

**WACOPS | 2019 WASHINGTON STATE LEGISLATIVE SUMMARY | BUDGET NOTES**

The 105-day legislative session ended on time with the governor and legislative leaders celebrating significant victories related to climate change and conservation, education, healthcare, jobs and safe communities.

During the final hours of the session, lawmakers approved new, two-year state operating, capital and transportation budgets. Initiative 200, which prevents government from giving any preferential treatment based on race, gender or national origin, was also repealed just before the midnight deadline.

# **WACOPS started the 2019 legislative session with five (5) priorities:**

1. Passage of I-940/Use of Force “Consensus Agreement” (formerly ESHB 3003)
2. Fiscal support for I-940 and the “Consensus Agreement” to gain financial resources for training, operational backfill and WAC promulgation.
3. Maintaining support for rate setting authority by the LEOFF 2 Board.
4. Funding support for the Benefit Enhancement Account.
5. Oppose the creation of a defined contribution pension plan or any attacks on LEOFF 2.

As with any session, priorities are only part of the effort necessary to maintain and improve an organization’s interests. There were 2,763 bills introduced in the 2019 legislative session of which 485 was passed by both chambers. WACOPS monitored and tracked nearly 200 bills that had potential to impact WACOPS members.

# **WACOPS achieved passage of five (5) key pieces of legislation:**

Following is a list of bills WACOPS actively worked to influence passage and bills WACOPS advocated to fail or change.

**SHB 1064 – Alterations to Initiative I-940 Use of Force and Training**

* Modifies Initiative 940, including provisions relating to training, the criminal liability standard for use of deadly force, independent investigations of deadly force incidents, and rendering of first aid.
* Requires the state to reimburse a peace officer for reasonable defense costs when he or she is found not guilty or charges are dismissed in certain circumstances.

# **HB 1909 – PTSD Privacy Protections**

* Requires the Department of Labor and Industries to notify employers and workers upon the allowance of a claim of their rights and responsibilities under this act.

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* Subjects an employer to a civil penalty of $1,000 for each occurrence where the employer or employer's authorized representative reveals information in an injured worker's claim file regarding a mental health condition or treatment to any person other than an authorized representative.

# **HB 1913 – Identifying Presumed Conditions for LE and Fire Fighters**

* Creates an occupational disease presumption for heart problems and infectious diseases for law enforcement officers.
* Requires the director of the Department of Labor and Industries to create an advisory committee on occupational disease presumptions, made up of specified scientists.

# **HB 2144 – LEOFF 2 Benefit Improvement Funding**

* Transfers $300 million from the Law Enforcement Officers' and Firefighters' Plan 2 Retirement Fund to the Benefit Enhancement Account.
* Eliminates biennial transfers from the State General Fund Transfer Local Public Safety Enhancement Account.

# **SSB 5355 - LEOFF GAP for Some LE and Fire Fighters**

* Allows a law enforcement officer or firefighter to transfer service credits earned in a different retirement system into the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2, under specific circumstances.

# **Bills WACOPS supported that passed:**

SHB 1575 ***-*** *Strengthening the rights of workers through collective bargaining by addressing authorizations*

*and revocations, certifications, and the authority to deduct and accept union dues and fees.*

SHB 1155 - *Concerning meal and rest breaks and mandatory overtime for certain health care employees.*

SHB 1356 - An act relating to privileged communication with peer support group counselors.

HB 1408 - Clarifying the written consent requirement for survivorship benefit options.

2SHB 1767 - Establishing a law enforcement grant program to expand alternatives to arrest and jail processes.

# **Bills WACOPS supported that failed:**

SB 5029 Law enforcement

SB 5049 Property tax/line of duty

SB 5050 Body armor sentencing enhancement

SB 5052 School resource officers

SSB 5190 Health care employees

HB 1217 DFW officer bargaining

SHB 1229 Traffic cameras, photo tolls

HB 1253 Law enforcement training timeline

SB 5335 Retirement benefits/death

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HB 1414 Retirement benefits/death

SB 5481 DFW officer bargaining

SSB 5614 Harming police animals

SSB 5623 Collective bargaining/dues

SB 5661 Survivorship benefit options

HB 1872 Child sex exploitation/subpoenas

HB 2019 Criminal justice agent information

SB 5944 Law enforcement training timeline

SB 5216 Multistage threat assessment

SB 5052 School resource officers

# **Bills WACOPS actively opposed:**

SSB 5062 High capacity magazines - Failed

HB 1458 Municipal police districts - Failed

E2SSB 5497 Immigrants in the workplace - Passed

SB 5529 License plate recognition - Failed

HB 1626 LCB authority/Liquor, etc. - Failed

HB 1663 License plate recognition - Failed

HB 1750 County sheriff vacancies - Failed

HB 1845 Deduction of union dues - Failed

SSB 5848 Individuals in DOC custody – Failed

# **Bills WACOPS identified concerns:**

HB 1022 Pistol sales database - Failed

SB 5016 Animal control/firearms - Failed

HB 1038 Firearms/school employees - Failed

ESSB 5027 Extreme risk protect. Orders - Passed

HB 1097 Firearms/health information - Failed

2SSB 5141 School resource officers - Failed

SSB 5143 Domestic violence/firearms - Failed

SB 5340 Assault weapons ban - Failed

SB 5977 Firearms/school employees – Failed

As this is the first year of the two-year legislative cycle, all the bills introduced this year, but not passed, plus new bills introduced next session, may be eligible for further consideration during the 2020 session.

# **2019 Session Budget Summary:**

The operating budget, which includes about $850 million in new tax revenue totals about $52.4 billion. The bulk of new spending goes to K-12 education, primarily to cover the ongoing costs to meet the state’s obligations to fully fund public schools. New taxes were mostly funded from Real Estate Excise Tax revisions and Business & Occupation taxes increased for certain businesses.

Significant fiscal and policy issues facing the Legislature in the 2019 session included: (1) behavioral health issues including litigation and federal oversight of state hospitals; (2) federal certification of Residential Habilitation Centers; (3) consideration of collective bargaining agreements submitted to the Legislature under state law and other compensation and vendor rate proposals; and (4) various other fiscal and policy issues in areas such as K-12 education, natural resources, early learning, corrections, and human services.

# **Operating Budget:**

Following are items contained in the budgets (Operating and Transportation) that are of interest/impact to WACOPS:

**Local Public Safety Enhancement Account/LEOFF 2 Benefit Enhancement Fund (-$50 million) Based on of House Bill 2144 (LEOFF 2 Benefit Funding)**. Savings of $50 million per biennium is recognized from ending transfers from the General Fund to the Local Public Safety Enhancement Account, one half of which is directed by law to the Law Enforcement Officers' and Firefighters' Plan 2 Benefit Enhancement Fund (Benefit Enhancement Fund).

In ending the scheduled transfers, House Bill 2144 also transfers $300 million from the LEOFF 2 pension fund into the Benefit Enhancement Fund, which is an account within the LEOFF 2 pension fund used for future benefit improvements enacted by the Legislature.

**Law Enforcement and Corrections Officer Training ($4.5 million State; $1.9 million other funds).** Funding is provided for nine additional Basic Law Enforcement Academy classes each fiscal year, increasing the number of classes from 10 to 19, providing training for 270 additional students annually. Funding is also provided for three additional Corrections Officer Academy classes and to corrections officer training from four weeks to six weeks. The additional training will address crisis intervention and mental health awareness, crime scene preservation, de-escalation and defensive tactics, and emotional survival.

**Trueblood Mental Health Response and CIT Training ($4.9 million).** Funding is provided for the Mental Health Field Response Program administered by the Washington Association of Sheriffs and Police Chiefs. Funding is also provided for crisis intervention training for law enforcement officers on patrol duty and for 911 dispatch operators.

**Alternatives to Arrest and Jail ($3.4 million State; $5.8 million Federal).** Funding is provided for a variety of programs which provide alternatives to arrest and jail for individuals with behavioral health disorders. This includes funding for Second Substitute House Bill 1767 (alternatives to arrest and jail) to create a grant program administered through the Washington Association of Sheriffs and Police Chiefs (WASPC) to support local initiatives to persons who become involved in the criminal justice system and who have substance use disorders and other behavioral health needs. In addition, funding is provided for rural diversion pilot programs and to provide temporary support for the Whatcom County crisis stabilization center.

**Replace Firearms System ($4 million).** Funding is provided to replace the Firearms computer system. The Department uses the Firearms system to maintain records of license and pistol transfer applications submitted by law enforcement agencies and firearms dealers.

**Use of Force Data collection ($75,000) – Attorney General.** State appropriation for fiscal year

2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed, and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age,

race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age,

race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

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(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission

must assist the attorney general as necessary to complete the implementation plan.

**Criminal Justice Diversion Center Pilot – Spokane County.** $800,000 of the general fund—state appropriation for fiscal year 2020 and $800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county. Spokane county must report collected data from the pilot program to the department. The department must submit a report to the appropriate committees of the legislature by October 1, 2020. The report must contain, at a minimum:(a) An analysis of the arrests and bookings for individuals served in the pilot program;(b) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program; (c) An analysis of the impacts on housing stability for individuals served by the pilot program; and(d) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

**LEOFF 2 Tribal Law Enforcement Study.** The $50,000 appropriation in this section is for the law enforcement officers' and firefighters' retirement system plan 2 board to study the tax, legal, fiscal, policy, and administrative issues related to allowing tribal law enforcement officers to become members of the law enforcement officers' and firefighters' plan 2 retirement system. This funding is in addition to other expenditures in the no appropriated law enforcement officers' and firefighters' retirement system plan 2 expense account. In preparing this study, the department of retirement systems, the attorney general's office, and the office of the state actuary shall provide the board with any information or assistance the board requests. The board shall also receive stakeholder input as part of its deliberation. The board shall submit a report of the results of this study to the legislature by January 1, 2020.

**Criminal Justice Training Commission Funding.** $2,248,000 of the general fund—state appropriation for fiscal year 2020 and $2,269,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing nine additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least two classes must be held in Spokane each year. The criminal justice training commission may not run a basic law enforcement academy class of fewer than students.

**HB 1909 Industrial Insurance Claim Records.** $67,000 of the accident account—state appropriation and $66,000 of the medical aid account—state appropriation is provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records).

**The Washington State Criminal Sentencing Task Force is Established**. The task force is composed of members as provided in this subsection. (a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate. (b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives. (c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following: (i) The office of the governor;(ii) Caseload forecast council;(iii) Department of corrections; (iv) Sentencing guidelines commission; (v) Statewide family council administered by the department of corrections; (vi) Statewide reentry council; (vii) Superior court judges' association; (viii) Washington association of criminal defense attorneys or the Washington defender association; (ix) Washington association of prosecuting attorneys; (x) Washington association of sheriffs and police chiefs; (xi) Washington state association of counties; (xii) Washington state minority and justice commission; (xiii) A labor organization representing active law enforcement officers in Washington state; (xiv) Two different community organizations representing the interests of incarcerated persons; and (xv) Two different community organizations or other entities representing the interests of crime victims. (3) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2019. The membership shall select the task force's cochairs, which must include one legislator and one non-legislative member. (4) The task force shall review state sentencing laws, including a consideration of the report of the sentencing guidelines commission required by section 129, chapter 299, Laws of 2018. The task force shall develop recommendations for the purpose of: (a) Reducing sentencing implementation complexities and errors; (b) Improving the effectiveness of the sentencing system; and (c) Promoting and improving public safety. (5) The task force shall submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the legislature by December 31, 2019. The task force shall submit a final report by December 31, 2020.

**Suicide-Safer Homes Task Force Established.** Subject to the availability of amounts appropriated for this specific purpose, a suicide-safer homes task force is established to raise public awareness and increase suicide prevention education among new partners who are in key positions to help reduce suicide. The task force shall be administered and staffed by the University of Washington school of social work. To the extent possible, the task force membership should include representatives from geographically diverse and priority populations, including tribal populations. (b) The suicide-safer homes task force comprises a suicide prevention and firearms subcommittee and a suicide prevention and health care subcommittee, as follows:

1. The suicide prevention and firearms subcommittee shall consist of the following members and be cochaired by the University of Washington school of social work and a member identified in (b)(i)(A) of this subsection (1):(A) A representative of the national rifle association and a representative of the second amendment foundation; (B) Two representatives of suicide prevention organizations, selected by the cochairs of the subcommittee;(C) Two representatives of the firearms industry, selected by the cochairs of the subcommittee; (D) Two individuals who are suicide attempt survivors or who have experienced suicide loss, selected by the cochairs of the subcommittee; (E) Two representatives of law enforcement agencies, selected by the cochairs of the subcommittee;(F) One representative from the department of health; (G) One representative from the department of veterans affairs, and one other individual representing veterans to be selected by the cochairs of the subcommittee; and (H) No more than two other interested parties, selected by the cochairs of the subcommittee.

# **Transportation Budget:**

**Automated Vehicle Noise Enforcement Cameras.** The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing." (a) Any programs authorized by the commission must be authorized by December 31, 2019.

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;