services	7,500		7,500		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	162,022	134,522	296,544	269,044	269,044

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2026	FY 2027	2025-27	2027-29	2029-31
Investigator 4	98,522	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		1.0	1.0	1.0	1.0	1.0

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1399 S HB

**Title:** Sheriffs, chiefs, etc.

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities: Costs to update and modify hiring practices, record keeping, and use of volunteers and specially commissioned officers.
- Counties: Same as above
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Policy and procedure updates will vary by jurisdiction.

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

## Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/11/2025
Leg. Committee Contact: Lena Langer	Phone: 360-786-7192	Date: 02/06/2025
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/11/2025
OFM Review: See OFM Note	Phone:	Date: 02/16/2025

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

#### **CHANGES BETWEEN THIS VERSION AND PRIOR VERSION OF THE BILL:**

The substitute bill clarifies roles that volunteers and specially commissioned officers who are not certified may perform for law enforcement agencies. It requires a person filing for candidacy for sheriff to submit a background investigation request to the Washington State Patrol at least two months, rather than three months, before the filing deadline. It requires the Criminal Justice Training Commission (CJTC) to issue guidelines with criteria to apply in determining whether an applicant is suitable for employment. These changes do not substantively impact the indeterminate costs discussed below.

#### **SUMMARY OF CURRENT BILL:**

Sec. 2 amends RCW 35.21.333 to establish eligibility requirements for the chief of police. The background investigation must be completed by the appointing authority no earlier than 6 months prior to the date of appointment. The appointing authority must submit verification to the Criminal Justice Training Commission (CJTC) that the applicant meets the eligibility criteria, has complied with all applicable standards and was not determined by the background investigation and commission rules to be unsuitable for employment by a law enforcement agency or to serve in the office of chief of police or marshal.

The appointing authority is responsible for any fees associated with the background investigation.

The background investigation requirements of this section do not apply to any person who is holding the office of chief of police or marshal as of the effective date of this section, unless the person seeks appointment to a different office of chief of police or marshal.

Sec. 3 amends RCW 35.21.334. Before making an appointment to the office of chief of police or marshal in any city or town, the appointing authority must attest as part of the public record of appointment that the requirements of RCW 35.21.333 have been met. Such appointment shall be terminated, and a vacancy created, if the chief of police's or marshal's certification is not maintained as required, if the chief of police or marshal is disqualified from serving as a law enforcement officer. The appointing city or town authority shall appoint a replacement to fill the office.

Sec. 6 creates a new section. If a law enforcement agency in any city or town uses volunteers or specially commissioned officers to assist in the work of their agency, the roles shall be limited to functions and actions not involving use of law enforcement authority or carrying firearms or other weapons, unless the volunteer or specially commissioned officer is certified under chapter 43.101 RCW.

Limitations on authority and the required supervision of volunteers and specially commissioned officers must be set forth in that agency's policies and regulations. Agency policies and regulations shall also include requirements that volunteers and specially commissioned officers must be clearly identifiable by the public, and that if they are provided badges, such identification shall be officially issued by the agency and used only while on duty in this role.

Sec. 7 amends RCW 36.28.010. The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of the office, the sheriff and the sheriff's deputies shall enforce the Constitution and laws of the state of Washington, as interpreted and applied by the state supreme court.

Limitations on authority and the required supervision of volunteers and specially commissioned officers must be set forth in that agency's policies and regulations. Agency policies and regulations shall also include requirements that volunteers and specially commissioned officers must be clearly identifiable by the public, and if they are provided badges, such identification shall be officially issued by the agency and used only while on duty in this role.

Sec. 8 amends RCW 36.28.025 to establish eligibility requirements for sheriff. In the case of appointment, the background investigation must be completed by the appointing authority no earlier than six months prior to the date of appointment.

The appointing authority must submit verification to the CJTC that the applicant meets the eligibility criteria, has complied with all applicable standards and was not determined by the background investigation and commission rules to be unsuitable for employment by a law enforcement agency or to serve in the office of chief of police or marshal. Such verification is a public record.

The appointing authority is responsible for any fees associated with the background investigation for any person being appointed to the office of sheriff.

The background investigation requirements of this section do not apply to any person who is holding the office of sheriff as of the effective date of this section, unless the person seeks election or appointment to a different office of sheriff.

Sec. 10 amends RCW 43.101.095. Law enforcement or correctional agencies that previously employed or received an application from the applicant shall retain application records and disclose any information regarding the candidate's application to that agency, and any other information obtained during the background investigation conducted as part of the application process.

Prior to certification, or to appointment as a sheriff, chief, or marshal, the employing agency shall attest to the CJTC that the agency has received or conducted a completed background investigation, no information has been found that would disqualify the applicant from certification, that the applicant was determined by the background investigation and under commission rules to be suitable for election or employment.

All files, papers, and other information obtained as part of the background investigation are confidential and exempt from public disclosure.

To assist in developing these guidelines regarding potentially disqualifying criteria, the CJTC shall seek input from individuals who have experience in conducting or reviewing law enforcement background investigations, misconduct or human resource complaints, investigations, or disciplinary decisions, or who provide community perspective.

Sec. 12 amends RCW 36.28.020. Persons may also be deputed by the sheriff in writing to do particular acts. The use of such persons shall be limited to functions and actions not involving use of law enforcement authority or carrying of firearms or other weapons unless such persons are certified under chapter 43.101 RCW.

## **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

The legislation will have indeterminate impacts on counties and cities. The bill would require that law enforcement agencies make changes to their hiring practices, record keeping, and use of volunteers and specially commissioned officers. Because the changes needed will vary across jurisdictions, the total impacts are indeterminate.

### **HIRING PROCESSES:**

Sections 3 and 8 direct that a background investigation must be completed prior to the date of appointment of a sheriff or police chief. Several jurisdictions reported that background investigations are not routinely done for internal candidates who are applying for a sheriff or chief position. The work of conducting a background check takes approximately 40 hours of staff time. In addition, there would be costs to administer a polygraph, psychological exam, and medical exam.

### **RECORD KEEPING:**

Section 10 directs law enforcement and correctional agencies that previously employed or received an application from the applicant to retain application records and disclose any information regarding the candidate's application to the requesting agency, and any other information obtained during the background investigation conducted as part of the application process. To meet this requirement, agencies might need digital or other storage for these records, a directive on how long to store them, and a directive on how to provide them to another agency.

## **VOLUNTEER AND SPECIALLY COMMISSIONED OFFICER PRACTICES:**

Sections 6 and 7 establish that the roles of volunteers or specially commissioned officers/deputies must be limited to not involving use of law enforcement authority or carrying firearms or other weapons. Jurisdictions reported that updating their policy manuals or regulations specific to these volunteers and employees would take approximately 80 hours of staff time.

Law enforcement agencies had concerns about the impacts of the legislation to community service officers and support officers. While they do not carry firearms, in some jurisdictions they are issued a taser, pepper spray, and baton. In Lake Forest, two support officers are specially commissioned, one of whom does prisoner transports. The bill's restrictions on non-commissioned officers carrying weapons and participating in actions involving use of law enforcement authority would likely disallow these activities. As a result, it may be necessary to hire additional officers to fulfil the functions currently done by volunteers and noncommissioned officers. For reference, the average cost for a law enforcement officer, including benefits, is \$154,704 annually, according to the Association of Washington Cities salary and benefit survey.

## **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The legislation will have no revenue impacts for local government.

### **SOURCES:**

Everett Police Department  
Marysville Police Department  
Lake Forest Police Department  
Association of Washington Cities