

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1399 2S 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	Fiscal note not available											
Office of Attorney General	Fiscal note not available											
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	Fiscal note not available								
Office of Attorney General	Fiscal note not available								
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

NONE

<b>Prepared by:</b> Danya Clevenger, OFM	<b>Phone:</b> (360) 688-6413	<b>Date Published:</b> Preliminary 3/10/2025
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1399 2S 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: Sydney Jeffrey	Phone: 360-786-7303	Date: 03/05/2025
Agency Preparation: Megan Given	Phone: 360-596-4049	Date: 03/07/2025
Agency Approval: Yvonne Ellison	Phone: 360-596-4042	Date: 03/07/2025
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 03/07/2025

## 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 second substitute version of the proposed legislation does not make 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 at least two months before the filing deadline. The second substitute version makes no change to 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) 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 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.

New Section 17 of the second substitute version adds a null and void clause, making the bill null and void unless funded in the budget by June 30, 2025.

### 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 timeframe 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. The second substitute version maintains the reduced timeframe.

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 take 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

<b>Bill Number:</b> 1399 2S 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: Sydney Jeffrey	Phone: 360-786-7303	Date: 03/05/2025
Agency Preparation: Francesca Heard	Phone: 206-610-8870	Date: 03/06/2025
Agency Approval: Francesca Heard	Phone: 206-610-8870	Date: 03/06/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/09/2025

## 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.

NEW SECTION. Sec. 17. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

### 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 2S 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: 03/10/2025
Leg. Committee Contact: Sydney Jeffrey	Phone: 360-786-7303	Date: 03/05/2025
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 03/10/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/10/2025

## **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 second substitute establishes that any law enforcement agency or sheriff that uses volunteers or specially commissioned officers may not provide authority to the volunteers or specially commissioned officers to enforce criminal laws, rather than providing that the agency or sheriff may not permit the volunteers or specially commissioned officers to engage in functions or actions requiring the use of law enforcement authority. It additionally outlines additional roles in which a law enforcement agency or sheriff may utilize volunteers or specially commissions officers. These changes do not affect the fiscal impacts discussed below.

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

Sec. 2 amends RCW 35.21.333 to modify eligibility requirements for the chief of police. Within 12 months of assuming office, unless otherwise extended by the Criminal Justice Training Commission (CJTC), has obtained certification and has met the background investigation requirements. The background investigation must be completed by the appointing authority no earlier than six months prior to the date of appointment.

Sec. 6 adds a new section to RCW 35.21. With the exceptions of reserve officers and those volunteers and specially commissioned officers who are certified under chapter 43.101 RCW, any law enforcement agency may not provide authority to these volunteers and specially commissioned officers to enforce criminal laws, carry or use firearms or other weapons, or use dogs to track people or animals other than for purposes of search and rescue. A law enforcement agency in a city or town may utilize volunteers or specially commissioned officers to assist with roles, including but not limited to, technical and administrative support, bicycle recovery, community crime prevention coordination, vehicle maintenance, helping with search and rescue, serving as faith leaders, parking enforcement and traffic management, assisting with parks and recreation, animal control and caring for domestic animals, and other public safety-related community service and outreach work.

Sec. 7 amends RCW 36.28.010. A sheriff may utilize volunteers or specially commissioned officers to assist with roles, including but not limited to, technical and administrative support, bicycle recovery, community crime prevention coordination, vehicle maintenance, helping with search and rescue, serving as faith leaders, parking enforcement and traffic management, assisting with parks and recreation, animal control and caring for domestic animals, and other public safety-related community service and outreach work.

Sec. 8 amends RCW 36.28.025 to modify eligibility requirements for the office of sheriff.

Sec. 10 amends RCW 43.101.095. All files, papers, and other information obtained as part of the background investigation are confidential and exempt from public disclosure. 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.

To assist in developing these guidelines, the commission shall seek input from chiefs, sheriffs, law enforcement agency human resource staff, legal counsel, or others from law enforcement agencies or city, county, or state human resources departments; individuals who serve as or have served as polygraph examiners or psychologists for law enforcement background investigations; and individuals who serve in or have served in law enforcement accountability oversight roles

### **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:

Section 2 directs 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