
SECOND SUBSTITUTE SENATE BILL 6174

State of Washington**53rd Legislature****1994 Regular Session**

By Senate Committee on Ways & Means (originally sponsored by Senators Talmadge, Wojahn, Ludwig, Gaspard, Pelz, Niemi, Prentice, Fraser, Spanel, Franklin, Rinehart, Moore and Williams; by request of Governor Lowry)

Read first time 02/11/94.

1 AN ACT Relating to reducing violence; amending RCW 74.14A.020,
2 70.190.005, 70.190.010, 43.101.240, 70.190.020, 70.190.030, 70.190.040,
3 70.190.900, 43.06.260, 46.20.265, 13.40.265, 9.41.050, 9.41.060,
4 9.41.070, 9.41.080, 9.41.090, 9.41.095, 9.41.098, 9.41.110, 9.41.140,
5 9.41.170, 9.41.180, 9.41.190, 9.41.240, 9.41.250, 9.41.260, 9.41.270,
6 9.41.280, 9A.56.040, 9A.56.160, 9.94A.125, 13.40.110, 13.04.030,
7 13.40.020, 13.40.0357, 13.40.160, 82.04.250, 9A.46.050, 10.14.080,
8 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115,
9 26.26.137, 26.50.070, 77.12.720, 10.99.030, 28A.300.130, 28A.320.205,
10 28A.610.030, 28A.610.060, 28A.620.020, 9A.36.031, 28A.600.475,
11 13.50.050, 13.50.010, 28A.650.015, 66.24.210, 66.24.290, 82.08.150,
12 82.24.020, and 69.50.520; amending 1993 sp.s. c 24 s 501 (uncodified);
13 reenacting and amending RCW 9.41.010, 9.41.040, 26.28.080, 26.26.130,
14 26.50.060, 10.31.100, and 28A.630.885; adding new sections to chapter
15 43.70 RCW; adding new sections to chapter 70.190 RCW; adding a new
16 section to chapter 74.14A RCW; adding a new section to Title 28A RCW;
17 adding a new section to chapter 43.63A RCW; adding a new section to
18 chapter 28B.50 RCW; adding a new section to chapter 43.101 RCW; adding
19 new sections to chapter 43.41 RCW; adding a new section to chapter
20 43.20A RCW; adding a new section to chapter 35.21 RCW; adding a new
21 section to chapter 35A.11 RCW; adding a new section to chapter 36.32

1 RCW; adding new sections to chapter 9.41 RCW; adding new sections to
2 chapter 9.94A RCW; adding a new section to chapter 4.24 RCW; adding a
3 new section to chapter 28A.310 RCW; adding a new section to chapter
4 28A.405 RCW; adding a new section to chapter 28A.600 RCW; adding a new
5 section to chapter 13.16 RCW; adding a new section to chapter 72.02
6 RCW; adding a new section to chapter 28A.650 RCW; adding a new section
7 to chapter 43.19 RCW; adding a new section to chapter 43.33A RCW;
8 adding a new section to chapter 44.28 RCW; adding a new chapter to
9 Title 19 RCW; creating new sections; recodifying RCW 9.41.160;
10 repealing RCW 70.190.900, 9.41.030, 9.41.093, 9.41.100, 9.41.130,
11 9.41.200, 9.41.210, and 9.41.230; prescribing penalties; providing an
12 effective date; providing for submission of certain sections of this
13 act to a vote of the people; and declaring an emergency.

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

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23 PART I. INTENT

24 NEW SECTION. **Sec. 101.** The legislature finds that the increasing
25 violence in our society causes great concern for the immediate health
26 and safety of our citizens and our social institutions. Youth violence

1 is increasing at an alarming rate and young people between the ages of
2 fifteen and twenty-four are at the highest risk of being perpetrators
3 and victims of violence. Additionally, random violence, including
4 homicide and the use of firearms, has dramatically increased over the
5 last decade.

6 The legislature finds that violence is abhorrent to the aims of a
7 free society and that it can not be tolerated. State efforts at
8 reducing violence must include changes in criminal penalties, reducing
9 the unlawful use of and access to firearms, increasing educational
10 efforts to encourage nonviolent means for resolving conflicts, and
11 allowing communities to design their prevention efforts.

12 The legislature finds that the problem of violence can be addressed
13 with many of the same approaches that public health programs have used
14 to control other problems such as infectious disease, tobacco use, and
15 traffic fatalities.

16 Addressing the problem of violence requires the concerted effort of
17 all communities and all parts of state and local governments. It is
18 the immediate purpose of chapter . . . , Laws of 1994 (this act) to:
19 (1) Prevent acts of violence by encouraging change in social norms and
20 individual behaviors that have been shown to increase the risk of
21 violence; (2) reduce the number of at-risk children and youth, as
22 defined in RCW 70.190.010; (3) increase the severity and certainty of
23 punishment for youth and adults who commit violent acts; (4) reduce the
24 severity of harm to individuals when violence occurs; (5) empower
25 communities to focus their concerns and allow them to control the funds
26 dedicated to empirically supported preventive efforts in their region;
27 and (6) reduce the fiscal and social impact of violence on our society.

28 **Sec. 102.** RCW 74.14A.020 and 1983 c 192 s 2 are each amended to
29 read as follows:

30 (~~The department of social and health services~~) State efforts
31 shall address the needs of children and their families, including
32 emotionally disturbed and mentally ill children, potentially dependent
33 children, and families-in-conflict by:

34 (1) Serving children and families as a unit in the least
35 restrictive setting available and in close proximity to the family
36 home, consistent with the best interests and special needs of the
37 child;

1 (2) Ensuring that appropriate social and health services are
2 provided to the family unit both prior to and during the removal of a
3 child from the home and after family reunification;

4 (3) Ensuring that the safety and best interests of the child are
5 the paramount considerations when making placement and service delivery
6 decisions;

7 (4) Recognizing the interdependent and changing nature of families
8 and communities, building upon their inherent strengths, maintaining
9 their dignity and respect, and tailoring programs to their specific
10 circumstances;

11 (5) Developing and implementing comprehensive, preventive, and
12 early intervention social and health services which have demonstrated
13 the ability to delay or reduce the need for out-of-home placements and
14 ameliorate problems before they become chronic or severe;

15 ~~((+4))~~ (6) Being sensitive to the family and community culture,
16 norms, values, and expectations, ensuring that all services are
17 provided in a culturally appropriate and relevant manner, and ensuring
18 participation of racial and ethnic minorities at all levels of
19 planning, delivery, and evaluation efforts;

20 (7)(a) Developing coordinated social and health services which:

21 ~~((+a))~~ (i) Identify problems experienced by children and their
22 families early and provide services which are adequate in availability,
23 appropriate to the situation, and effective;

24 ~~((+b))~~ (ii) Seek to bring about meaningful change before family
25 situations become irreversibly destructive and before disturbed
26 psychological behavioral patterns and health problems become severe or
27 permanent;

28 ~~((+c))~~ (iii) Serve children and families in their own homes thus
29 preventing unnecessary out-of-home placement or institutionalization;

30 ~~((+d))~~ (iv) Focus resources on social and health problems as they
31 begin to manifest themselves rather than waiting for chronic and severe
32 patterns of illness, criminality, and dependency to develop which
33 require long-term treatment, maintenance, or custody;

34 ~~((+e))~~ (v) Reduce duplication of and gaps in service delivery;

35 ~~((+f))~~ (vi) Improve planning, budgeting, and communication among
36 all units of the department ~~((serving))~~ and among all agencies that
37 serve children and families; and

38 ~~((+g) Develop)~~ (vii) Utilize outcome standards for measuring the
39 effectiveness of social and health services for children and families.

1 For the purposes of this section "acts of violence" means self-directed
2 and interpersonal behaviors that can result in suicide, homicide, and
3 nonfatal intentional injuries.

4 (2) The department is designated as the state-wide agency for the
5 coordination of all information relating to violence and other
6 intentional injuries.

7 (3) The department shall provide any necessary data to the local
8 health departments for use in the planning or evaluation by any
9 community network authorized under section 303 of this act.

10 (4) The department shall publish annual reports on intentional
11 injuries, unintentional injuries, numbers of at-risk youth, and the
12 associated risk and protective factors related to violence. The
13 reports shall be submitted to the legislative budget committee.

14 (5) The department may, consistent with its general authority and
15 directives under sections 201 through 205 of this act, contract with a
16 college or university that has experience in social service data
17 collection relating to children to provide assistance to:

18 (a) State and local health departments in developing new sources of
19 data to track acts of violence and associated risk and protective
20 factors; and

21 (b) Local health departments to compile and effectively communicate
22 data in their communities.

23 NEW SECTION. **Sec. 203.** A new section is added to chapter 43.70
24 RCW to read as follows:

25 The public health services improvement plan developed under RCW
26 43.70.520 shall include:

27 (1) Compatible minimum standards for state and local public health
28 assessment, performance measurement, policy development, and assurances
29 regarding social development to reduce at-risk factors and behaviors
30 associated with violence and other public health threats.

31 (2)(a) Measurable risk factors that are empirically linked to
32 violent criminal acts by juveniles, substance abuse, teen pregnancy and
33 parentage, suicide attempts, and dropping out of school; and

34 (b) An evaluation of other factors to determine whether they are
35 empirically related risk factors, such as: Child abuse and neglect,
36 out-of-home placements, poverty, single-parent households, inadequate
37 nutrition, hunger, unemployment, lack of job skills, gang affiliation,
38 lack of recreational or cultural opportunities, domestic violence,

1 school absenteeism, court-ordered parenting plans, physical, emotional,
2 or behavioral problems requiring special needs assistance in K-12
3 schools, learning disabilities, and any other possible factors.

4 (3) Data collection and analysis standards on risk and protective
5 factors for use by the local public health departments and the state
6 council and the local community networks to ensure consistent and
7 interchangeable data.

8 (4) Recommendations regarding any state or federal statutory
9 barriers affecting data collection or reporting.

10 The department shall provide an annual report to the legislative
11 budget committee on the implementation of this section.

12 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.70
13 RCW to read as follows:

14 The department shall establish, by rule, standards for local health
15 departments to use in assessment, performance measurement, policy
16 development, and assurances regarding social development to prevent
17 health problems caused by risk factors empirically linked to: Violent
18 criminal acts by juveniles, substance abuse, teen pregnancy and
19 parentage, suicide attempts, and dropping out of school. The standards
20 shall be based on the standards set forth in the public health
21 improvement plan as required by section 203 of this act.

22 The department shall review the definitions of at-risk children and
23 youth, protective factors, and risk factors contained in RCW 70.190.010
24 and make any suggested recommendations for change to the legislature by
25 January 1, 1995.

26 NEW SECTION. **Sec. 205.** A new section is added to chapter 43.70
27 RCW to read as follows:

28 The legislature encourages the use of a state-wide voluntary,
29 socially responsible policy to reduce the emphasis, amount, and type of
30 violence in all public media. The department shall develop a suggested
31 reporting format for use by the print, television, and radio media in
32 reporting their voluntary violence reduction efforts. Each area of the
33 public media may carry out the policy in whatever manner that area
34 deems appropriate.

35 **PART III. COMMUNITY NETWORKS**

1 **Sec. 301.** RCW 70.190.005 and 1992 c 198 s 1 are each amended to
2 read as follows:

3 The legislature finds that a primary goal of public involvement in
4 the lives of children has been to strengthen the family unit.

5 However, the legislature recognizes that traditional two-parent
6 families with one parent routinely at home are now in the minority. In
7 addition, extended family and natural community supports have eroded
8 drastically. The legislature recognizes that public policy assumptions
9 must be altered to account for this new social reality. Public effort
10 must be redirected to expand, support, strengthen, and help
11 ~~((refashion))~~ reconstruct family and community ~~((associations))~~
12 networks to ~~((care for))~~ assist in meeting the needs of children.

13 The legislature finds that a broad variety of services for children
14 and families has been independently designed over the years and that
15 the coordination and cost-effectiveness of these services will be
16 enhanced through the adoption of ~~((a common))~~ an approach ~~((to their~~
17 ~~delivery))~~ that allows communities to prioritize and coordinate
18 services to meet their local needs. The legislature further finds that
19 the most successful programs for reaching and working with at-risk
20 families and children treat individuals' problems in the context of the
21 family, offer a broad spectrum of services, are flexible in the use of
22 program resources, and use staff who are trained in crossing
23 traditional program categories in order to broker services necessary to
24 fully meet a family's needs.

25 The legislature further finds that eligibility criteria,
26 expenditure restrictions, and reporting requirements of state and
27 federal categorical programs often create barriers toward the effective
28 use of resources for addressing the multiple problems of at-risk
29 families and children.

30 The purposes of this chapter are (1) to modify public policy and
31 programs to empower communities to support and respond to the needs of
32 individual families and children and (2) to improve the responsiveness
33 of services for children and families at risk by facilitating greater
34 coordination and flexibility in the use of funds by state and local
35 service agencies.

36 **Sec. 302.** RCW 70.190.010 and 1992 c 198 s 3 are each amended to
37 read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "At-risk" children and youth are those who risk the significant
4 loss of social, educational, or economic opportunities. At-risk
5 behaviors include delinquent acts, substance abuse, teen pregnancy and
6 parentage, suicide attempts, and dropping out of school. At-risk
7 children and youth also include those who are victims of violence,
8 abuse, neglect, and those who have been removed from the custody of
9 their parents.

10 (2) "Comprehensive plan" means a two-year plan that examines
11 available resources and unmet needs for a county or multicounty area,
12 barriers that limit the effective use of resources, and a plan to
13 address these issues that is broadly supported.

14 (~~((2))~~) (3) "Participating state agencies" means the office of the
15 superintendent of public instruction, the department of social and
16 health services, the department of health, the employment security
17 department, the department of community, trade, and economic
18 development, and such other departments as may be specifically
19 designated by the governor.

20 (~~((3) "Family policy"))~~ (4) "Community public health and safety
21 council" or "council" means: The superintendent of public instruction,
22 the secretary of social and health services, the secretary of health,
23 the commissioner of the employment security department, and the
24 director of the department of community, trade, and economic
25 development or their designees~~((7))~~; one legislator from each caucus of
26 the senate and house of representatives~~((7 and))~~; one representative of
27 the governor; one representative each appointed by the governor for
28 cities, towns, counties, federally recognized Indian tribes, school
29 districts, the children's commission, law enforcement agencies,
30 superior courts, public parks and recreation programs, and private
31 agency service providers; and two chief executive officers of major
32 Washington corporations appointed by the governor.

33 (~~((4))~~) (5) "Outcome" or "outcome based" means defined and
34 measurable outcomes and indicators that make it possible for
35 communities to evaluate progress in meeting their goals ~~((and whether~~
36 ~~systems are fulfilling their responsibilities))~~ in reducing the number
37 of at-risk children and youth through reducing their risk factors and
38 increasing their protective factors.

1 ~~((5))~~ (6) "Matching funds" means an amount no less than twenty-
2 five percent of the amount budgeted for a ~~((consortium's project))~~
3 community network's plan. Up to half of the ~~((consortium's))~~ community
4 network's matching funds may be in-kind goods and services. Funding
5 sources allowable for match include appropriate federal or local levy
6 funds, private charitable funding, and other charitable giving. Basic
7 education funds shall not be used as a match.

8 ~~((6) "Consortium" means a diverse group of individuals that~~
9 ~~includes at least representatives of local service providers, service~~
10 ~~recipients, local government administering or funding children or~~
11 ~~family service programs, participating state agencies, school~~
12 ~~districts, existing children's commissions, ethnic and racial minority~~
13 ~~populations, and other interested persons organized for the purpose of~~
14 ~~designing and providing collaborative and coordinated services under~~
15 ~~this chapter. Consortiums shall represent a county, multicounty, or~~
16 ~~municipal service area. In addition, consortiums may represent Indian~~
17 ~~tribes applying either individually or collectively.))~~

18 (7) "Community public health and safety networks" or "community
19 networks" means authorities authorized under section 303 of this act.

20 (8) "Protective factors" means those factors determined by the
21 department of health to be empirically associated with behaviors that
22 contribute to socially acceptable and healthy nonviolent behaviors.
23 Protective factors include promulgation, identification, and acceptance
24 of community norms regarding appropriate behaviors in the area of
25 delinquency, early sexual activity, and alcohol and substance abuse,
26 educational opportunities, employment opportunities, and absence of
27 crime.

28 (9) "Risk factors" means those factors determined by the department
29 of health to be empirically associated with at-risk behaviors that
30 contribute to violence. Risk factors include availability of drugs,
31 economic, educational, and social deprivation, rejection of
32 identification with the community, academic failure, a family history
33 of high substance abuse, crime, a lack of acceptance of societal norms,
34 and substance, child, and sexual abuse.

35 NEW SECTION. Sec. 303. A new section is added to chapter 70.190
36 RCW to read as follows:

1 (1) Community public health and safety networks are authorized for
2 the purpose of enhancing local efforts to reduce the number of at-risk
3 children and youth in each community.

4 (2) The membership of each community public health and safety
5 network is limited to twenty-one people and shall include local
6 representation from the following groups or entities: Citizens, youth,
7 citizens reflecting racial and ethnic diversity, cities, towns,
8 counties, federally recognized Indian tribes, local school districts,
9 public parks and recreation programs, existing children's commissions,
10 law enforcement agencies, superior court judges, local health
11 departments, early childhood education and assistance programs, a
12 regional child services office, a regional employment assistance
13 office, private agency service providers, broad-based nonsecular
14 organizations and a locally owned and operated business.

15 (3) The governor shall appoint a temporary chair of each community
16 network by September 1, 1994. The temporary chair shall convene the
17 initial meeting of parties named in subsection (2) of this section for
18 the purpose of determining membership in the network. At the initial
19 meeting, or any time thereafter, the network members may select their
20 officers including a permanent chair. Following the initial meeting,
21 the chair shall submit a proposed list of members to the governor by
22 December 1, 1994. The list shall become final unless the governor
23 chooses other members by December 20, 1994. The governor shall accept
24 the list unless he or she believes the proposed list does not
25 adequately represent all parties identified in subsection (2) of this
26 section or a member has a conflict of interest between his or her
27 membership and his or her livelihood. Members of the community network
28 shall serve terms of three years.

29 The terms of the initial members of each network shall be as
30 follows: (a) One-third shall serve for one year; (b) one-third shall
31 serve for two years; and (c) one-third shall serve for three years.
32 Initial members may agree which shall serve fewer than three years or
33 the decision may be made by lot. The same process shall be used in the
34 selection of the chair and members for subsequent terms. Any vacancy
35 occurring during the term may be filled by the chair for the balance of
36 the unexpired term.

37 (4) The network shall select a public entity as the lead
38 administrative and fiscal agency for the network. In making the
39 selection, the network shall consider: (a) Experience in administering

1 prevention and intervention programs; (b) the relative geographical
2 size of the network and its members; (c) budgeting and fiscal capacity;
3 and (d) how diverse a population each entity represents.

4 NEW SECTION. **Sec. 304.** A new section is added to chapter 70.190
5 RCW to read as follows:

6 The community public health and safety networks shall:

7 (1) Review local public health data relating to risk factors,
8 protective factors, and at-risk children and youth;

9 (2) Prioritize the risk factors and protective factors to reduce
10 the likelihood of their children and youth being at risk. The
11 priorities shall be based upon the local public health data and shall
12 utilize the data standards established by the department of health
13 under section 204 of this act;

14 (3) Develop long-term community plans to reduce the number of at-
15 risk children and youth; set definitive, measurable goals, based upon
16 the department of health standards; and project their desired outcomes;

17 (4) Distribute funds to local programs that reflect the locally
18 established priorities;

19 (5) Comply with outcome-based standards for determining success;
20 and

21 (6) Cooperate with the department of health and local boards of
22 health to provide data and determine outcomes.

23 NEW SECTION. **Sec. 305.** A new section is added to chapter 70.190
24 RCW to read as follows:

25 The community network's plan may include a program to provide
26 postsecondary scholarships to at-risk students who: (1) Are community
27 role models under criteria established by the community network; (2)
28 successfully complete high school; and (3) maintain at least a 2.5
29 grade point average throughout high school. Funding for the
30 scholarships may include public and private sources.

31 NEW SECTION. **Sec. 306.** A new section is added to chapter 70.190
32 RCW to read as follows:

33 (1) All community networks shall be eligible to receive planning
34 grants and technical assistance from the council on January 1, 1995.
35 Planning grants may be funded through available federal funds for
36 family preservation services. After receiving the planning grant the

1 region will be given up to one year to submit the long-term community
2 plan. Effective July 1, 1995, up to one-half of the community networks
3 will be eligible to receive grant funds for prevention and early
4 intervention programs.

5 (2) The community networks that did not receive the initial grants
6 shall be eligible, upon approval of their plans by the council, to
7 receive such funds on January 1, 1997.

8 (3) The participating state agencies shall enter into biennial
9 contracts with community networks as part of the grant process. The
10 contracts shall be consistent with available resources, and shall be
11 distributed in accordance with the distribution formula developed
12 pursuant to section 326 of this act.

13 (4) No later than February 1 of each odd-numbered year following
14 the initial contract between the council and a network, the council
15 shall request from the network its plan for the upcoming biennial
16 contract period.

17 (5) The council shall notify the community networks of their
18 allocation of available resources at least sixty days prior to the
19 start of a new biennial contract period.

20 NEW SECTION. **Sec. 307.** A new section is added to chapter 70.190
21 RCW to read as follows:

22 The community public health and safety council shall:

23 (1) Establish network boundaries by July 1, 1994. There is a
24 presumption that no county may be divided between two or more community
25 networks and no network shall have fewer than fifty thousand
26 population. When approving multicounty networks, considering dividing
27 a county between networks, or creating a network with a population of
28 less than fifty thousand, the council must consider: (a) Common
29 economic, geographic, and social interests; (b) historical and existing
30 shared governance; and (c) the size and location of population centers.
31 Individuals and groups within any area shall be given ample opportunity
32 to propose network boundaries in a manner designed to assure full
33 consideration of their expressed wishes;

34 (2) Develop a technical assistance and training program to assist
35 communities in creating and developing community networks;

36 (3) Approve the structure, purpose, goals, plan, and performance
37 measurements of each community network;

1 (4) Identify all prevention and early intervention programs and
2 funds, other than program funds designed for treatment as defined in
3 section 308 of this act, including all programs funded under RCW
4 69.50.520, in addition to those set forth in sections 311 through 316
5 of this act, which could be transferred, in all or part, to the
6 community networks, and report their findings and recommendations to
7 the governor and the legislature regarding any appropriate program
8 transfers by January 1 of each year;

9 (5) Authorize the transfer, in whole or part, of additional
10 prevention and early intervention programs and funds, currently
11 operated by any of the participating state agencies, to the community
12 networks, and report those transfers to the governor and the
13 legislature by January 1 of each year;

14 (6) Reward community networks that show exceptional success as
15 provided in section 326 of this act;

16 (7) Seek every opportunity to maximize federal and other funding
17 that is consistent with the plans approved by the council for the
18 purpose and goals of this chapter;

19 (8) Review the state-funded out-of-home placement rate before the
20 end of each contract to determine whether the region has sufficiently
21 reduced the rate. If the council determines that there has not been a
22 sufficient reduction in the rate, it may reduce the immediately
23 succeeding grant to the network; and

24 (9) Review the implementation of chapter . . . , Laws of 1994 (this
25 act) and report its recommendations to the legislature annually. The
26 report shall use measurable performance standards to evaluate the
27 implementation.

28 NEW SECTION. **Sec. 308.** A new section is added to chapter 70.190
29 RCW to read as follows:

30 (1) The council may, by a two-thirds vote of its membership, remove
31 from a program, subject to the grant process under this chapter, any
32 funds that are used for treatment.

33 (2) For the purposes of this section, "treatment" means remediation
34 of personal functioning that has been lost or impaired as the immediate
35 result of an act of violence, as defined in section 202 of this act.

36 NEW SECTION. **Sec. 309.** A new section is added to chapter 70.190
37 RCW to read as follows:

1 (1) The participating state agencies shall execute an interagency
2 agreement to ensure the coordination of their local program efforts
3 regarding children. This agreement shall recognize and give specific
4 planning, coordination, and program administration responsibilities to
5 community networks after the approval under section 310 of this act of
6 their comprehensive community plans. The community networks shall
7 encourage the development of integrated, regionally based children,
8 youth, and family activities and services with adequate local
9 flexibility to accomplish the purposes stated in section 101 of this
10 act and RCW 74.14A.020.

11 (2) The community networks shall exercise the planning,
12 coordinating, and program administration functions specified by the
13 state interagency agreement in addition to other activities required by
14 law, and shall participate in the planning process required by chapter
15 71.36 RCW.

16 (3) Any state or federal funds identified for contracts with
17 community networks shall be transferred with no reductions. Until
18 federal waivers are obtained, federal funds shall be used only for
19 federally allowable purposes.

20 NEW SECTION. **Sec. 310.** A new section is added to chapter 70.190
21 RCW to read as follows:

22 (1) The council shall only disburse funds to a community network
23 after a comprehensive community plan has been prepared and approved by
24 the network. In approving the plan the council shall consider whether
25 the network:

26 (a) Promoted input from the widest practical range of agencies and
27 affected parties;

28 (b) Reviewed the indicators of violence data compiled by the local
29 public health departments and incorporated a response to those
30 indicators in the plan;

31 (c) Obtained a declaration by the largest health department in the
32 region, ensuring that the plan met the department of health's minimum
33 standards for assessment and policy development relating to social
34 development under section 204 of this act;

35 (d) Included a specific mechanism of data collection and
36 transmission based on the rules established by the department of health
37 under section 204 of this act;

1 (e) Considered all relevant causes of violence in its community and
2 did not isolate only one or a few of the elements to the exclusion of
3 others; and

4 (f) Committed to make measurable reductions in the number of at-
5 risk children and youth by reducing state-funded out-of-home placements
6 and make reductions in at least three of the following areas: Violent
7 criminal acts by juveniles, substance abuse, teen pregnancy and
8 parentage, teen suicide attempts, or the youth rate of dropping out of
9 school.

10 (2) Upon approval of a community network's plan, the council shall
11 grant all of the funds for the programs identified in sections 311
12 through 316 of this act, unless the community network has demonstrated
13 that a specific program, or a part of a program, should not be granted
14 to the network. To preclude a grant, the community network shall
15 demonstrate, in a detailed plan, that the existing program, or part of
16 a program:

17 (a) Is incorporated into the community plan;

18 (b) Is adequately integrated and coordinated with other prevention
19 and intervention programs in the community;

20 (c) Possesses such a unique character that the community network
21 would be unable to independently contract for those services;

22 (d) Is adequately supported and reinforced by the community;

23 (e) Presently ensures that follow-up efforts are utilized so that
24 the program has long-lasting benefits;

25 (f) Is designed such that decategorization of the services would be
26 detrimental to the consumer; and

27 (g) Is contributing to the reduction in the number of at-risk
28 children and youth in the community through reducing risk factors or
29 increasing protective factors.

30 NEW SECTION. **Sec. 311.** A new section is added to chapter 74.14A
31 RCW to read as follows:

32 The secretary shall, subject to the provisions of sections 308 and
33 310(2) of this act, contract with the community networks approved under
34 section 310 of this act, on a grant basis, for the administration of an
35 integrated program reducing the number of at-risk children and youth
36 beginning July 1, 1995. The contract shall include state and federal
37 funds currently appropriated for at least:

1 (1) The victim's assistance program, except sexual assault
2 services;

3 (2) Consolidated juvenile services;

4 (3) Family preservation and support services; and

5 (4) Any other programs as decided by the community public health
6 and safety council under chapter 70.190 RCW.

7 The contract may also include funds for family preservation
8 services which may be available for the purposes of chapter 70.190 RCW.

9 NEW SECTION. **Sec. 312.** A new section is added to Title 28A RCW to
10 read as follows:

11 The superintendent of public instruction shall, subject to the
12 provisions of sections 308 and 310(2) of this act, contract with the
13 community networks approved under section 310 of this act, on a grant
14 basis, for the administration of an integrated program reducing the
15 number of at-risk children and youth beginning July 1, 1995. The
16 contracts shall include state and federal funds currently appropriated
17 for at least:

18 (1) The readiness to learn program;

19 (2) Drug and alcohol abuse prevention and early intervention in
20 schools under RCW 28A.170.075 through 28A.170.100; and

21 (3) Any other programs as determined by the community public health
22 and safety council under chapter 70.190 RCW.

23 NEW SECTION. **Sec. 313.** A new section is added to chapter 43.63A
24 RCW to read as follows:

25 The department of community, trade, and economic development shall,
26 subject to the provisions of sections 308 and 310(2) of this act,
27 contract with the community networks approved under section 310 of this
28 act, on a grant basis, for the administration of an integrated program
29 reducing the number of at-risk children and youth beginning July 1,
30 1995. The contracts shall include state and federal funds currently
31 appropriated for at least:

32 (1) The community mobilization program;

33 (2) The violence prevention program; and

34 (3) Any other program as determined by the community public health
35 and safety council under chapter 70.190 RCW.

1 NEW SECTION. **Sec. 314.** A new section is added to chapter 43.70
2 RCW to read as follows:

3 The department of health shall, subject to the provisions of
4 sections 308 and 310(2) of this act, contract with the community
5 networks approved under section 310 of this act, on a grant basis, for
6 the administration of an integrated program reducing the number of at-
7 risk children and youth beginning July 1, 1995. The contracts shall
8 include state and federal funds currently appropriated for all programs
9 as determined by the community public health and safety council under
10 chapter 70.190 RCW.

11 NEW SECTION. **Sec. 315.** A new section is added to chapter 28B.50
12 RCW to read as follows:

13 The state board for community and technical colleges shall, subject
14 to the provisions of sections 308 and 310(2) of this act, contract with
15 community networks approved under section 310 of this act, on a grant
16 basis, for the administration of an integrated program reducing the
17 number of at-risk children and youth beginning July 1, 1995. The
18 contracts shall include all state funds currently appropriated for at
19 least: (1) The even start program; and (2) any other programs as
20 determined by the community public health and safety council under
21 chapter 70.190 RCW.

22 NEW SECTION. **Sec. 316.** A new section is added to chapter 43.101
23 RCW to read as follows:

24 The criminal justice training commission shall, subject to the
25 provisions of sections 308 and 310(2) of this act, contract with
26 community networks approved under section 310 of this act, on a grant
27 basis for the administration of an integrated program reducing the
28 number of at-risk children and youth. The contract shall include all
29 state and federal funds currently appropriated for the community-police
30 partnership program under RCW 43.101.240.

31 **Sec. 317.** RCW 43.101.240 and 1989 c 271 s 423 are each amended to
32 read as follows:

33 (1) The criminal justice training commission in cooperation with
34 the United States department of justice department of community
35 relations (region X) shall conduct an assessment of successful
36 community-police partnerships throughout the United States. The

1 commission shall develop training for local law enforcement agencies
2 targeted toward those communities where there has been a substantial
3 increase in drug crimes. The purpose of the training is to facilitate
4 cooperative community-police efforts and enhanced community protection
5 to reduce drug abuse and related crimes. The training shall include
6 but not be limited to conflict management, ethnic sensitivity, cultural
7 awareness, and effective community policing. (~~The commission shall
8 report its findings and progress to the legislature by January 1990.~~)

9 (2) Local law enforcement agencies are encouraged to form
10 community-police partnerships in (~~areas of substantial drug crimes~~)
11 all neighborhoods and particularly areas with high rates of criminal
12 activity. These partnerships are encouraged to organize citizen-police
13 task forces which meet on a regular basis to promote greater citizen
14 involvement in combatting drug abuse and to reduce tension between
15 police and citizens. Partnerships that are formed are encouraged to
16 report to the criminal justice training commission of their formation
17 and progress.

18 (~~(3) The sum of one hundred fifty thousand dollars, or as much
19 thereof as may be necessary, is appropriated for the biennium ending
20 June 30, 1991, from the drug enforcement and education account to the
21 criminal justice training commission for the purposes of subsection (1)
22 of this section.~~)

23 NEW SECTION. Sec. 318. A new section is added to chapter 70.190
24 RCW to read as follows:

25 If there exist any federal restrictions against the transfer of
26 funds, for the programs enumerated in sections 309 through 316 of this
27 act or programs authorized under section 307(5) of this act, to the
28 community networks, the council shall assist the governor in
29 immediately applying to the federal government for waivers of the
30 federal restrictions. The council shall also assist the governor in
31 coordinating efforts to make any changes in federal law necessary to
32 meet the purpose and intent of chapter . . ., Laws of 1994 (this act).

33 NEW SECTION. Sec. 319. A new section is added to chapter 70.190
34 RCW to read as follows:

35 For grant funds awarded under sections 307 and 311 through 316 of
36 this act, no state agency may require any other program requirements,
37 except those necessary to meet federal funding standards or

1 requirements. None of the grant funds awarded to the community
2 networks shall be considered as new entitlements.

3 NEW SECTION. **Sec. 320.** A new section is added to chapter 70.190
4 RCW to read as follows:

5 The implementation of community networks shall be included in all
6 federal and state plans affecting the state's children, youth, and
7 families. The plans shall be consistent with the intent and
8 requirements of this chapter.

9 **Sec. 321.** RCW 70.190.020 and 1992 c 198 s 4 are each amended to
10 read as follows:

11 To the extent that any power or duty of the council (~~created~~
12 ~~according to chapter 198, Laws of 1992~~) may duplicate efforts of
13 existing councils, commissions, advisory committees, or other entities,
14 the governor is authorized to take necessary actions to eliminate such
15 duplication. This shall include authority to consolidate similar
16 councils or activities in a manner consistent with the goals of this
17 chapter (~~198, Laws of 1992~~).

18 **Sec. 322.** RCW 70.190.030 and 1992 c 198 s 5 are each amended to
19 read as follows:

20 (~~(1)~~) The (~~family policy~~) council shall annually solicit from
21 (~~consortiums~~) community networks proposals to facilitate greater
22 flexibility, coordination, and responsiveness of services at the
23 community level. The council shall consider such proposals only if:

24 (~~(a)~~) (1) A comprehensive plan has been prepared by the
25 (~~consortium; and~~

26 (~~b~~) community networks;

27 (2) The (~~consortium~~) community network has identified and agreed
28 to contribute matching funds as specified in RCW 70.190.010; (~~and~~

29 (~~c~~) (3) An interagency agreement has been prepared by the
30 (~~family policy~~) council and the participating local service and
31 support agencies that governs the use of funds, specifies the
32 relationship of the project to the principles listed in RCW 74.14A.025,
33 and identifies specific outcomes and indicators; and

34 (~~(d) Funds are to be used to provide support or services needed to~~
35 ~~implement a family's or child's case plan that are not otherwise~~

1 adequately available through existing categorical services or community
2 programs; [and]

3 ~~(e) The consortium has provided written agreements that identify a~~
4 ~~lead agency that will assume fiscal and programmatic responsibility for~~
5 ~~the project, and identify participants in a consortium council with~~
6 ~~broad participation and that shall have responsibility for ensuring~~
7 ~~effective coordination of resources; and~~

8 ~~(f))~~ (4) The ~~((consortium))~~ community network has designed into
9 its comprehensive plan standards for accountability. Accountability
10 standards include, but are not limited to, the public hearing process
11 eliciting public comment about the appropriateness of the proposed
12 comprehensive plan. The ~~((consortium))~~ community network must submit
13 reports to the ~~((family policy))~~ council outlining the public response
14 regarding the appropriateness and effectiveness of the comprehensive
15 plan.

16 ~~((2) The family policy council may submit a prioritized list of~~
17 ~~projects recommended for funding in the governor's budget document.~~

18 ~~(3) The participating state agencies shall identify funds to~~
19 ~~implement the proposed projects from budget requests or existing~~
20 ~~appropriations for services to children and their families.))~~

21 **Sec. 323.** RCW 70.190.040 and 1993 c 336 s 901 are each amended to
22 read as follows:

23 (1) The legislature finds that helping children to arrive at school
24 ready to learn is an important part of improving student learning.

25 (2) To the extent funds are appropriated, the ~~((family policy))~~
26 council shall ~~((award))~~ include those funds in grants to ~~((community-~~
27 ~~based consortiums that submit comprehensive plans that include~~
28 ~~strategies to improve readiness to learn))~~ community networks.

29 **Sec. 324.** RCW 70.190.900 and 1992 c 198 s 11 are each amended to
30 read as follows:

31 By June 30, 1995, the ~~((family policy))~~ council shall report to the
32 appropriate committees of the legislature on the expenditures made,
33 outcomes attained, and other pertinent aspects of its experience in the
34 implementation of RCW 70.190.030.

35 NEW SECTION. **Sec. 325.** A new section is added to chapter 43.41
36 RCW to read as follows:

1 The office of financial management shall review the administration
2 of funds as modified by sections 307 and 311 through 318 of this act
3 and shall by January 1, 1995, propose legislation to complete
4 interdepartmental transfers of funds or programs needed to place all
5 programs and funds affected by sections 307 and 311 through 318 of this
6 act into a single existing state agency. The proposal shall place
7 these programs in a single state agency whose statutory purpose,
8 mission, goals, and operating philosophy most closely supports the
9 principles and purposes of section 101 of this act and RCW 74.14A.020.
10 The office of financial management may not suggest the creation of a
11 new state agency for the function unless, after thorough review and
12 documentation, the office of financial management determines that no
13 suitable state agency exists. The office of financial management shall
14 review statutes that authorize the programs transferred by sections 311
15 through 318 of this act and suggest legislation to eliminate statutory
16 requirements that may interfere with the administration of that policy.

17 NEW SECTION. **Sec. 326.** A new section is added to chapter 43.41
18 RCW to read as follows:

19 (1) The office of financial management, in consultation with
20 affected parties, shall establish a fund distribution formula for
21 determining allocations to the community networks authorized under
22 section 310 of this act. The formula shall reflect the local needs
23 assessment for at-risk children and consider:

24 (a) The number of arrests and convictions for juvenile violent
25 offenses;

26 (b) The number of arrests and convictions for crimes relating to
27 juvenile drug offenses and alcohol related offenses;

28 (c) The number of teen pregnancies and parents;

29 (d) The number of child and teenage suicides and attempted
30 suicides; and

31 (e) The high school graduation rate.

32 (2) In developing the formula, the office of financial management
33 shall reserve five percent of the funds for the purpose of rewarding
34 community networks.

35 (3) The reserve fund shall be used by the council to reward
36 community networks that show exceptional reductions in: State-funded
37 out-of-home placements, violent criminal acts by juveniles, substance

1 abuse, teen pregnancy and parentage, teen suicide attempts, or school
2 dropout rates.

3 (4) The office of financial management shall submit the
4 distribution formula to the community public health and safety council
5 and to the appropriate committees of the legislature by December 20,
6 1994.

7 NEW SECTION. **Sec. 327.** A new section is added to chapter 70.190
8 RCW to read as follows:

9 If a community network is unable or unwilling to assume powers and
10 duties authorized under this chapter by June 30, 1998, and the
11 legislative budget committee recommends under section 701 of this act
12 making grants with available funds, the office of financial management
13 may transfer all funds and programs to a single state agency for the
14 purpose of integrating the programs and services.

15 NEW SECTION. **Sec. 328.** The secretary of social and health
16 services and the insurance commissioner shall conduct a study regarding
17 liability issues and insurance rates for private nonprofit group homes
18 that contract with the department for client placement. The secretary
19 and commissioner shall report their findings and recommendations to the
20 legislature by November 15, 1994.

21 NEW SECTION. **Sec. 329.** A new section is added to chapter 43.20A
22 RCW to read as follows:

23 The secretary of social and health services shall make all of the
24 department's evaluation and research materials and data on private
25 nonprofit group homes available to group home contractors. The
26 department may delete any information from the materials that
27 identifies a specific client or contractor, other than the contractor
28 requesting the materials.

29 NEW SECTION. **Sec. 330.** The governor shall appoint the initial
30 members of the community public health and safety council by May 15,
31 1994.

32 NEW SECTION. **Sec. 331.** RCW 70.190.900 and 1994 c . . . s 324
33 (section 324 of this act) & 1992 c 198 s 11 are each repealed.

1 NEW SECTION. **Sec. 332.** Section 331 of this act shall take effect
2 July 1, 1995.

3 **PART IV. PUBLIC SAFETY**

4 **Sec. 401.** RCW 43.06.260 and 1969 ex.s. c 186 s 7 are each amended
5 to read as follows:

6 After the proclamation of a state of emergency as provided in RCW
7 43.06.010 any person (~~sixteen~~) fourteen years of age or over who
8 violates any provision of RCW 43.06.010(~~(, and)~~) or 43.06.200 through
9 43.06.270 shall be (~~prosecuted as an adult~~) subject to a decline
10 hearing under RCW 13.40.110.

11 NEW SECTION. **Sec. 402.** A new section is added to chapter 35.21
12 RCW to read as follows:

13 (1) Any city or town has the authority to enact an ordinance, for
14 the purpose of preserving the public safety or reducing acts of
15 violence by or against juveniles that are occurring at such rates as to
16 be beyond the capacity of the police to assure public safety,
17 establishing times and conditions under which juveniles may be present
18 on the public streets, in the public parks, or in any other public
19 place during specified hours.

20 (2) The ordinance shall: (a) Contain clear specific prohibitions
21 in terms of location, conduct, and ages; and (b) accommodate (i)
22 juveniles acting in the course of their employment, (ii) juveniles
23 engaged in organized school activities, (iii) the physical well-being
24 of the juvenile, and (iv) juveniles who are in the presence of their
25 parents.

26 NEW SECTION. **Sec. 403.** A new section is added to chapter 35A.11
27 RCW to read as follows:

28 (1) Any code city has the authority to enact an ordinance, for the
29 purpose of preserving the public safety or reducing acts of violence by
30 or against juveniles that are occurring at such rates as to be beyond
31 the capacity of the police to assure public safety, establishing times
32 and conditions under which juveniles may be present on the public
33 streets, in the public parks, or in any other public place during
34 specified hours.

1 (2) The ordinance shall: (a) Contain clear specific prohibitions
2 in terms of location, conduct, and ages; and (b) accommodate (i)
3 juveniles acting in the course of their employment, (ii) juveniles
4 engaged in organized school activities, (iii) the physical well-being
5 of the juvenile, and (iv) juveniles who are in the presence of their
6 parents.

7 NEW SECTION. **Sec. 404.** A new section is added to chapter 36.32
8 RCW to read as follows:

9 (1) The legislative authority of any county has the authority to
10 enact an ordinance, for the purpose of preserving the public safety or
11 reducing acts of violence by or against juveniles that are occurring at
12 such rates as to be beyond the capacity of the police to assure public
13 safety, establishing times and conditions under which juveniles may be
14 present on the public streets, in the public parks, or in any other
15 public place during specified hours.

16 (2) The ordinance shall: (a) Contain clear specific prohibitions
17 in terms of location, conduct, and ages; and (b) accommodate (i)
18 juveniles acting in the course of their employment, (ii) juveniles
19 engaged in organized school activities, (iii) the physical well-being
20 of the juvenile, and (iv) juveniles who are in the presence of their
21 parents.

22 **Sec. 405.** RCW 46.20.265 and 1991 c 260 s 1 are each amended to
23 read as follows:

24 (1) In addition to any other authority to revoke driving privileges
25 under this chapter, the department shall revoke all driving privileges
26 of a juvenile when the department receives notice from a court pursuant
27 to section 407 or 408 of this act, RCW 13.40.265, 66.44.365, 69.41.065,
28 69.50.420, 69.52.070, or a substantially similar municipal ordinance
29 adopted by a local legislative authority, or from a diversion unit
30 pursuant to RCW 13.40.265. The revocation shall be imposed without
31 hearing.

32 (2) The driving privileges of the juvenile revoked under subsection
33 (1) of this section shall be revoked in the following manner:

34 (a) Upon receipt of the first notice, the department shall impose
35 a revocation for one year, or until the juvenile reaches seventeen
36 years of age, whichever is longer.

1 (b) Upon receipt of a second or subsequent notice, the department
2 shall impose a revocation for two years or until the juvenile reaches
3 eighteen years of age, whichever is longer.

4 (3) If the department receives notice from a court that the
5 juvenile's privilege to drive should be reinstated, the department
6 shall immediately reinstate any driving privileges that have been
7 revoked under this section.

8 (4)(a) If the department receives notice pursuant to RCW
9 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
10 diversion agreement for which the juvenile's driving privileges were
11 revoked, the department shall reinstate any driving privileges revoked
12 under this section as provided in (b) of this subsection.

13 (b) If the diversion agreement was for the juvenile's first
14 violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the
15 department shall not reinstate the juvenile's privilege to drive until
16 the later of ninety days after the date the juvenile turns sixteen or
17 ninety days after the juvenile entered into a diversion agreement for
18 the offense. If the diversion agreement was for the juvenile's second
19 or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52
20 RCW, the department shall not reinstate the juvenile's privilege to
21 drive until the later of the date the juvenile turns seventeen or one
22 year after the juvenile entered into the second or subsequent diversion
23 agreement.

24 **Sec. 406.** RCW 13.40.265 and 1989 c 271 s 116 are each amended to
25 read as follows:

26 (1)(a) If a juvenile thirteen years of age or older is found by
27 juvenile court to have committed an offense that is a violation of
28 chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify
29 the department of licensing within twenty-four hours after entry of the
30 judgment.

31 (b) Except as otherwise provided in (c) of this subsection, upon
32 petition of a juvenile who has been found by the court to have
33 committed an offense that is a violation of chapter 9.41, 66.44, 69.41,
34 69.50, or 69.52 RCW, the court may at any time the court deems
35 appropriate notify the department of licensing that the juvenile's
36 driving privileges should be reinstated.

37 (c) If the offense is the juvenile's first violation of chapter
38 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition

1 the court for reinstatement of the juvenile's privilege to drive
2 revoked pursuant to RCW 46.20.265 until ninety days after the date the
3 juvenile turns sixteen or ninety days after the judgment was entered,
4 whichever is later. If the offense is the juvenile's second or
5 subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52
6 RCW, the juvenile may not petition the court for reinstatement of the
7 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until
8 the date the juvenile turns seventeen or one year after the date
9 judgment was entered, whichever is later.

10 (2)(a) If a juvenile enters into a diversion agreement with a
11 diversion unit pursuant to RCW 13.40.080 concerning an offense that is
12 a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the
13 diversion unit shall notify the department of licensing within twenty-
14 four hours after the diversion agreement is signed.

15 (b) If a diversion unit has notified the department pursuant to (a)
16 of this subsection, the diversion unit shall notify the department of
17 licensing when the juvenile has completed the agreement.

18 NEW SECTION. Sec. 407. A new section is added to chapter 9.41 RCW
19 to read as follows:

20 (1) If a juvenile thirteen years of age or older and under the age
21 of twenty-one is found by a court to have committed any offense that is
22 a violation of this chapter, the court shall notify the department of
23 licensing within twenty-four hours after entry of the judgment.

24 (2) Except as otherwise provided in subsection (3) of this section,
25 upon petition of a juvenile whose privilege to drive has been revoked
26 pursuant to RCW 46.20.265, the court may at any time the court deems
27 appropriate notify the department of licensing to reinstate the
28 juvenile's privilege to drive.

29 (3) If the conviction is for the juvenile's first violation of this
30 chapter or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may
31 not petition the court for reinstatement of the juvenile's privilege to
32 drive revoked pursuant to RCW 46.20.265 until the later of ninety days
33 after the date the juvenile turns sixteen or ninety days after the
34 judgment was entered. If the conviction was for the juvenile's second
35 or subsequent violation of this chapter or chapter 66.44, 69.41, 69.50,
36 or 69.52 RCW, the juvenile may not petition the court for reinstatement
37 of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265

1 until the later of the date the juvenile turns seventeen or one year
2 after the date judgment was entered.

3 NEW SECTION. **Sec. 408.** A new section is added to chapter 9.94A
4 RCW to read as follows:

5 Upon conviction of any person under age eighteen of an offense
6 involving the use of a deadly weapon as defined in RCW 9A.04.110 or a
7 violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court
8 shall notify the department of licensing of the conviction.

9 **Sec. 409.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
10 each reenacted and amended to read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) (~~("Short firearm" or "pistol" as used in this chapter means any~~
14 ~~firearm with a barrel less than twelve inches in length))~~ "Ammunition"
15 means ammunition or cartridge cases, primers, bullets, or propellant
16 powder designed for use in any firearm.

17 (2) "Crime of violence" (~~(as used in this chapter)~~) means:

18 (a) Any of the following felonies, as now existing or hereafter
19 amended: Any felony defined under any law as a class A felony or an
20 attempt to commit a class A felony, criminal solicitation of or
21 criminal conspiracy to commit a class A felony, manslaughter in the
22 first degree, manslaughter in the second degree, indecent liberties if
23 committed by forcible compulsion, rape in the second degree, kidnapping
24 in the second degree, arson in the second degree, assault in the second
25 degree, assault of a child in the second degree, extortion in the first
26 degree, residential burglary, burglary in the second degree, ((and))
27 robbery in the second degree, and malicious harassment;

28 (b) Any conviction or adjudication for a felony offense in effect
29 at any time prior to (~~(July 1, 1976))~~ the effective date of this
30 section, which is comparable to a felony classified as a crime of
31 violence in subsection (2)(a) of this section; and

32 (c) Any federal or out-of-state conviction or adjudication for an
33 offense comparable to a felony classified as a crime of violence under
34 subsection (2) (a) or (b) of this section.

35 (3) "Deadly weapon" has the same definition as in RCW 9A.04.110.

36 (4) "Dealer" means:

1 (a) Any person engaged in the business of selling firearms at
2 wholesale or retail;

3 (b) Any person engaged in the business of repairing firearms or of
4 making or fitting special barrels, stocks, or trigger mechanisms to
5 firearms; or

6 (c) Any person who is a pawnbroker.

7 (5)(a) "Engaged in the business" means:

8 (i) As applied to a dealer as defined in subsection (4)(a) of this
9 section, a person who devotes time, attention, and labor to dealing in
10 firearms as a regular course of trade or business with the principal
11 objective of livelihood and profit through the repetitive purchase and
12 resale of firearms, but such term shall not include a person who makes
13 occasional sales, exchanges, or purchases of firearms for the
14 enhancement of a personal collection or for a hobby, or who sells all
15 or part of his or her personal collection of firearms;

16 (ii) As applied to a dealer as defined in subsection (4)(b) of this
17 section, a person who devotes time, attention, and labor to engaging in
18 such activity as a regular course of trade or business with the
19 principal objective of livelihood and profit, but such term shall not
20 include a person who makes occasional repairs of firearms, or who
21 occasionally fits special barrels, stocks, or trigger mechanisms to
22 firearms.

23 (b) For the purpose of this subsection, "with the principal
24 objective of livelihood and profit" means that the intent underlying
25 the sale or disposition of firearms is predominantly one of obtaining
26 livelihood and pecuniary gain, as opposed to other intents, such as
27 improving or liquidating a personal firearms collection.

28 (6) "Firearm" ((as used in this chapter)) means a weapon or device
29 from which a projectile may be fired by an explosive such as gunpowder.

30 ((~~(4) "Commercial seller" as used in this chapter means a person~~
31 ~~who has a federal firearms license.~~))

32 (7) "Machine gun" means any firearm known as a machine gun,
33 mechanical rifle, submachine gun, or any other mechanism or instrument
34 not requiring that the trigger be pressed for each shot and having a
35 reservoir clip, disc, drum, belt, or other separable mechanical device
36 for storing, carrying, or supplying ammunition which can be loaded into
37 the firearm, mechanism, or instrument, and fired therefrom.

1 (8) "Most serious offense" means any of the following felonies or
2 a felony attempt to commit any of the following felonies, as now
3 existing or hereafter amended:

4 (a) Any crime of violence;

5 (b) Child molestation in the second degree;

6 (c) Controlled substance homicide;

7 (d) Incest when committed against a child under age fourteen;

8 (e) Indecent liberties;

9 (f) Leading organized crime;

10 (g) Promoting prostitution in the first degree;

11 (h) Rape in the third degree;

12 (i) Sexual exploitation;

13 (j) Vehicular assault;

14 (k) Vehicular homicide, when proximately caused by the driving of
15 any vehicle by any person while under the influence of intoxicating
16 liquor or any drug as defined by RCW 46.61.502, or by the operation of
17 any vehicle in a reckless manner;

18 (l) Any other class B felony offense with a finding of sexual
19 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

20 (m) Any other felony with a deadly weapon verdict under RCW
21 9.94A.125; or

22 (n) Any felony offense in effect at any time prior to the effective
23 date of this section that is comparable to a most serious offense, or
24 any federal or out-of-state conviction for an offense that under the
25 laws of this state would be a felony classified as a most serious
26 offense.

27 (9) "Pistol" means any firearm with a barrel less than twelve
28 inches in length.

29 **Sec. 410.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are
30 each reenacted and amended to read as follows:

31 (1) A person is guilty of the crime of unlawful possession of a
32 ~~((short firearm or))~~ pistol, if, having previously been convicted or,
33 as a juvenile, adjudicated in this state or elsewhere of a crime of
34 violence, a most serious offense, a domestic violence offense
35 enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW
36 9A.46.060, or of a felony in which a firearm was used or displayed, the
37 person owns or has in his or her possession any ~~((short firearm or))~~
38 pistol.

1 (2) Unlawful possession of a (~~short firearm or~~) pistol shall be
2 punished as a class C felony under chapter 9A.20 RCW.

3 (3) As used in this section, a person has been "convicted or
4 adjudicated" at such time as a plea of guilty has been accepted or a
5 verdict of guilty has been filed, notwithstanding the pendency of any
6 future proceedings including but not limited to sentencing or
7 disposition, post-trial or post-factfinding motions, and appeals. A
8 person shall not be precluded from possession if the conviction or
9 adjudication has been the subject of a pardon, annulment, certificate
10 of rehabilitation, or other equivalent procedure based on a finding of
11 the rehabilitation of the person convicted or adjudicated or the
12 conviction or disposition has been the subject of a pardon, annulment,
13 or other equivalent procedure based on a finding of innocence.

14 (4) Except as provided in subsection (5) of this section, a person
15 is guilty of the crime of unlawful possession of a (~~short firearm or~~)
16 pistol if, after having been convicted or adjudicated of any felony
17 violation of the uniform controlled substances act, chapter 69.50 RCW,
18 or equivalent statutes of another jurisdiction, the person owns or has
19 in his or her possession or under his or her control any (~~short
20 firearm or~~) pistol.

21 (5) Notwithstanding subsection (1) of this section, a person
22 convicted of an offense other than murder, manslaughter, robbery, rape,
23 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
24 violations with respect to controlled substances under RCW 69.50.401(a)
25 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
26 and who received a dismissal of the charge under RCW 9.95.240, shall
27 not be precluded from ownership, possession, or control of a firearm as
28 a result of the conviction.

29 (6)(a) A person who has been committed by court order for treatment
30 of mental illness under RCW 71.05.320 or chapter 10.77 RCW, or
31 equivalent statutes of another jurisdiction, may not possess, in any
32 manner, a firearm as defined in RCW 9.41.010.

33 (b) At the time of commitment, the court shall specifically state
34 to the person under (a) of this subsection and give the person notice
35 in writing that the person is barred from possession of firearms.

36 (c) The secretary of social and health services shall develop
37 appropriate rules to create an approval process under this subsection.
38 The rules must provide for the immediate restoration of the right to
39 possess a firearm upon a showing in a court of competent jurisdiction

1 that a person no longer is required to participate in an inpatient or
2 outpatient treatment program, and is no longer required to take
3 medication to treat any condition related to the commitment. Unlawful
4 possession of a firearm under this subsection shall be punished as a
5 class C felony under chapter 9A.20 RCW.

6 **Sec. 411.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each
7 amended to read as follows:

8 (1) Except in the person's place of abode or fixed place of
9 business, a person shall not carry a pistol concealed on his or her
10 person without a concealed pistol license (~~(to carry a concealed~~
11 ~~weapon)~~).

12 (2) A person who is in possession of an unloaded pistol shall not
13 leave the unloaded pistol in a vehicle unless the unloaded pistol is
14 locked within the vehicle and concealed from view from outside the
15 vehicle.

16 (3) A person shall not carry or place a loaded pistol in any
17 vehicle unless the person has a concealed pistol license (~~(to carry a~~
18 ~~concealed weapon)~~) and: (a) The pistol is on the licensee's person,
19 (b) the licensee is within the vehicle at all times that the pistol is
20 there, or (c) the licensee is away from the vehicle and the pistol is
21 locked within the vehicle and concealed from view from outside the
22 vehicle.

23 **Sec. 412.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read
24 as follows:

25 The provisions of RCW 9.41.050 shall not apply to marshals,
26 sheriffs, prison or jail wardens or their deputies, (~~(policemen)~~)
27 police officers or other law enforcement officers, or to members of the
28 army, navy or marine corps of the United States or of the national
29 guard or organized reserves when on duty, or to regularly enrolled
30 members of any organization duly authorized to purchase or receive such
31 (~~(weapons)~~) pistols from the United States or from this state, or to
32 regularly enrolled members of clubs organized for the purpose of target
33 shooting or modern and antique firearm collecting or to individual
34 hunters: PROVIDED, Such members are at, or are going to or from their
35 places of target practice, or their collector's gun shows and exhibits,
36 or are on a hunting, camping or fishing trip, or to officers or
37 employees of the United States duly authorized to carry a concealed

1 pistol, or to any person engaged in the business of manufacturing,
2 repairing, or dealing in firearms or the agent or representative of any
3 such person having in his or her possession, using, or carrying a
4 pistol in the usual or ordinary course of such business, or to any
5 person while carrying a pistol unloaded and in a secure wrapper from
6 the place of purchase to his or her home or place of business or to a
7 place of repair or back to his or her home or place of business or in
8 moving from one place of abode or business to another.

9 **Sec. 413.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
10 as follows:

11 (1) The judge of a court of record, the chief of police of a
12 municipality, or the sheriff of a county, shall within (~~thirty~~)
13 forty-five days after the filing of an application of any person issue
14 a license to such person to carry a pistol concealed on his or her
15 person within this state for four years from date of issue, for the
16 purposes of protection or while engaged in business, sport, or while
17 traveling. However, if the applicant does not have a valid permanent
18 Washington driver's license or Washington state identification card or
19 has not been a resident of the state for the previous consecutive
20 ninety days, the issuing authority shall have up to (~~sixty~~) seventy-
21 five days after the filing of the application to issue a license. Such
22 applicant's constitutional right to bear arms shall not be denied,
23 unless he or she:

24 (a) Is ineligible to (~~own~~) possess a pistol under the provisions
25 of RCW 9.41.040; or

26 (b) Is under twenty-one years of age; or

27 (c) Is subject to a court order or injunction regarding firearms
28 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

29 (d) Is free on bond or personal recognizance pending trial, appeal,
30 or sentencing for a crime of violence; or

31 (e) Has an outstanding warrant for his or her arrest from any court
32 of competent jurisdiction for a felony or misdemeanor; or

33 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)
34 within one year before filing an application to carry a pistol
35 concealed on his or her person; or

36 (g) Has been convicted of any of the following offenses: Assault
37 in the third degree, indecent liberties, malicious mischief in the
38 first degree, possession of stolen property in the first or second

1 degree, or theft in the first or second degree. Any person who becomes
2 ineligible for a concealed pistol (~~(permit)~~) license as a result of a
3 conviction for a crime listed in this subsection (1)(g) and then
4 successfully completes all terms of his or her sentence, as evidenced
5 by a certificate of discharge issued under RCW 9.94A.220 in the case of
6 a sentence under chapter 9.94A RCW, and has not again been convicted of
7 any crime and is not under indictment for any crime, may, one year or
8 longer after such successful sentence completion, petition the district
9 court for a declaration that the person is no longer ineligible for a
10 concealed pistol (~~(permit)~~) license under this subsection (1)(g).

11 (2) In the event the issuing authority is unable to determine
12 whether the applicant has been convicted of an offense that
13 disqualifies the applicant from receiving a license, the issuing
14 authority may extend the period in which a decision is to be made by
15 not more than thirty days if the applicant is notified of the delay by
16 certified mail and is provided an opportunity to present to the issuing
17 authority evidence that he or she has not been convicted of any
18 disqualifying offense. If, at the end of the extended period the
19 issuing authority is unable to determine whether a disqualifying
20 conviction has been entered, the application shall be approved.

21 (3) Any person whose firearms rights have been restricted and who
22 has been granted relief from disabilities by the secretary of the
23 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
24 Sec. 921(a)(20) shall have his or her right to acquire, receive,
25 transfer, ship, transport, carry, and possess firearms in accordance
26 with Washington state law restored.

27 (~~((+3))~~) (4) The license shall be revoked by the issuing authority
28 immediately upon conviction of a crime which makes such a person
29 ineligible to (~~(own)~~) possess a pistol or upon the third conviction for
30 a violation of this chapter within five calendar years.

31 (~~((+4))~~) (5) Upon an order to forfeit a firearm under RCW
32 9.41.098(1)(d) the issuing authority shall:

- 33 (a) On the first forfeiture, revoke the license for one year;
34 (b) On the second forfeiture, revoke the license for two years;
35 (c) On the third or subsequent forfeiture, revoke the license for
36 five years.

37 Any person whose license is revoked as a result of a forfeiture of a
38 firearm under RCW 9.41.098(1)(d) may not reapply for a new license
39 until the end of the revocation period. The issuing authority shall

1 notify, in writing, the department of licensing upon revocation of a
2 license. The department of licensing shall record the revocation.

3 ~~((5))~~ (6) The license application shall be in triplicate, in form
4 to be prescribed by the department of licensing, and shall bear the
5 full name, street address, (and) date and place of birth, race,
6 gender, description, fingerprints, (and) signature of the licensee,
7 and the licensee's driver's license number or state identification card
8 number if used for identification in applying for the license. The
9 application shall also include a statement that the applicant is
10 eligible to possess a pistol under RCW 9.41.040. The license
11 application shall contain a warning substantially as follows:

12 CAUTION: Although state and local laws do not differ, federal
13 law and state law on the possession of firearms differ. If you
14 are prohibited by federal law from possessing a firearm, you
15 may be prosecuted in federal court. A state license is not a
16 defense to a federal prosecution.

17 The license application shall contain a description of the major
18 differences between state and federal law and an explanation of the
19 fact that local laws and ordinances on firearms are preempted by state
20 law and must be consistent with state law. The ~~((application shall~~
21 ~~contain questions about the applicant's place of birth, whether the~~
22 ~~applicant is a United States citizen))~~ applicant shall also provide the
23 following information: Citizenship, and if not a citizen of the United
24 States whether the applicant has declared the intent to become a
25 citizen of the United States and whether he or she has been required to
26 register with the state or federal government and any identification or
27 registration number, if applicable. The applicant shall not be
28 required to produce a birth certificate or other evidence of
29 citizenship. An applicant who is not a citizen shall provide
30 documentation showing resident alien status and the applicant's intent
31 to become a citizen. ~~((A person who makes a false statement regarding~~
32 ~~citizenship on the application is guilty of a misdemeanor.))~~ A person
33 who is not a citizen of the United States, or has not declared his or
34 her intention to become a citizen shall meet the additional
35 requirements of RCW 9.41.170.

36 Upon approval of the application by the issuing authority, the
37 original ((thereof)) application and license shall be delivered to the
38 licensee(, the); a duplicate of the license shall within seven days

1 be sent (~~by registered mail~~) to the director of licensing; and
2 (~~the~~) a triplicate of the license shall be preserved for six years,
3 by the issuing authority (~~issuing said license~~). If the application
4 is denied, notice of the denial shall be sent to the applicant and the
5 director of licensing by the issuing authority within five days of
6 denial.

7 The department of licensing shall enter the information on the
8 application record and license into its data bank. The department
9 shall make available in an on-line format all information received
10 under this subsection and subsection (5) of this section. The form of
11 the application and license shall be as determined by the director of
12 licensing.

13 (~~(6)~~) (7) The fee for the original issuance of a four-year
14 license shall be (~~twenty-three~~) thirty dollars(~~(: PROVIDED, That)~~).
15 No other (~~additional charges by any~~) branch or unit of government
16 (~~shall be borne by~~) may impose any additional charges on the
17 applicant for the issuance of the license(~~(: PROVIDED FURTHER, That)~~).

18 The fee shall be distributed as follows:

19 (a) Four dollars shall be paid to the state general fund;

20 (b) (~~Four~~) Five dollars shall be paid to the agency taking the
21 fingerprints of the person licensed;

22 (c) (~~Twelve~~) Fifteen dollars and fifty cents shall be paid to the
23 issuing authority solely for the purpose of enforcing this chapter;
24 (~~and~~)

25 (d) Three dollars to the firearms range account in the general
26 fund; and

27 (e) Two dollars and fifty cents to the department of licensing
28 solely for the purpose of enforcing this chapter.

29 (~~(7)~~) (8) The fee for the renewal of such license shall be
30 (~~fifteen~~) twenty dollars(~~(: PROVIDED, That)~~). No other (~~additional~~
31 ~~charges by any~~) branch or unit of government (~~shall be borne by~~) may
32 impose any additional charges on the applicant for the renewal of the
33 license(~~(: PROVIDED FURTHER, That)~~).

34 The renewal fee shall be distributed as follows:

35 (a) Four dollars shall be paid to the state general fund;

36 (b) (~~Eight~~) Ten dollars shall be paid to the issuing authority
37 solely for the purpose of enforcing this chapter; (~~and~~)

38 (c) Three dollars to the firearms range account in the general
39 fund; and

1 (d) Three dollars to the department of licensing.

2 ~~((+8))~~ (9) Methods of payment shall be ~~((by cash, check, or money~~
3 ~~order at the option of the applicant. Additional methods of payment~~
4 ~~may be allowed))~~ determined at the option of the issuing authority.

5 ~~((+9))~~ (10) A licensee may renew a license if the licensee applies
6 for renewal within ninety days before or after the expiration date of
7 the license. A license so renewed shall take effect on the expiration
8 date of the prior license. A licensee renewing after the expiration
9 date of the license must pay a late renewal penalty of ten dollars in
10 addition to the renewal fee specified in subsection ~~((+7))~~ (8) of this
11 section. The fee shall be distributed as follows:

12 (a) Three dollars shall be deposited in the state wildlife fund and
13 used exclusively for the printing and distribution of a pamphlet on the
14 legal limits of the use of firearms, firearms safety, and the
15 preemptive nature of state law. The pamphlet shall be given to each
16 applicant for a license; and

17 (b) Seven dollars shall be paid to the issuing authority for the
18 purpose of enforcing this chapter.

19 ~~((+10))~~ (11) Notwithstanding the requirements of subsections (1)
20 through ~~((+9))~~ (10) of this section, the chief of police of the
21 municipality or the sheriff of the county of the applicant's residence
22 may issue a temporary emergency license for good cause pending review
23 under subsection (1) of this section.

24 ~~((+11))~~ (12) A political subdivision of the state shall not: (a)
25 Modify the requirements of this ~~((section or))~~ chapter ~~((, nor may a~~
26 ~~political subdivision))~~; (b) refuse to accept a completed application;
27 or (c) ask the applicant to voluntarily submit any information not
28 required by this section. A civil suit may be brought to enjoin a
29 wrongful refusal to accept a completed application or to issue a
30 license or a wrongful modification of the requirements of this
31 ~~((section or))~~ chapter. The civil suit may be brought in the county in
32 which the application was made or in Thurston county at the discretion
33 of the petitioner. Any person who prevails against a public agency in
34 any action in the courts for a violation of this chapter shall be
35 awarded costs, including reasonable attorneys' fees, incurred in
36 connection with such legal action.

37 (13) A person who knowingly makes a false statement regarding
38 residency, identity, citizenship, or other required information on an

1 application for a concealed pistol license is guilty of a misdemeanor.
2 Each false statement is a separate offense.

3 (14) A person may apply for a license only in, and such license may
4 be issued only in, the municipality or the county in which the
5 applicant resides.

6 **Sec. 414.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
7 as follows:

8 (1) No person (~~shall~~) may deliver a pistol or ammunition usable
9 only in a pistol to any person under the age of twenty-one or to one
10 who he or she has reasonable cause to believe (~~has been convicted of~~
11 a crime of violence, or is a drug addict, an habitual drunkard, or of
12 unsound mind)) is ineligible to possess a pistol under RCW 9.41.040.
13 Violation of this subsection is a gross misdemeanor for the first
14 offense and a class C felony punishable under chapter 9A.20 RCW for all
15 subsequent offenses.

16 (2) Any person who makes an unlawful delivery under this section
17 within one thousand feet of any public or private elementary or
18 secondary school premises is guilty of a class C felony punishable
19 under chapter 9A.20 RCW.

20 (3) The minimum sentence for a violation of this section is ninety
21 days of confinement.

22 **Sec. 415.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read
23 as follows:

24 (1) In addition to the other requirements of this chapter, no
25 (~~commercial seller shall~~) dealer may deliver a pistol to the
26 purchaser thereof until:

27 (a) The purchaser produces a valid concealed pistol license and the
28 (~~commercial seller~~) dealer has recorded the purchaser's name, license
29 number, and issuing agency, such record to be made in triplicate and
30 processed as provided in subsection (4) of this section; or

31 (b) The (~~seller~~) dealer is notified in writing by the chief of
32 police of the municipality or the sheriff of the county that the
33 purchaser (~~meets the requirements of~~) is eligible to possess a pistol
34 under RCW 9.41.040 and that the application to purchase is (~~granted~~)
35 approved by the chief of police or sheriff; or

36 (c) Five consecutive days (~~including~~) excluding Saturday, Sunday
37 and holidays have elapsed from the time of receipt of the application

1 for the purchase thereof as provided herein by the chief of police or
2 sheriff designated in subsection (4) of this section, and, when
3 delivered, (~~said~~) the pistol shall be securely wrapped and shall not
4 be (~~unloaded~~) loaded. However, if the purchaser does not have a
5 valid permanent Washington driver's license or state identification
6 card or has not been a resident of the state for the previous
7 consecutive ninety days, the waiting period under this subsection
8 (1)(c) shall be up to sixty days.

9 (2) In any case under subsection (1)(c) of this section where the
10 applicant has an outstanding warrant for his or her arrest from any
11 court of competent jurisdiction for a felony or misdemeanor, the
12 (~~seller~~) dealer shall hold the delivery of the pistol until the
13 warrant for arrest is served and satisfied by appropriate court
14 appearance. The local jurisdiction for purposes of the sale shall
15 confirm the existence of outstanding warrants within seventy-two hours
16 after notification of the application to purchase a pistol is received.
17 The local jurisdiction shall also immediately confirm the satisfaction
18 of the warrant on request of the (~~seller~~) dealer so that the hold may
19 be released if the warrant was for a crime other than a crime of
20 violence.

21 (3) In any case where the chief or sheriff of the local
22 jurisdiction has reasonable grounds based on the following
23 circumstances: (a) Open criminal charges, (b) pending criminal
24 proceedings, (c) pending commitment proceedings, (d) an outstanding
25 warrant for a crime of violence, or (e) an arrest for a crime of
26 violence if the records of disposition have not yet been reported or
27 entered sufficiently to determine eligibility to purchase a pistol, the
28 local jurisdiction may hold the sale and delivery of the pistol beyond
29 five days up to thirty days in order to confirm existing records in
30 this state or elsewhere. After thirty days, the hold will be lifted
31 unless an extension of the thirty days is approved by a local district
32 court or municipal court for good cause shown. An applicant shall be
33 notified of each hold placed on the sale by local law enforcement and
34 of any application to the court for additional hold period to confirm
35 records or confirm the identity of the applicant.

36 (4) At the time of applying for the purchase of a pistol, the
37 purchaser shall sign in triplicate and deliver to the (~~seller~~) dealer
38 an application containing his or her full name, street address, date
39 and place of birth, (~~and~~) race, and gender; the date and hour of the

1 application; the applicant's driver's license number or state
2 identification card number; ~~((and))~~ a description of the ~~((weapon))~~
3 pistol, including~~((7))~~ the make, model, caliber and manufacturer's
4 number; and a statement that the purchaser is eligible to ~~((own))~~
5 possess a pistol under RCW 9.41.040. The application shall contain a
6 warning substantially as follows:

7 CAUTION: Although state and local laws do not differ, federal
8 law and state law on the possession of firearms differ. If you
9 are prohibited by federal law from possessing a firearm, you
10 may be prosecuted in federal court. State permission to
11 purchase a firearm is not a defense to a federal prosecution.

12 The purchaser shall be given a copy of the department of fish and
13 wildlife pamphlet on the legal limits of the use of firearms, firearms
14 safety, and the fact that local laws and ordinances on firearms are
15 preempted by state law and must be consistent with state law.

16 The ~~((seller))~~ dealer shall, by the end of the business day, sign
17 and attach his or her address and deliver the original of the
18 application and such other documentation as required under subsection
19 (1) of this section to the chief of police of the municipality or the
20 sheriff of the county of which the ~~((seller))~~ dealer is a resident.
21 The dealer shall send the duplicate to the director of licensing within
22 seven days, and retain the triplicate for six years. The ~~((seller))~~
23 dealer shall deliver the pistol to the purchaser following the period
24 of time specified in this section unless the ~~((seller))~~ dealer is
25 notified in writing by the chief of police of the municipality or the
26 sheriff of the county, whichever is applicable, denying the purchaser's
27 application to purchase and the grounds thereof. The application shall
28 not be denied unless the purchaser ~~((fails to meet the requirements~~
29 ~~specified in))~~ is not eligible to possess a pistol under RCW 9.41.040.
30 The chief of police of the municipality or the county sheriff shall
31 maintain a file containing the original of the application to purchase
32 a pistol.

33 (5) Sales by wholesalers to dealers are exempt from the provisions
34 of this section.

35 (6) A person who knowingly makes a false statement regarding
36 residency, identity, citizenship, or other required information on the
37 application to purchase a pistol is guilty of a misdemeanor. Each
38 false statement is a separate offense.

1 **Sec. 416.** RCW 9.41.095 and 1969 ex.s. c 227 s 3 are each amended
2 to read as follows:

3 Any person whose application to purchase a pistol as provided in
4 RCW 9.41.090 (~~as now or hereinafter amended~~) is denied shall have a
5 right to appeal to the legislative body of the municipality or of the
6 county, whichever is applicable, for a review of the denial at a public
7 hearing to be conducted within fifteen days after denial. It shall be
8 the duty of the law enforcement officer recommending the denial to
9 appear at such hearing and to present proof relating to the grounds for
10 denial. In the event that the evidence so presented does not sustain
11 one of the grounds for denial enumerated in RCW 9.41.090, the
12 legislative authority shall authorize the sale.

13 Any person aggrieved by a determination of the appropriate
14 legislative body not to permit the sale of such weapon is entitled to
15 judicial review by the superior court in the appropriate county.

16 **Sec. 417.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
17 as follows:

18 (1) The superior courts and the courts of limited jurisdiction of
19 the state may order forfeiture of a firearm which is proven to be:

20 (a) Found concealed on a person not authorized by RCW 9.41.060 or
21 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
22 defense to forfeiture if the person possessed a valid Washington
23 concealed pistol license within the preceding two years and has not
24 become ineligible for a concealed pistol license in the interim.
25 Before the firearm may be returned, the person must pay the past due
26 renewal fee and the current renewal fee;

27 (b) Commercially sold to any person without an application as
28 required by RCW 9.41.090;

29 (c) Found in the possession or under the control of a person at the
30 time the person committed or was arrested for committing a crime of
31 violence or a crime in which a firearm was used or displayed or a
32 felony violation of the Uniform Controlled Substances Act, chapter
33 69.50 RCW;

34 (d) Found concealed on a person who is in any place in which a
35 concealed pistol license is required, and who is under the influence of
36 any drug or under the influence of intoxicating liquor, having 0.10
37 grams or more of alcohol per two hundred ten liters of breath or 0.10

1 percent or more by weight of alcohol in the person's blood, as shown by
2 analysis of the person's breath, blood, or other bodily substance;

3 (e) Found in the possession of a person prohibited from possessing
4 the firearm under RCW 9.41.040;

5 (f) Found in the possession of a person free on bail or personal
6 recognizance pending trial, appeal, or sentencing for a crime of
7 violence or a crime in which a firearm was used or displayed, except
8 that violations of Title 77 RCW shall not result in forfeiture under
9 this section;

10 (g) Found in the possession of a person found to have been mentally
11 incompetent while in possession of a firearm when apprehended or who is
12 thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

13 (h) Known to have been used or displayed by a person in the
14 violation of a proper written order of a court of general jurisdiction;
15 or

16 (i) Known to have been used in the commission of a crime of
17 violence or a crime in which a firearm was used or displayed or a
18 felony violation of the (~~Uniformed [Uniform]~~) Uniform Controlled
19 Substances Act, chapter 69.50 RCW.

20 (2) Upon order of forfeiture, the court in its discretion shall
21 order destruction of any firearm that is illegal for any person to
22 possess. A court may temporarily retain forfeited firearms needed for
23 evidence.

24 (a) Except as provided in (b), (c), and (d) of this subsection,
25 firearms that are: (i) Judicially forfeited and no longer needed for
26 evidence; or (ii) forfeited due to a failure to make a claim under RCW
27 63.32.010 or 63.40.010; may be disposed of in any manner determined by
28 the local legislative authority. Any proceeds of an auction or trade
29 may be retained by the legislative authority. This subsection (2)(a)
30 applies only to firearms that come into the possession of the law
31 enforcement agency after June 30, 1993, and applies only if the law
32 enforcement agency has complied with (b) of this subsection.

33 By midnight, June 30, 1993, every law enforcement agency shall
34 prepare an inventory, under oath, of every firearm that has been
35 judicially forfeited, has been seized and may be subject to judicial
36 forfeiture, or that has been, or may be, forfeited due to a failure to
37 make a claim under RCW 63.32.010 or 63.40.010.

38 (b) Except as provided in (c) of this subsection, of the
39 inventoried firearms a law enforcement agency shall destroy illegal

1 firearms, may retain a maximum of ten percent of legal forfeited
2 firearms for agency use, and shall either:

3 (i) Comply with the provisions for the auction of firearms in RCW
4 9.41.098 that were in effect immediately preceding May 7, 1993; or

5 (ii) Trade, auction, or arrange for the auction of, rifles and
6 shotguns. In addition, the law enforcement agency shall either trade,
7 auction, or arrange for the auction of, (~~short firearms~~) pistols, or
8 shall pay a fee of twenty-five dollars to the state treasurer for every
9 (~~short firearm~~) pistol neither auctioned nor traded, to a maximum of
10 fifty thousand dollars. The fees shall be accompanied by an inventory,
11 under oath, of every (~~short firearm~~) pistol listed in the inventory
12 required by (a) of this subsection, that has been neither traded nor
13 auctioned. The state treasurer shall credit the fees to the firearms
14 range account established in RCW 77.12.720. All trades or auctions of
15 firearms under this subsection shall be to (~~commercial sellers~~)
16 dealers. Proceeds of any auction less costs, including actual costs of
17 storage and sale, shall be forwarded to the firearms range account
18 established in RCW 77.12.720.

19 (c) Antique firearms as defined by RCW 9.41.150 and firearms
20 recognized as curios, relics, and firearms of particular historical
21 significance by the United States treasury department bureau of
22 alcohol, tobacco, and firearms are exempt from destruction and shall be
23 disposed of by auction or trade to (~~commercial sellers~~) dealers.

24 (d) Firearms in the possession of the Washington state patrol on or
25 after May 7, 1993, that are judicially forfeited and no longer needed
26 for evidence, or forfeited due to a failure to make a claim under RCW
27 63.35.020, must be disposed of as follows: (i) Firearms illegal for
28 any person to possess must be destroyed; (ii) the Washington state
29 patrol may retain a maximum of ten percent of legal firearms for agency
30 use; and (iii) all other legal firearms must be auctioned or traded to
31 (~~commercial sellers~~) dealers. The Washington state patrol may retain
32 any proceeds of an auction or trade.

33 (3) The court shall order the firearm returned to the owner upon a
34 showing that there is no probable cause to believe a violation of
35 subsection (1) of this section existed or the firearm was stolen from
36 the owner or the owner neither had knowledge of nor consented to the
37 act or omission involving the firearm which resulted in its forfeiture.

38 (4) A law enforcement officer of the state or of any county or
39 municipality may confiscate a firearm found to be in the possession of

1 a person under circumstances specified in subsection (1) of this
2 section. After confiscation, the firearm shall not be surrendered
3 except: (a) To the prosecuting attorney for use in subsequent legal
4 proceedings; (b) for disposition according to an order of a court
5 having jurisdiction as provided in subsection (1) of this section; or
6 (c) to the owner if the proceedings are dismissed or as directed in
7 subsection (3) of this section.

8 **Sec. 418.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read
9 as follows:

10 (1) No dealer may sell or otherwise transfer, or expose for sale or
11 transfer, or have in his or her possession with intent to sell, or
12 otherwise transfer, any pistol without being licensed as provided in
13 this section.

14 (2) No dealer may sell or otherwise transfer, or expose for sale
15 or transfer, or have in his or her possession with intent to sell, or
16 otherwise transfer, any firearm other than a pistol without being
17 licensed as provided in this section.

18 (3) No dealer may sell or otherwise transfer, or expose for sale
19 or transfer, or have in his or her possession with intent to sell, or
20 otherwise transfer, any ammunition without being licensed as provided
21 in this section.

22 (4) The duly constituted licensing authorities of any city, town,
23 or political subdivision of this state shall grant licenses in forms
24 prescribed by the director of licensing effective for not more than one
25 year from the date of issue permitting the licensee to sell pistols or
26 firearms other than pistols within this state subject to the following
27 conditions, for breach of any of which the license shall be forfeited
28 and the licensee subject to punishment as provided in RCW 9.41.010
29 through 9.41.160 (as recodified by this act).

30 ~~((1))~~ (5)(a) The business shall be carried on only in the
31 building designated in the license.

32 ~~((2))~~ (b) The license or a copy thereof, certified by the issuing
33 authority, shall be displayed on the premises where it can easily be
34 read.

35 ~~((3))~~ (c) No pistol ~~((shall))~~ may be sold ~~((a))~~ in violation of
36 any provisions of RCW 9.41.010 through 9.41.160 (as recodified by this
37 act), nor ~~((b) shall))~~ may a pistol be sold under any circumstances

1 unless the purchaser is personally known to the (~~seller~~) dealer or
2 shall present clear evidence of his or her identity.

3 ~~((4) A true record in triplicate shall be made of every pistol
4 sold, in a book kept for the purpose, the form of which may be
5 prescribed by the director of licensing and shall be personally signed
6 by the purchaser and by the person effecting the sale, each in the
7 presence of the other, and shall contain the date of sale, the caliber,
8 make, model and manufacturer's number of the weapon, the name, address,
9 occupation, color and place of birth of the purchaser and a statement
10 signed by the purchaser that he has never been convicted in this state
11 or elsewhere of a crime of violence. One copy shall within six hours
12 be sent by registered mail to the chief of police of the municipality
13 or the sheriff of the county of which the dealer is a resident; the
14 duplicate the dealer shall within seven days send to the director of
15 licensing; the triplicate the dealer shall retain for six years.~~

16 ~~(5) This section shall not apply to sales at wholesale.))~~ (d) The
17 license fee for pistols shall be one hundred fifty dollars. The
18 license fee for firearms other than pistols shall be one hundred fifty
19 dollars. The license fee for ammunition shall be one hundred fifty
20 dollars, unless the dealer is licensed to sell pistols or other
21 firearms under this section, in which case there is no additional fee.
22 The fees received under this section shall be appropriated as follows:
23 (i) Not more than fifty percent to the department of fish and wildlife,
24 to be deposited in the violence reduction and drug enforcement account
25 under RCW 69.50.520 for the purpose of providing firearm safety
26 training in whatever manner the director deems appropriate; and (ii)
27 the remaining funds shall be deposited in the emergency medical
28 services and trauma care system trust account under chapter 70.168 RCW.

29 (6) The dealer's licenses authorized to be issued by this section
30 are general licenses covering all sales by the licensee within the
31 effective period of the licenses. The department shall provide a
32 single application form for dealer's licenses.

33 (7) Except as provided in RCW 9.41.090 (~~as now or hereinafter
34 amended~~), every city, town, and political subdivision of this state is
35 prohibited from requiring the purchaser to secure a permit to purchase
36 or from requiring the dealer to secure an individual permit for each
37 sale.

38 ~~((The fee paid for issuing said license shall be five dollars which
39 fee shall be paid into the state treasury.))~~

1 **Sec. 419.** RCW 9.41.140 and 1961 c 124 s 10 are each amended to
2 read as follows:

3 No person (~~((shall))~~) may change, alter, remove, or obliterate the
4 name of the maker, model, manufacturer's number, or other mark of
5 identification on any (~~((pistol))~~) firearm. Possession of any (~~((pistol))~~)
6 firearm upon which any such mark shall have been changed, altered,
7 removed, or obliterated, shall be prima facie evidence that the
8 possessor has changed, altered, removed, or obliterated the same. This
9 shall not apply to replacement barrels in old (~~((revolvers))~~) firearms,
10 which barrels are produced by current manufacturers and (~~((therefor))~~) do
11 not have the markings on the barrels of the original manufacturers who
12 are no longer in business.

13 **Sec. 420.** RCW 9.41.170 and 1979 c 158 s 3 are each amended to read
14 as follows:

15 It shall be unlawful for any person who is not a citizen of the
16 United States, or who has not declared his or her intention to become
17 a citizen of the United States, to carry or have in his or her
18 possession at any time any shotgun, rifle, or other firearm, without
19 first having obtained a license from the director of licensing, and
20 such license is not to be issued by the director of licensing except
21 upon the certificate of the consul domiciled in the state and
22 representing the country of such alien, that he or she is a responsible
23 person and upon the payment for the license of the sum of fifteen
24 dollars: PROVIDED, That this section shall not apply to Canadian
25 citizens resident in a province which has an enactment or public policy
26 providing substantially similar privilege to residents of the state of
27 Washington and who are carrying or possessing weapons for the purpose
28 of using them in the hunting of game while such persons are in the act
29 of hunting, or while on a hunting trip, or while such persons are
30 competing in a bona fide trap or skeet shoot or any other organized
31 contest where rifles, pistols, or shotguns are used as to weapons used
32 in such contest. Nothing in this section (~~((shall be construed to))~~)
33 allows aliens to hunt or fish in this state without first having
34 obtained a regular hunting or fishing license. Any person violating
35 the provisions of this section shall be guilty of a misdemeanor.

36 **Sec. 421.** RCW 9.41.180 and 1992 c 7 s 8 are each amended to read
37 as follows:

1 Except as provided in RCW 9.41.185, every person who ((shall)) sets
2 a so-called trap, spring pistol, rifle, or other deadly weapon(~~(, shall~~
3 ~~be punished as follows:~~

4 ~~(1) If no injury result therefrom to any human being, by~~
5 ~~imprisonment in the county jail for not more than one year or by a fine~~
6 ~~of not more than one thousand dollars, or by both.~~

7 ~~(2) If injuries not fatal result therefrom to any human being, by~~
8 ~~imprisonment in a state correctional facility for not more than twenty~~
9 ~~years.~~

10 ~~(3) If the death of a human being results therefrom, by~~
11 ~~imprisonment in a state correctional facility for not more than twenty~~
12 ~~years)) is guilty of a gross misdemeanor.~~

13 **Sec. 422.** RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each
14 amended to read as follows:

15 (1) It is unlawful for any person to manufacture, own, buy, sell,
16 loan, furnish, transport, or have in his or her possession ((or under
17 control)), any machine gun, or any part thereof capable of use or
18 assembling or repairing any machine gun((:— PROVIDED, HOWEVER, That
19 such limitation)).

20 (2) This section shall not apply to:

21 (a) Any peace officer in the discharge of official duty, or to any
22 officer or member of the armed forces of the United States or the state
23 of Washington((:— PROVIDED FURTHER, That this section does not apply
24 to)) in the discharge of official duty; or

25 (b) A person, including an employee of such person, who or which is
26 exempt from or licensed under the National Firearms Act (26 U.S.C.
27 section 5801 et seq.), and engaged in the production, manufacture, or
28 testing of weapons or equipment to be used or purchased by the armed
29 forces of the United States, and having a United States government
30 industrial security clearance.

31 (3) Any person violating this section is guilty of a class C felony
32 punishable under chapter 9A.20 RCW.

33 **Sec. 423.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read
34 as follows:

35 (1) No ((minor)) person under the age of ((fourteen)) twenty-one
36 years ((shall)) may handle or have in his or her possession or ((under
37 his)) control any firearm or ammunition, except ((while accompanied by

1 ~~or under the immediate charge)) that (a) a person under the age of~~
2 ~~twenty-one may handle or have in his or her possession or control any~~
3 ~~firearm other than a pistol (i) while in the presence of his or her~~
4 ~~parent or guardian or other adult approved for the purpose of this~~
5 ~~section by the parent or guardian, or (ii) while engaged in hunting~~
6 ~~pursuant to a license issued under RCW 77.32.101; and (b) a person~~
7 ~~under the age of twenty-one may handle or have in his or her possession~~
8 ~~or control any firearm while under the supervision of a certified~~
9 ~~safety instructor at an established gun range or firearm training~~
10 ~~class((, any firearm of any kind for hunting or target practice or for~~
11 ~~other purposes)).~~

12 (2) This section shall not apply to any peace officer in the
13 discharge of official duty, or to any officer or member of the armed
14 forces of the United States or the state of Washington in the discharge
15 of official duty.

16 (3) Every person violating ((any of the foregoing provisions)) this
17 section, or aiding or knowingly permitting any such ((minor)) person
18 under the age of twenty-one to violate ((the same)) this section, shall
19 be guilty of a gross misdemeanor for a first offense, and a class C
20 felony punishable under chapter 9A.20 RCW for each subsequent offense.

21 Nothing in this section shall interfere with the right to use a
22 firearm in self-defense as set forth in chapter 9A.16 RCW.

23 **Sec. 424.** RCW 9.41.250 and 1959 c 143 s 1 are each amended to read
24 as follows:

25 ~~((Every))~~ It is unlawful for any person ((who shall)) to
26 manufacture, own, buy, sell ((or dispose of)), loan, furnish,
27 transport, or have in his or her possession any ((instrument or))
28 deadly weapon ((of the kind usually known as slung shot, sand club, or
29 metal knuckles, or spring blade knife, or any knife the blade of which
30 is automatically released by a spring mechanism or other mechanical
31 device, or any knife having a blade which opens, or falls, or is
32 ejected into position by the force of gravity, or by an outward,
33 downward, or centrifugal thrust or movement; who shall furtively carry
34 with intent to conceal any dagger, dirk, pistol, or other dangerous
35 weapon; or who shall use any contrivance or device for suppressing the
36 noise of any firearm, shall be guilty of a gross)) other than a firearm
37 or motor vehicle. A violation of this section is a misdemeanor. This

1 section does not apply to law enforcement or any person engaged in
2 military activities sponsored by the federal or state governments.

3 **Sec. 425.** RCW 9.41.260 and 1909 c 249 s 283 are each amended to
4 read as follows:

5 Every proprietor, lessee or occupant of any place of amusement, or
6 any plat of ground or building, who shall allow it to be used for the
7 exhibition of skill in throwing any sharp instrument or in shooting any
8 bow (~~(gun, pistol)~~) or firearm of any description, at or toward any
9 human being, shall be guilty of a misdemeanor.

10 **Sec. 426.** RCW 9.41.270 and 1969 c 8 s 1 are each amended to read
11 as follows:

12 (1) It (~~(shall be unlawful)~~) is a class C felony punishable under
13 chapter 9A.20 RCW for anyone to aim any firearm, whether loaded or not,
14 at or towards any human being, or to carry, exhibit, display, or draw
15 any (~~(firearm, dagger, sword, knife or other cutting or stabbing~~
16 instrument, club, or any other weapon apparently capable of producing
17 bodily harm,)) deadly weapon in a manner, under circumstances, and at
18 a time and place that either manifests an intent to intimidate another
19 or that warrants alarm for the safety of other persons.

20 (2) (~~(Any person violating the provisions of subsection (1) above~~
21 ~~shall be guilty of a gross misdemeanor)) It is a gross misdemeanor to
22 willfully discharge any firearm, air gun, or other deadly weapon or
23 throw any deadly weapon in a public place, or in any place where any
24 person might be endangered thereby, although no injury results; or to
25 use any contrivance or device for suppressing the noise of any firearm.~~

26 (3) It is a misdemeanor to carry a concealed deadly weapon, except
27 for a pistol when the person carrying the pistol is licensed under RCW
28 9.41.070.

29 (4) Subsection (1) of this section shall not apply to or affect the
30 following:

31 (a) Any act committed by a person while in his or her place of
32 abode or fixed place of business for the purpose of preventing any
33 criminal act;

34 (b) Any person who by virtue of his or her office or public
35 employment is vested by law with a duty to preserve public safety,
36 maintain public order, or to make arrests for offenses, while in the
37 performance of such duty;

1 (c) Any person acting for the purpose of protecting himself or
2 herself against the use of presently threatened unlawful force by
3 another, or for the purpose of protecting another against the use of
4 such unlawful force by a third person;

5 (d) Any person making or assisting in making a lawful arrest for
6 the commission of a felony; or

7 (e) Any person engaged in military activities sponsored by the
8 federal or state governments.

9 **Sec. 427.** RCW 9.41.280 and 1993 c 347 s 1 are each amended to read
10 as follows:

11 (1) It is unlawful for a person to carry onto public or private
12 elementary or secondary school premises, school-provided
13 transportation, or areas of facilities while being used exclusively by
14 public or private schools:

15 (a) Any ~~((firearm; or~~

16 ~~(b) Any dangerous))~~ deadly weapon ~~((as defined in RCW 9.41.250));~~

17 or

18 ~~((c) Any device commonly known as "nun-chu-ka sticks", consisting
19 of two or more lengths of wood, metal, plastic, or similar substance
20 connected with wire, rope, or other means; or~~

21 ~~(d) Any device, commonly known as "throwing stars", which are
22 multi-pointed, metal objects designed to embed upon impact from any
23 aspect; or~~

24 ~~(e))~~ (b) Any air gun, including any air pistol or air rifle,
25 designed to propel a BB, pellet, or other projectile by the discharge
26 of compressed air, carbon dioxide, or other gas.

27 (2) Any such person violating subsection (1) of this section is
28 guilty of a gross misdemeanor. If any person is convicted of a
29 violation of subsection (1) of this section, and the deadly weapon used
30 in the violation was a firearm, the person shall lose his or her
31 concealed pistol license, if any. The court shall send notice of the
32 revocation to the department of licensing, and the city, town, or
33 county which issued the license.

34 Any violation of subsection (1) of this section by elementary or
35 secondary school students constitutes grounds for expulsion from the
36 state's public schools in accordance with RCW 28A.600.010. However,
37 any violation of subsection (1)(a) of this section by an elementary or
38 secondary school student involving a firearm shall result in expulsion

1 in accordance with RCW 28A.600.010. An appropriate school authority
2 shall promptly notify law enforcement and the student's parent or
3 guardian regarding any allegation or indication of such violation.

4 (3) Subsection (1) of this section does not apply to:

5 (a) Any student or employee of a private military academy when on
6 the property of the academy;

7 (b) Any person engaged in military, law enforcement, or school
8 district security activities;

9 (c) Any person who is involved in a convention, showing,
10 demonstration, lecture, or firearms safety course authorized by school
11 authorities in which the firearms of collectors or instructors are
12 handled or displayed;

13 (d) Any person who possesses nun-chu-ka sticks, throwing stars, or
14 other (~~dangerous~~) deadly weapons to be used in martial arts classes
15 authorized to be conducted on the school premises;

16 (e) Any person while the person is participating in a firearms or
17 air gun competition approved by the school or school district;

18 (f) Any person who has been issued a license under RCW 9.41.070,
19 while picking up or dropping off a student;

20 (g) Any person legally in possession of a (~~firearm or dangerous~~)
21 deadly weapon that is secured within an attended vehicle or concealed
22 from view within a locked unattended vehicle while conducting
23 legitimate business at the school;

24 (h) Any person who is in lawful possession of an unloaded firearm,
25 secured in a vehicle while conducting legitimate business at the
26 school; or

27 (i) Any law enforcement officer of the federal, state, or local
28 government agency.

29 (4) Except as provided in subsection (3)(b), (c), (e), and (i) of
30 this section, firearms are not permitted in a public or private school
31 building.

32 (5) "GUN-FREE ZONE" signs shall be posted around school facilities
33 giving warning of the prohibition of the possession of firearms on
34 school grounds.

35 NEW SECTION. Sec. 428. A new section is added to chapter 9.41 RCW
36 to read as follows:

37 (1) A person who possesses a stolen firearm is guilty of a class C
38 felony punishable under chapter 9A.20 RCW.

1 (2) A person who commits theft of a firearm with a value less than
2 one thousand five hundred dollars is guilty of a class C felony
3 punishable under chapter 9A.20 RCW.

4 (3) A person who commits theft of a firearm with a value of one
5 thousand five hundred dollars or more is guilty of a class B felony
6 punishable under chapter 9A.20 RCW.

7 **Sec. 429.** RCW 9A.56.040 and 1987 c 140 s 2 are each amended to
8 read as follows:

9 (1) A person is guilty of theft in the second degree if he or she
10 commits theft of:

11 (a) Property or services which exceed(s) two hundred and fifty
12 dollars in value, but does not exceed one thousand five hundred dollars
13 in value; or

14 (b) A public record, writing, or instrument kept, filed, or
15 deposited according to law with or in the keeping of any public office
16 or public servant; or

17 (c) An access device; or

18 (d) A motor vehicle, of a value less than one thousand five hundred
19 dollars(~~(; or~~

20 ~~(e) A firearm, of a value less than one thousand five hundred~~
21 ~~dollars)).~~

22 (2) Theft in the second degree is a class C felony.

23 **Sec. 430.** RCW 9A.56.160 and 1987 c 140 s 4 are each amended to
24 read as follows:

25 (1) A person is guilty of possessing stolen property in the second
26 degree if:

27 (a) He or she possesses stolen property which exceeds two hundred
28 fifty dollars in value but does not exceed one thousand five hundred
29 dollars in value; or

30 (b) He or she possesses a stolen public record, writing or
31 instrument kept, filed, or deposited according to law; or

32 (c) He or she possesses a stolen access device; or

33 (d) He or she possesses a stolen motor vehicle of a value less than
34 one thousand five hundred dollars(~~(; or~~

35 ~~(e) He possesses a stolen firearm)).~~

36 (2) Possessing stolen property in the second degree is a class C
37 felony.

1 NEW SECTION. **Sec. 431.** A new section is added to chapter 4.24 RCW
2 to read as follows:

3 A parent or guardian is liable for any damages arising from the
4 illegal or unlawful use of a firearm by his or her minor child when the
5 parent or guardian knowingly or negligently allows his or her minor
6 child to possess a firearm with the awareness that this creates a
7 substantial risk of harm.

8 A parent or guardian is presumed to have "awareness of a
9 substantial risk of harm" if: (1) His or her minor child has been
10 convicted of a "crime of violence" or "most serious offense" as defined
11 in RCW 9.41.010; or (2) the parent had previous knowledge of the
12 child's illegal possession of a firearm.

13 The prevailing party shall be entitled to costs and attorneys' fees
14 in such amount as the court shall deem reasonable.

15 **Sec. 432.** RCW 9.94A.125 and 1983 c 163 s 3 are each amended to
16 read as follows:

17 In a criminal case wherein there has been a special allegation and
18 evidence establishing that the accused or an accomplice was armed with
19 a deadly weapon at the time of the commission of the crime, the court
20 shall make a finding of fact of whether or not the accused or an
21 accomplice was armed with a deadly weapon at the time of the commission
22 of the crime, or if a jury trial is had, the jury shall, if it
23 (~~find[s]~~) finds the defendant guilty, also find a special verdict as
24 to whether or not the defendant or an accomplice was armed with a
25 deadly weapon at the time of the commission of the crime.

26 For purposes of this section, ((a)) "deadly weapon (~~is an~~
27 ~~implement or instrument which has the capacity to inflict death and~~
28 ~~from the manner in which it is used, is likely to produce or may easily~~
29 ~~and readily produce death))" shall have the same definition as "deadly
30 weapon" under RCW 9A.04.110. (~~The following instruments are included~~
31 ~~in the term deadly weapon: Blackjack, sling shot, billy, sand club,~~
32 ~~sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any~~
33 ~~other firearm, any knife having a blade longer than three inches, any~~
34 ~~razor with an unguarded blade, any metal pipe or bar used or intended~~
35 ~~to be used as a club, any explosive, and any weapon containing~~
36 ~~poisonous or injurious gas.))~~~~

1 **Sec. 433.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to
2 read as follows:

3 (1) The prosecutor, respondent, or the court on its own motion may,
4 before a hearing on the information on its merits, file a motion
5 requesting the court to transfer the respondent for adult criminal
6 prosecution and the matter shall be set for a hearing on the question
7 of declining jurisdiction. Unless waived by the court, the parties,
8 and their counsel, a decline hearing shall be held where:

9 (a) The respondent is fifteen, sixteen, or seventeen years of age
10 and the information alleges a class A felony or an attempt,
11 solicitation, or conspiracy to commit a class A felony; ((or))

12 (b) The respondent is fourteen years of age or over and the
13 information alleges a violation of RCW 43.06.010 or 43.06.200 through
14 43.06.270;

15 (c) The respondent is seventeen years of age and the information
16 alleges assault in the second degree, extortion in the first degree,
17 indecent liberties, child molestation in the second degree, kidnapping
18 in the second degree, or robbery in the second degree; or

19 (d) The information alleges a crime of violence or most serious
20 offense as defined in RCW 9.94A.030 in which a juvenile, age twelve or
21 over, has used a deadly weapon.

22 (2) The court after a decline hearing may order the case
23 transferred for adult criminal prosecution upon a finding that the
24 declination would be in the best interest of the juvenile or the
25 public. The court shall consider the relevant reports, facts,
26 opinions, and arguments presented by the parties and their counsel.

27 (3) When the respondent is transferred for criminal prosecution or
28 retained for prosecution in juvenile court, the court shall set forth
29 in writing its finding which shall be supported by relevant facts and
30 opinions produced at the hearing.

31 **Sec. 434.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
32 as follows:

33 The juvenile courts in the several counties of this state, shall
34 have exclusive original jurisdiction over all proceedings:

35 (1) Under the interstate compact on placement of children as
36 provided in chapter 26.34 RCW;

1 (2) Relating to children alleged or found to be dependent as
2 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(7~~
3 ~~as now or hereafter amended)~~);

4 (3) Relating to the termination of a parent and child relationship
5 as provided in RCW 13.34.180 through 13.34.210(~~(7~~~~as now or hereafter~~
6 ~~amended)~~);

7 (4) To approve or disapprove alternative residential placement as
8 provided in RCW 13.32A.170;

9 (5) Relating to juveniles alleged or found to have committed
10 offenses, traffic infractions, or violations as provided in RCW
11 13.40.020 through 13.40.230, (~~(as now or hereafter amended,~~) unless:

12 (a) The juvenile court transfers jurisdiction of a particular
13 juvenile to adult criminal court pursuant to RCW 13.40.110(~~(7~~~~as now or~~
14 ~~hereafter amended)~~); or

15 (b) The statute of limitations applicable to adult prosecution for
16 the offense, traffic infraction, or violation has expired; or

17 (c) The alleged offense or infraction is a traffic, fish, boating,
18 or game offense or traffic infraction committed by a juvenile sixteen
19 years of age or older and would, if committed by an adult, be tried or
20 heard in a court of limited jurisdiction, in which instance the
21 appropriate court of limited jurisdiction shall have jurisdiction over
22 the alleged offense or infraction: PROVIDED, That if such an alleged
23 offense or infraction and an alleged offense or infraction subject to
24 juvenile court jurisdiction arise out of the same event or incident,
25 the juvenile court may have jurisdiction of both matters: PROVIDED
26 FURTHER, That the jurisdiction under this subsection does not
27 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
28 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of
29 limited jurisdiction which confine juveniles for an alleged offense or
30 infraction may place juveniles in juvenile detention facilities under
31 an agreement with the officials responsible for the administration of
32 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

33 (d) The juvenile is sixteen or seventeen years old and the alleged
34 offense is: (i) A serious violent offense as defined in RCW 9.94A.030
35 committed on or after the effective date of this section; or (ii) a
36 violent offense as defined in RCW 9.94A.030 committed on or after the
37 effective date of this section and the juvenile has a criminal history
38 consisting of: (A) One or more prior violent offenses committed after
39 the juvenile's thirteenth birthday; or (B) three or more prior felony

1 offenses of any kind committed after the juvenile's thirteenth birthday
2 and prosecuted separately. In such a case the adult criminal court
3 shall have exclusive original jurisdiction. If the juvenile challenges
4 the state's determination of the juvenile's criminal history, the state
5 may establish the offender's criminal history by a preponderance of the
6 evidence. If the criminal history consists of adjudications entered
7 upon a plea of guilty, the state shall not bear a burden of
8 establishing the knowing and voluntariness of the plea;

9 (6) Under the interstate compact on juveniles as provided in
10 chapter 13.24 RCW;

11 (7) Relating to termination of a diversion agreement under RCW
12 13.40.080 (~~as now or hereafter amended~~), including a proceeding in
13 which the divertee has attained eighteen years of age; and

14 (8) Relating to court validation of a voluntary consent to foster
15 care placement under chapter 13.34 RCW, by the parent or Indian
16 custodian of an Indian child, except if the parent or Indian custodian
17 and child are residents of or domiciled within the boundaries of a
18 federally recognized Indian reservation over which the tribe exercises
19 exclusive jurisdiction.

20 **Sec. 435.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to
21 read as follows:

22 For the purposes of this chapter:

23 (1) "Serious offender" means a person fifteen years of age or older
24 who has committed an offense which if committed by an adult would be:

25 (a) A class A felony, or an attempt to commit a class A felony;

26 (b) Manslaughter in the first degree; or

27 (c) Assault in the second degree, extortion in the first degree,
28 child molestation in the second degree, kidnapping in the second
29 degree, robbery in the second degree, residential burglary, or burglary
30 in the second degree, where such offenses include the infliction of
31 bodily harm upon another or where during the commission of or immediate
32 withdrawal from such an offense the perpetrator is armed with a deadly
33 weapon or firearm as defined in RCW 9A.04.110;

34 (2) "Community service" means compulsory service, without
35 compensation, performed for the benefit of the community by the
36 offender as punishment for committing an offense. Community service
37 may be performed through public or private organizations or through
38 work crews;

1 (3) "Community supervision" means an order of disposition by the
2 court of an adjudicated youth not committed to the department. A
3 community supervision order for a single offense may be for a period of
4 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
5 one year for other offenses. Community supervision is an
6 individualized program comprised of one or more of the following:

- 7 (a) Community-based sanctions;
- 8 (b) Community-based rehabilitation;
- 9 (c) Monitoring and reporting requirements;

10 (4) Community-based sanctions may include one or more of the
11 following:

- 12 (a) A fine, not to exceed one hundred dollars;
- 13 (b) Community service not to exceed one hundred fifty hours of
14 service;

15 (5) "Community-based rehabilitation" means one or more of the
16 following: Attendance of information classes; counseling, outpatient
17 substance abuse treatment programs, outpatient mental health programs,
18 anger management classes, or other services; or attendance at school or
19 other educational programs appropriate for the juvenile as determined
20 by the school district. Placement in community-based rehabilitation
21 programs is subject to available funds;

22 (6) "Monitoring and reporting requirements" means one or more of
23 the following: Curfews; requirements to remain at home, school, work,
24 or court-ordered treatment programs during specified hours;
25 restrictions from leaving or entering specified geographical areas;
26 requirements to report to the probation officer as directed and to
27 remain under the probation officer's supervision; and other conditions
28 or limitations as the court may require which may not include
29 confinement;

30 (7) "Confinement" means physical custody by the department of
31 social and health services in a facility operated by or pursuant to a
32 contract with the state, or physical custody in a detention facility
33 operated by or pursuant to a contract with any county. The county may
34 operate or contract with vendors to operate county detention
35 facilities. The department may operate or contract to operate
36 detention facilities for juveniles committed to the department.
37 Pretrial confinement or confinement of less than thirty-one days
38 imposed as part of a disposition or modification order may be served
39 consecutively or intermittently, in the discretion of the court and may

1 be served in a detention group home, detention foster home, or with
2 electronic monitoring. Detention group homes and detention foster
3 homes used for confinement shall not also be used for the placement of
4 dependent children. Confinement in detention group homes and detention
5 foster homes and electronic monitoring are subject to available funds;

6 (8) "Court", when used without further qualification, means the
7 juvenile court judge(s) or commissioner(s);

8 (9) "Criminal history" includes all criminal complaints against the
9 respondent for which, prior to the commission of a current offense:

10 (a) The allegations were found correct by a court. If a respondent
11 is convicted of two or more charges arising out of the same course of
12 conduct, only the highest charge from among these shall count as an
13 offense for the purposes of this chapter; or

14 (b) The criminal complaint was diverted by a prosecutor pursuant to
15 the provisions of this chapter on agreement of the respondent and after
16 an advisement to the respondent that the criminal complaint would be
17 considered as part of the respondent's criminal history;

18 (10) "Department" means the department of social and health
19 services;

20 (11) "Detention facility" means a county facility for the physical
21 confinement of a juvenile alleged to have committed an offense or an
22 adjudicated offender subject to a disposition or modification order;

23 (12) "Diversion unit" means any probation counselor who enters into
24 a diversion agreement with an alleged youthful offender, or any other
25 person or entity except a law enforcement official or entity, with whom
26 the juvenile court administrator has contracted to arrange and
27 supervise such agreements pursuant to RCW 13.40.080, or any person or
28 entity specially funded by the legislature to arrange and supervise
29 diversion agreements in accordance with the requirements of this
30 chapter;

31 (13) "Institution" means a juvenile facility established pursuant
32 to chapters 72.05 and 72.16 through 72.20 RCW;

33 (14) "Juvenile," "youth," and "child" mean any individual who is
34 under the chronological age of eighteen years and who has not been
35 previously transferred to adult court;

36 (15) "Juvenile offender" means any juvenile who has been found by
37 the juvenile court to have committed an offense, including a person
38 eighteen years of age or older over whom jurisdiction has been extended
39 under RCW 13.40.300;

1 (16) "Manifest injustice" means a disposition that would either
2 impose an excessive penalty on the juvenile or would impose a serious,
3 and clear danger to society in light of the purposes of this chapter;

4 (17) "Middle offender" means a person who has committed an offense
5 and who is neither a minor or first offender nor a serious offender;

6 (18) "Minor or first offender" means a person (~~sixteen years of~~
7 ~~age or younger~~) whose current offense(s) and criminal history fall
8 entirely within one of the following categories:

9 (a) Four misdemeanors;

10 (b) Two misdemeanors and one gross misdemeanor;

11 (c) One misdemeanor and two gross misdemeanors;

12 (d) Three gross misdemeanors;

13 (e) One class C felony except manslaughter in the second degree and
14 one misdemeanor or gross misdemeanor;

15 (f) One class B felony except: Any felony which constitutes an
16 attempt to commit a class A felony; manslaughter in the first degree;
17 assault in the second degree; extortion in the first degree; indecent
18 liberties; kidnapping in the second degree; robbery in the second
19 degree; burglary in the second degree; residential burglary; vehicular
20 homicide; or arson in the second degree.

21 For purposes of this definition, current violations shall be
22 counted as misdemeanors;

23 (19) "Offense" means an act designated a violation or a crime if
24 committed by an adult under the law of this state, under any ordinance
25 of any city or county of this state, under any federal law, or under
26 the law of another state if the act occurred in that state;

27 (20) "Respondent" means a juvenile who is alleged or proven to have
28 committed an offense;

29 (21) "Restitution" means financial reimbursement by the offender to
30 the victim, and shall be limited to easily ascertainable damages for
31 injury to or loss of property, actual expenses incurred for medical
32 treatment for physical injury to persons, lost wages resulting from
33 physical injury, and costs of the victim's counseling reasonably
34 related to the offense if the offense is a sex offense. Restitution
35 shall not include reimbursement for damages for mental anguish, pain
36 and suffering, or other intangible losses. Nothing in this chapter
37 shall limit or replace civil remedies or defenses available to the
38 victim or offender;

1 (22) "Secretary" means the secretary of the department of social
2 and health services;

3 (23) "Services" mean services which provide alternatives to
4 incarceration for those juveniles who have pleaded or been adjudicated
5 guilty of an offense or have signed a diversion agreement pursuant to
6 this chapter;

7 (24) "Sex offense" means an offense defined as a sex offense in RCW
8 9.94A.030;

9 (25) "Sexual motivation" means that one of the purposes for which
10 the respondent committed the offense was for the purpose of his or her
11 sexual gratification;

12 (26) "Foster care" means temporary physical care in a foster family
13 home or group care facility as defined in RCW 74.15.020 and licensed by
14 the department, or other legally authorized care;

15 (27) "Violation" means an act or omission, which if committed by an
16 adult, must be proven beyond a reasonable doubt, and is punishable by
17 sanctions which do not include incarceration.

18 **Sec. 436.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to
19 read as follows:

20 SCHEDULE A

21 DESCRIPTION AND OFFENSE CATEGORY

22		JUVENILE
23	JUVENILE	DISPOSITION
24	DISPOSITION	CATEGORY FOR ATTEMPT,
25	OFFENSE	BAILJUMP, CONSPIRACY,
26	CATEGORY	DESCRIPTION (RCW CITATION) OR SOLICITATION
27
28		Arson and Malicious Mischief
29	A	Arson 1 (9A.48.020) B+
30	B	Arson 2 (9A.48.030) C
31	C	Reckless Burning 1 (9A.48.040) D
32	D	Reckless Burning 2 (9A.48.050) E
33	B	Malicious Mischief 1 (9A.48.070) C
34	C	Malicious Mischief 2 (9A.48.080) D
35	D	Malicious Mischief 3 (<\$50 is
36		E class) (9A.48.090) E

1	E	Tampering with Fire Alarm	
2		Apparatus (9.40.100)	E
3	A	Possession of Incendiary Device	
4		(9.40.120)	B+
5		Assault and Other Crimes	
6		Involving Physical Harm	
7	A	Assault 1 (9A.36.011)	B+
8	B+	Assault 2 (9A.36.021)	C+
9	C+	Assault 3 (9A.36.031)	D+
10	D+	Assault 4 (9A.36.041)	E
11	D+	Reckless Endangerment	
12		(9A.36.050)	E
13	C+	Promoting Suicide Attempt	
14		(9A.36.060)	D+
15	D+	Coercion (9A.36.070)	E
16	C+	Custodial Assault (9A.36.100)	D+
17		Burglary and Trespass	
18	B+	Burglary 1 (9A.52.020)	C+
19	B	Burglary 2 (9A.52.030)	C
20	D	Burglary Tools (Possession of)	
21		(9A.52.060)	E
22	D	Criminal Trespass 1 (9A.52.070)	E
23	E	Criminal Trespass 2 (9A.52.080)	E
24	D	Vehicle Prowling (9A.52.100)	E
25		Drugs	
26	E	Possession/Consumption of Alcohol	
27		(66.44.270)	E
28	C	Illegally Obtaining Legend Drug	
29		(69.41.020)	D
30	C+	Sale, Delivery, Possession of Legend	
31		Drug with Intent to Sell	
32		(69.41.030)	D+
33	E	Possession of Legend Drug	
34		(69.41.030)	E

1	B+	Violation of Uniform Controlled	
2		Substances Act - Narcotic Sale	
3		(69.50.401(a)(1)(i))	B+
4	C	Violation of Uniform Controlled	
5		Substances Act - Nonnarcotic Sale	
6		(69.50.401(a)(1)(ii))	C
7	E	Possession of Marihuana <40 grams	
8		(69.50.401(e))	E
9	C	Fraudulently Obtaining Controlled	
10		Substance (69.50.403)	C
11	C+	Sale of Controlled Substance	
12		for Profit (69.50.410)	C+
13	E	((Glue Sniffing (9.47A.050))	E
14		<u>Unlawful Inhalation (9.47A.020)</u>	
15	B	Violation of Uniform Controlled	
16		Substances Act - Narcotic	
17		Counterfeit Substances	
18		(69.50.401(b)(1)(i))	B
19	C	Violation of Uniform Controlled	
20		Substances Act - Nonnarcotic	
21		Counterfeit Substances	
22		(69.50.401(b)(1) (ii), (iii), (iv))	C
23	C	Violation of Uniform Controlled	
24		Substances Act - Possession of a	
25		Controlled Substance	
26		(69.50.401(d))	C
27	C	Violation of Uniform Controlled	
28		Substances Act - Possession of a	
29		Controlled Substance	
30		(69.50.401(c))	C
31		Firearms and Weapons	
32	((C+	Committing Crime when Armed	
33		(9.41.025)	D+))
34	E	Carrying Loaded Pistol Without	
35		Permit (9.41.050)	E
36	E	Use of Firearms by Minor (<14)	
37		(9.41.240)	E

1	D+	Possession of ((Dangerous)) <u>Deadly</u>	
2		Weapon (9.41.250)	E
3	D	Intimidating Another Person by use	
4		of <u>Deadly</u> Weapon (9.41.270)	E
5		Homicide	
6	A+	Murder 1 (9A.32.030)	A
7	A+	Murder 2 (9A.32.050)	B+
8	B+	Manslaughter 1 (9A.32.060)	C+
9	C+	Manslaughter 2 (9A.32.070)	D+
10	B+	Vehicular Homicide (46.61.520)	C+
11		Kidnapping	
12	A	Kidnap 1 (9A.40.020)	B+
13	B+	Kidnap 2 (9A.40.030)	C+
14	C+	Unlawful Imprisonment	
15		(9A.40.040)	D+
16	((D	Custodial Interference	
17		(9A.40.050)	E))
18		Obstructing Governmental Operation	
19	E	Obstructing a Public Servant	
20		(9A.76.020)	E
21	E	Resisting Arrest (9A.76.040)	E
22	B	Introducing Contraband 1	
23		(9A.76.140)	C
24	C	Introducing Contraband 2	
25		(9A.76.150)	D
26	E	Introducing Contraband 3	
27		(9A.76.160)	E
28	B+	Intimidating a Public Servant	
29		(9A.76.180)	C+
30	B+	Intimidating a Witness	
31		(9A.72.110)	C+
32	((E	Criminal Contempt	
33		(9.23.010)	E))
34		Public Disturbance	
35	C+	Riot with Weapon (9A.84.010)	D+

1	D+	Riot Without Weapon	
2		(9A.84.010)	E
3	E	Failure to Disperse (9A.84.020)	E
4	E	Disorderly Conduct (9A.84.030)	E
5		Sex Crimes	
6	A	Rape 1 (9A.44.040)	B+
7	A-	Rape 2 (9A.44.050)	B+
8	C+	Rape 3 (9A.44.060)	D+
9	A-	Rape of a Child 1 (9A.44.073)	B+
10	B	Rape of a Child 2 (9A.44.076)	C+
11	B	Incest 1 (9A.64.020(1))	C
12	C	Incest 2 (9A.64.020(2))	D
13	D+	((Public Indecency)) <u>Indecent Exposure</u>	
14		(Victim <14) (9A.88.010)	E
15	E	((Public Indecency)) <u>Indecent Exposure</u>	
16		(Victim 14 or over) (9A.88.010)	E
17	B+	Promoting Prostitution 1	
18		(9A.88.070)	C+
19	C+	Promoting Prostitution 2	
20		(9A.88.080)	D+
21	E	O & A (Prostitution) (9A.88.030)	E
22	B+	Indecent Liberties (9A.44.100)	C+
23	B+	Child Molestation 1 (9A.44.083)	C+
24	C+	Child Molestation 2 (9A.44.086)	C
25		Theft, Robbery, Extortion, and Forgery	
26	B	Theft 1 (9A.56.030)	C
27	C	Theft 2 (9A.56.040)	D
28	D	Theft 3 (9A.56.050)	E
29	B	Theft of Livestock (9A.56.080)	C
30	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
31	A	Robbery 1 (9A.56.200)	B+
32	B+	Robbery 2 (9A.56.210)	C+
33	B+	Extortion 1 (9A.56.120)	C+
34	C+	Extortion 2 (9A.56.130)	D+
35	B	Possession of Stolen Property 1	
36		(9A.56.150)	C

1	C	Possession of Stolen Property 2	
2		(9A.56.160)	D
3	D	Possession of Stolen Property 3	
4		(9A.56.170)	E
5	C	Taking Motor Vehicle Without	
6		Owner's Permission (9A.56.070)	D
7		Motor Vehicle Related Crimes	
8	E	Driving Without a License	
9		(46.20.021)	E
10	C	Hit and Run - Injury	
11		(46.52.020(4))	D
12	D	Hit and Run-Attended	
13		(46.52.020(5))	E
14	E	Hit and Run-Unattended	
15		(46.52.010)	E
16	C	Vehicular Assault (46.61.522)	D
17	C	Attempting to Elude Pursuing	
18		Police Vehicle (46.61.024)	D
19	E	Reckless Driving (46.61.500)	E
20	D	Driving While Under the Influence	
21		(46.61.515)	E
22	((B+	Negligent Homicide by Motor	
23		Vehicle (46.61.520)	C+))
24	D	Vehicle Prowling (9A.52.100)	E
25	C	Taking Motor Vehicle Without	
26		Owner's Permission (9A.56.070)	D
27		Other	
28	B	Bomb Threat (9.61.160)	C
29	C	Escape 1 (9A.76.110)	C
30	C	Escape 2 (9A.76.120)	C
31	D	Escape 3 (9A.76.130)	E
32	C	Failure to Appear in Court	
33		(10.19.130)	D
34	((E	Tampering with Fire Alarm	
35		Apparatus (9.40.100)	E))
36	E	Obscene, Harassing, Etc.,	
37		Phone Calls (9.61.230)	E

1	A	Other Offense Equivalent to an	
2		Adult Class A Felony	B+
3	B	Other Offense Equivalent to an	
4		Adult Class B Felony	C
5	C	Other Offense Equivalent to an	
6		Adult Class C Felony	D
7	D	Other Offense Equivalent to an	
8		Adult Gross Misdemeanor	E
9	E	Other Offense Equivalent to an	
10		Adult Misdemeanor	E
11	V	Violation of Order of Restitution,	
12		Community Supervision, or	
13		Confinement {13.40.200)	V

14 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
15 and the standard range is established as follows:

16 1st escape or attempted escape during 12-month period - 4 weeks
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month
21 period - 12 weeks confinement

22 If the court finds that a respondent has violated terms of an order,
23 it may impose a penalty of up to 30 days of confinement.

24 SCHEDULE B
25 PRIOR OFFENSE INCREASE FACTOR

26 For use with all CURRENT OFFENSES occurring on or after July 1,
27 1989.

28 TIME SPAN

29	OFFENSE	0-12	13-24	25 Months
30	CATEGORY	Months	Months	or More
31			

1	A+	.9	.9	.9
2	A	.9	.8	.6
3	A-	.9	.8	.5
4	B+	.9	.7	.4
5	B	.9	.6	.3
6	C+	.6	.3	.2
7	C	.5	.2	.2
8	D+	.3	.2	.1
9	D	.2	.1	.1
10	E	.1	.1	.1

11 Prior history - Any offense in which a diversion agreement or counsel
 12 and release form was signed, or any offense which has been adjudicated
 13 by court to be correct prior to the commission of the current
 14 offense(s).

15 SCHEDULE C
 16 CURRENT OFFENSE POINTS

17 For use with all CURRENT OFFENSES occurring on or after July 1,
 18 1989.

19 AGE

20 OFFENSE	12 &					
21 CATEGORY	Under	13	14	15	16	17
22						
23 A+	STANDARD	RANGE	180-224	WEEKS		
24 A	250	300	350	375	375	375
25 A-	150	150	150	200	200	200
26 B+	110	110	120	130	140	150
27 B	45	45	50	50	57	57
28 C+	44	44	49	49	55	55
29 C	40	40	45	45	50	50
30 D+	16	18	20	22	24	26
31 D	14	16	18	20	22	24
32 E	4	4	4	6	8	10

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-1

3 This schedule may only be used for minor/first offenders. After the
4 determination is made that a youth is a minor/first offender, the court
5 has the discretion to select sentencing option A, B, or C.

6 MINOR/FIRST OFFENDER

7 OPTION A

8 STANDARD RANGE

9		Community		
10		Supervision	Service	
11	Points		Hours	Fine
12	1-9	0-3 months	and/or 0-8	and/or 0-\$10
13	10-19	0-3 months	and/or 0-8	and/or 0-\$10
14	20-29	0-3 months	and/or 0-16	and/or 0-\$10
15	30-39	0-3 months	and/or 8-24	and/or 0-\$25
16	40-49	3-6 months	and/or 16-32	and/or 0-\$25
17	50-59	3-6 months	and/or 24-40	and/or 0-\$25
18	60-69	6-9 months	and/or 32-48	and/or 0-\$50
19	70-79	6-9 months	and/or 40-56	and/or 0-\$50
20	80-89	9-12 months	and/or 48-64	and/or 10-\$100
21	90-109	9-12 months	and/or 56-72	and/or 10-\$100

22 OR

23 OPTION B

24 STATUTORY OPTION

25 0-12 Months Community Supervision

26 0-150 Hours Community Service

27 0-100 Fine

28 A term of community supervision with a maximum of 150 hours, \$100.00
29 fine, and 12 months supervision.

30 OR

OPTION C
MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5), as now or hereafter amended,~~) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A
STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
110-129				8-12
130-149				13-16

1	150-199	21-28
2	200-249	30-40
3	250-299	52-65
4	300-374	80-100
5	375+	103-129

6 Middle offenders with more than 110 points do not have to be committed.
7 They may be assigned community supervision under option B.
8 All A+ offenses 180-224 weeks

9 OR

10

11 OPTION B

12 STATUTORY OPTION

13 0-12 Months Community Supervision

14 0-150 Hours Community Service

15 0-100 Fine

16 The court may impose a determinate disposition of community supervision
17 and/or up to 30 days confinement; in which case, if confinement has
18 been imposed, the court shall state either aggravating or mitigating
19 factors as set forth in RCW 13.40.150(~~(, as now or hereafter amended)~~).

20 OR

21

22 OPTION C

23 MANIFEST INJUSTICE

24 If the court determines that a disposition under A or B would
25 effectuate a manifest injustice, the court shall sentence the juvenile
26 to a maximum term and the provisions of RCW (~~(13.40.030(5), as now or~~
27 ~~hereafter amended,)~~) 13.40.030(2) shall be used to determine the range.

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-3

3 This schedule may only be used for serious offenders. After the
4 determination is made that a youth is a serious offender, the court has
5 the discretion to select sentencing option A or B.

6 SERIOUS OFFENDER

7 OPTION A

8 STANDARD RANGE

9	Points	Institution Time
10	0-129	8-12 weeks
11	130-149	13-16 weeks
12	150-199	21-28 weeks
13	200-249	30-40 weeks
14	250-299	52-65 weeks
15	300-374	80-100 weeks
16	375+	103-129 weeks
17	All A+	
18	Offenses	180-224 weeks

19 OR

21 OPTION B

22 MANIFEST INJUSTICE

23 A disposition outside the standard range shall be determined and shall
24 be comprised of confinement or community supervision or a combination
25 thereof. When a judge finds a manifest injustice and imposes a
26 sentence of confinement exceeding 30 days, the court shall sentence the
27 juvenile to a maximum term, and the provisions of RCW (~~(13.40.030(5),~~
28 ~~as now or hereafter amended,~~) 13.40.030(2) shall be used to determine
29 the range.

30 **Sec. 437.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
31 as follows:

1 (1) When the respondent is found to be a serious offender, the
2 court shall commit the offender to the department for the standard
3 range of disposition for the offense, as indicated in option A of
4 schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and
5 (6) of this section.

6 If the court concludes, and enters reasons for its conclusion, that
7 disposition within the standard range would effectuate a manifest
8 injustice the court shall impose a disposition outside the standard
9 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
10 court's finding of manifest injustice shall be supported by clear and
11 convincing evidence.

12 A disposition outside the standard range shall be determinate and
13 shall be comprised of confinement or community supervision, or a
14 combination thereof. When a judge finds a manifest injustice and
15 imposes a sentence of confinement exceeding thirty days, the court
16 shall sentence the juvenile to a maximum term, and the provisions of
17 RCW 13.40.030(2)((~~, as now or hereafter amended,~~)) shall be used to
18 determine the range. A disposition outside the standard range is
19 appealable under RCW 13.40.230((~~, as now or hereafter amended,~~)) by the
20 state or the respondent. A disposition within the standard range is
21 not appealable under RCW 13.40.230 ((~~as now or hereafter amended~~)).

22 (2) Where the respondent is found to be a minor or first offender,
23 the court shall order that the respondent serve a term of community
24 supervision as indicated in option A or option B of schedule D-1, RCW
25 13.40.0357 except as provided in subsections (5) and (6) of this
26 section. If the court determines that a disposition of community
27 supervision would effectuate a manifest injustice the court may impose
28 another disposition under option C of schedule D-1, RCW 13.40.0357.
29 Except as provided in subsection (5) of this section, a disposition
30 other than a community supervision may be imposed only after the court
31 enters reasons upon which it bases its conclusions that imposition of
32 community supervision would effectuate a manifest injustice. When a
33 judge finds a manifest injustice and imposes a sentence of confinement
34 exceeding thirty days, the court shall sentence the juvenile to a
35 maximum term, and the provisions of RCW 13.40.030(2)((~~, as now or
36 hereafter amended,~~)) shall be used to determine the range. The court's
37 finding of manifest injustice shall be supported by clear and
38 convincing evidence.

1 Except for disposition of community supervision or a disposition
2 imposed pursuant to subsection (5) of this section, a disposition may
3 be appealed as provided in RCW 13.40.230(~~(, as now or hereafter~~
4 ~~amended,)~~) by the state or the respondent. A disposition of community
5 supervision or a disposition imposed pursuant to subsection (5) of this
6 section may not be appealed under RCW 13.40.230 (~~(as now or hereafter~~
7 ~~amended)~~).

8 (3) Where a respondent is found to have committed an offense for
9 which the respondent declined to enter into a diversion agreement, the
10 court shall impose a term of community supervision limited to the
11 conditions allowed in a diversion agreement as provided in RCW
12 13.40.080(2) (~~(as now or hereafter amended)~~).

13 (4) If a respondent is found to be a middle offender:

14 (a) The court shall impose a determinate disposition within the
15 standard range(s) for such offense, as indicated in option A of
16 schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and
17 (6) of this section: PROVIDED, That if the standard range includes a
18 term of confinement exceeding thirty days, commitment shall be to the
19 department for the standard range of confinement; or

20 (b) The court shall impose a disposition under (a) of this
21 subsection, which shall be suspended, and shall impose a determinate
22 disposition of community supervision and/or up to thirty days
23 confinement, as indicated in option B of schedule D-2, RCW 13.40.0357
24 in which case, if confinement has been imposed, the court shall state
25 either aggravating or mitigating factors as set forth in RCW 13.40.150
26 (~~(as now or hereafter amended)~~). If the offender violates any
27 condition of the disposition, the court may revoke the suspension and
28 order execution of the sentence. The court shall give credit for any
29 confinement time previously served if that confinement was for the
30 offense for which the suspension is being revoked.

31 (c) Only if the court concludes, and enters reasons for its
32 conclusions, that disposition as provided in subsection (4)(a) or (b)
33 of this section would effectuate a manifest injustice, the court shall
34 sentence the juvenile to a maximum term, and the provisions of RCW
35 13.40.030(2)(~~(, as now or hereafter amended,)~~) shall be used to
36 determine the range. The court's finding of manifest injustice shall
37 be supported by clear and convincing evidence.

38 (d) A disposition pursuant to subsection (4)(c) of this section is
39 appealable under RCW 13.40.230(~~(, as now or hereafter amended,)~~) by the

1 state or the respondent. A disposition pursuant to subsection (4) (a)
2 or (b) of this section is not appealable under RCW 13.40.230 ((as now
3 or hereafter amended)).

4 (5) When a serious, middle, or minor first offender is found to
5 have committed a sex offense, other than a sex offense that is also a
6 serious violent offense as defined by RCW 9.94A.030, and has no history
7 of a prior sex offense, the court, on its own motion or the motion of
8 the state or the respondent, may order an examination to determine
9 whether the respondent is amenable to treatment.

10 The report of the examination shall include at a minimum the
11 following: The respondent's version of the facts and the official
12 version of the facts, the respondent's offense history, an assessment
13 of problems in addition to alleged deviant behaviors, the respondent's
14 social, educational, and employment situation, and other evaluation
15 measures used. The report shall set forth the sources of the
16 evaluator's information.

17 The examiner shall assess and report regarding the respondent's
18 amenability to treatment and relative risk to the community. A
19 proposed treatment plan shall be provided and shall include, at a
20 minimum:

21 (a)(i) Frequency and type of contact between the offender and
22 therapist;

23 (ii) Specific issues to be addressed in the treatment and
24 description of planned treatment modalities;

25 (iii) Monitoring plans, including any requirements regarding living
26 conditions, lifestyle requirements, and monitoring by family members,
27 legal guardians, or others;

28 (iv) Anticipated length of treatment; and

29 (v) Recommended crime-related prohibitions.

30 The court on its own motion may order, or on a motion by the state
31 shall order, a second examination regarding the offender's amenability
32 to treatment. The evaluator shall be selected by the party making the
33 motion. The defendant shall pay the cost of any second examination
34 ordered unless the court finds the defendant to be indigent in which
35 case the state shall pay the cost.

36 After receipt of reports of the examination, the court shall then
37 consider whether the offender and the community will benefit from use
38 of this special sex offender disposition alternative and consider the
39 victim's opinion whether the offender should receive a treatment

1 disposition under this section. If the court determines that this
2 special sex offender disposition alternative is appropriate, then the
3 court shall impose a determinate disposition within the standard range
4 for the offense, or if the court concludes, and enters reasons for its
5 conclusion, that such disposition would effectuate a manifest
6 injustice, the court shall impose a disposition pursuant to option C of
7 schedule D-1, option C of schedule D-2, or option B of schedule D-3 as
8 appropriate, and the court may suspend the execution of the disposition
9 and place the offender on community supervision for up to two years.
10 As a condition of the suspended disposition, the court may impose the
11 conditions of community supervision and other conditions, including up
12 to thirty days of confinement and requirements that the offender do any
13 one or more of the following:

14 (b)(i) Devote time to a specific education, employment, or
15 occupation;

16 (ii) Undergo available outpatient sex offender treatment for up to
17 two years, or inpatient sex offender treatment not to exceed the
18 standard range of confinement for that offense. A community mental
19 health center may not be used for such treatment unless it has an
20 appropriate program designed for sex offender treatment. The
21 respondent shall not change sex offender treatment providers or
22 treatment conditions without first notifying the prosecutor, the
23 probation counselor, and the court, and shall not change providers
24 without court approval after a hearing if the prosecutor or probation
25 counselor object to the change;

26 (iii) Remain within prescribed geographical boundaries and notify
27 the court or the probation counselor prior to any change in the
28 offender's address, educational program, or employment;

29 (iv) Report to the prosecutor and the probation counselor prior to
30 any change in a sex offender treatment provider. This change shall
31 have prior approval by the court;

32 (v) Report as directed to the court and a probation counselor;

33 (vi) Pay all court-ordered legal financial obligations, perform
34 community service, or any combination thereof; or

35 (vii) Make restitution to the victim for the cost of any counseling
36 reasonably related to the offense.

37 The sex offender treatment provider shall submit quarterly reports
38 on the respondent's progress in treatment to the court and the parties.
39 The reports shall reference the treatment plan and include at a minimum

1 the following: Dates of attendance, respondent's compliance with
2 requirements, treatment activities, the respondent's relative progress
3 in treatment, and any other material specified by the court at the time
4 of the disposition.

5 At the time of the disposition, the court may set treatment review
6 hearings as the court considers appropriate.

7 Except as provided in this subsection (5), after July 1, 1991,
8 examinations and treatment ordered pursuant to this subsection shall
9 only be conducted by sex offender treatment providers certified by the
10 department of health pursuant to chapter 18.155 RCW. A sex offender
11 therapist who examines or treats a juvenile sex offender pursuant to
12 this subsection does not have to be certified by the department of
13 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
14 offender has already moved to another state or plans to move to another
15 state for reasons other than circumventing the certification
16 requirements; (B) no certified providers are available for treatment
17 within a reasonable geographical distance of the offender's home; and
18 (C) the evaluation and treatment plan comply with this subsection (5)
19 and the rules adopted by the department of health.

20 If the offender violates any condition of the disposition or the
21 court finds that the respondent is failing to make satisfactory
22 progress in treatment, the court may revoke the suspension and order
23 execution of the sentence. The court shall give credit for any
24 confinement time previously served if that confinement was for the
25 offense for which the suspension is being revoked.

26 For purposes of this section, "victim" means any person who has
27 sustained emotional, psychological, physical, or financial injury to
28 person or property as a direct result of the crime charged. "Victim"
29 may also include a known parent or guardian of a victim who is a minor
30 child unless the parent or guardian is the perpetrator of the offense.

31 (6)(a) The minimum sentence for any juvenile age sixteen or
32 seventeen who illegally possesses a pistol is ten confinement days.
33 The court may extend community supervision up to twelve months for such
34 offense.

35 (b) The following additional times shall be added to the term of
36 confinement for any juvenile found to have been armed with a firearm
37 during the commission of a felony:

38 (i) Twenty-six weeks for A-, A, and A+ category offenses;

39 (ii) Sixteen weeks for B and B+ category offenses; and

1 (iii) Twelve weeks for C and C+ category offenses.

2 (c) Option B shall not be available for minor/first and middle
3 offenders sentenced under (a) or (b) of this subsection.

4 (7) Whenever a juvenile offender is entitled to credit for time
5 spent in detention prior to a dispositional order, the dispositional
6 order shall specifically state the number of days of credit for time
7 served.

8 ~~((+7))~~ (8) Except as provided for in subsection (5) of this
9 section, the court shall not suspend or defer the imposition or the
10 execution of the disposition.

11 ~~((+8))~~ (9) In no case shall the term of confinement imposed by the
12 court at disposition exceed that to which an adult could be subjected
13 for the same offense.

14 **Sec. 438.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
15 each reenacted and amended to read as follows:

16 Every person who(~~(:~~

17 ~~(1) Shall admit to or allow to remain in any concert saloon, or in~~
18 ~~any place owned, kept, or managed by him or her where intoxicating~~
19 ~~liquors are sold, given away or disposed of except a restaurant or~~
20 ~~dining room, any person under the age of eighteen years; or,~~

21 ~~(2) Shall admit to, or allow to remain in any public pool or~~
22 ~~billiard hall, or in any place of entertainment injurious to health or~~
23 ~~morals, owned, kept or managed by him or her, any person under the age~~
24 ~~of eighteen years; or,~~

25 ~~(3) Shall suffer or permit any such person to play any game of~~
26 ~~skill or chance, in any such place, or in any place adjacent thereto,~~
27 ~~or to be or remain therein, or admit or allow to remain in any reputed~~
28 ~~house of prostitution or assignation, or in any place where opium or~~
29 ~~any preparation thereof, is smoked, or where any narcotic drug is used,~~
30 ~~any persons under the age of eighteen years; or,~~

31 ~~(4) Shall)) sells or gives, or permits to be sold or given to any~~
32 ~~person under the age of eighteen years any cigar, cigarette, cigarette~~
33 ~~paper or wrapper, or tobacco in any form(~~(:~~ or~~

34 ~~(5) Shall sell, or give, or permit to be sold or given to any~~
35 ~~person under the age of eighteen years, any revolver or pistol;~~

36 ~~Shall be))~~ is guilty of a gross misdemeanor.

1 It shall be no defense to a prosecution for a violation of this
2 section that the person acted, or was believed by the defendant to act,
3 as agent or representative of another.

4 NEW SECTION. **Sec. 439.** A new section is added to chapter 9.94A
5 RCW to read as follows:

6 The department shall adopt rules and procedures to administer this
7 section. In addition, the department is authorized to determine
8 whether any person subject to the confines of a correctional facility
9 would substantially benefit from successful participation in: (1)
10 Literacy training, (2) employment skills training, or (3) educational
11 efforts to identify and control sources of anger and, upon a
12 determination that the person would, may require such successful
13 participation as a condition for eligibility to obtain early release
14 from the confines of a correctional facility.

15 **Sec. 440.** RCW 82.04.250 and 1993 sp.s. c 25 s 103 are each amended
16 to read as follows:

17 (1) Upon every person except persons taxable under RCW 82.04.260(8)
18 or subsection (2) of this section engaging within this state in the
19 business of making sales at retail, as to such persons, the amount of
20 tax with respect to such business shall be equal to the gross proceeds
21 of sales of the business, multiplied by the rate of 0.471 percent.

22 (2) Upon every person engaging within this state in the business of
23 making sales at retail that are exempt from the tax imposed under
24 chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or
25 82.08.0263, as to such persons, the amount of tax with respect to such
26 business shall be equal to the gross proceeds of sales of the business,
27 multiplied by the rate of 0.484 percent.

28 (3) In addition to the tax imposed under subsection (1) of this
29 section, upon every person engaging within this state in the business
30 of making sales at retail of ammunition or firearms, as defined in RCW
31 9.41.010, as to such persons, an additional tax is imposed with respect
32 to such business equal to the gross proceeds of sales of ammunition and
33 firearms, as defined in RCW 9.41.010, multiplied by the rate of 0.5
34 percent. Proceeds of the tax imposed under this subsection shall be
35 deposited into the violence reduction and drug enforcement account
36 under RCW 69.50.520.

1 NEW SECTION. **Sec. 441.** A new section is added to chapter 9.41 RCW
2 to read as follows:

3 (1) Any court when entering an order authorized under RCW
4 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
5 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
6 shall, upon a showing by clear and convincing evidence, that a party
7 has: Used, displayed, or threatened to use a deadly weapon in a crime
8 of violence or previously committed any offense which makes him or her
9 ineligible to possess a pistol under the provisions of RCW 9.41.040:

10 (a) Require the party to surrender any deadly weapon;

11 (b) Require the party to surrender any concealed pistol license
12 issued under RCW 9.41.070;

13 (c) Prohibit the party from obtaining or possessing a deadly
14 weapon;

15 (d) Prohibit the party from obtaining or possessing a concealed
16 pistol license.

17 (2) The court may order temporary surrender of a deadly weapon
18 without notice to the other party if it finds, on the basis of the
19 moving affidavit or other evidence, that irreparable injury could
20 result if an order is not issued until the time for response has
21 elapsed.

22 (3) In addition to the provisions of subsections (1) and (2) of
23 this section, the court may enter an order requiring a party to comply
24 with the provisions in subsection (1) of this section if it finds that
25 the possession of a firearm by any party presents a serious and
26 imminent threat to public health or safety, or to the health or safety
27 of any individual.

28 (4) The requirements of subsections (1) and (3) of this section may
29 be for a period of time less than the duration of the order.

30 (5) The court may require the party to surrender any deadly weapon
31 in his or her immediate possession or control or subject to his or her
32 immediate possession or control to the sheriff of the county having
33 jurisdiction of the proceeding or to the restrained or enjoined party's
34 counsel or to any person designated by the court.

35 **Sec. 442.** RCW 9A.46.050 and 1985 c 288 s 5 are each amended to
36 read as follows:

37 A defendant who is charged by citation, complaint, or information
38 with an offense involving harassment and not arrested shall appear in

1 court for arraignment in person as soon as practicable, but in no event
2 later than fourteen days after the next day on which court is in
3 session following the issuance of the citation or the filing of the
4 complaint or information. At that appearance, the court shall
5 determine the necessity of imposing a no-contact or no-harassment
6 order, and consider the provisions of section 441 of this act, or other
7 conditions of pretrial release according to the procedures established
8 by court rule for preliminary appearance or an arraignment.

9 **Sec. 443.** RCW 10.14.080 and 1992 c 143 s 11 are each amended to
10 read as follows:

11 (1) Upon filing a petition for a civil antiharassment protection
12 order under this chapter, the petitioner may obtain an ex parte
13 temporary antiharassment protection order. An ex parte temporary
14 antiharassment protection order may be granted with or without notice
15 upon the filing of an affidavit which, to the satisfaction of the
16 court, shows reasonable proof of unlawful harassment of the petitioner
17 by the respondent and that great or irreparable harm will result to the
18 petitioner if the temporary antiharassment protection order is not
19 granted.

20 (2) An ex parte temporary antiharassment protection order shall be
21 effective for a fixed period not to exceed fourteen days or twenty-four
22 days if the court has permitted service by publication under RCW
23 10.14.085. The ex parte order may be reissued. A full hearing, as
24 provided in this chapter, shall be set for not later than fourteen days
25 from the issuance of the temporary order or not later than twenty-four
26 days if service by publication is permitted. Except as provided in RCW
27 10.14.070 and 10.14.085, the respondent shall be personally served with
28 a copy of the ex parte order along with a copy of the petition and
29 notice of the date set for the hearing.

30 (3) At the hearing, if the court finds by a preponderance of the
31 evidence that unlawful harassment exists, a civil antiharassment
32 protection order shall issue prohibiting such unlawful harassment.

33 (4) An order issued under this chapter shall be effective for not
34 more than one year unless the court finds that the respondent is likely
35 to resume unlawful harassment of the petitioner when the order expires.
36 If so, the court may enter an order for a fixed time exceeding one year
37 or may enter a permanent antiharassment protection order. The court
38 shall not enter an order that is effective for more than one year if

1 the order restrains the respondent from contacting the respondent's
2 minor children. If the petitioner seeks relief for a period longer
3 than one year on behalf of the respondent's minor children, the court
4 shall advise the petitioner that the petitioner may apply for renewal
5 of the order as provided in this chapter or if appropriate may seek
6 relief pursuant to chapter 26.09 or 26.10 RCW.

7 (5) At any time within the three months before the expiration of
8 the order, the petitioner may apply for a renewal of the order by
9 filing a petition for renewal. The petition for renewal shall state
10 the reasons why the petitioner seeks to renew the protection order.
11 Upon receipt of the petition for renewal, the court shall order a
12 hearing which shall be not later than fourteen days from the date of
13 the order. Except as provided in RCW 10.14.085, personal service shall
14 be made upon the respondent not less than five days before the hearing.
15 If timely service cannot be made the court shall set a new hearing date
16 and shall either require additional attempts at obtaining personal
17 service or permit service by publication as provided by RCW 10.14.085.
18 If the court permits service by publication, the court shall set the
19 new hearing date not later than twenty-four days from the date of the
20 order. If the order expires because timely service cannot be made the
21 court shall grant an ex parte order of protection as provided in this
22 section. The court shall grant the petition for renewal unless the
23 respondent proves by a preponderance of the evidence that the
24 respondent will not resume harassment of the petitioner when the order
25 expires. The court may renew the protection order for another fixed
26 time period or may enter a permanent order as provided in subsection
27 (4) of this section.

28 (6) The court, in granting an ex parte temporary antiharassment
29 protection order or a civil antiharassment protection order, shall have
30 broad discretion to grant such relief as the court deems proper,
31 including an order:

32 (a) Restraining the respondent from making any attempts to contact
33 the petitioner;

34 (b) Restraining the respondent from making any attempts to keep the
35 petitioner under surveillance; ~~((and))~~

36 (c) Requiring the respondent to stay a stated distance from the
37 petitioner's residence and workplace; and

38 (d) Considering the provisions of section 441 of this act.

1 (7) A petitioner may not obtain an ex parte temporary
2 antiharassment protection order against a respondent if the petitioner
3 has previously obtained two such ex parte orders against the same
4 respondent but has failed to obtain the issuance of a civil
5 antiharassment protection order unless good cause for such failure can
6 be shown.

7 (8) The court order shall specify the date an order issued pursuant
8 to subsections (4) and (5) of this section expires if any. The court
9 order shall also state whether the court issued the protection order
10 following personal service or service by publication and whether the
11 court has approved service by publication of an order issued under this
12 section.

13 **Sec. 444.** RCW 10.99.040 and 1992 c 86 s 2 are each amended to read
14 as follows:

15 (1) Because of the serious nature of domestic violence, the court
16 in domestic violence actions:

17 (a) Shall not dismiss any charge or delay disposition because of
18 concurrent dissolution or other civil proceedings;

19 (b) Shall not require proof that either party is seeking a
20 dissolution of marriage prior to instigation of criminal proceedings;

21 (c) Shall waive any requirement that the victim's location be
22 disclosed to any person, other than the attorney of a criminal
23 defendant, upon a showing that there is a possibility of further
24 violence: PROVIDED, That the court may order a criminal defense
25 attorney not to disclose to his or her client the victim's location;
26 and

27 (d) Shall identify by any reasonable means on docket sheets those
28 criminal actions arising from acts of domestic violence.

29 (2) Because of the likelihood of repeated violence directed at
30 those who have been victims of domestic violence in the past, when any
31 person charged with or arrested for a crime involving domestic violence
32 is released from custody before arraignment or trial on bail or
33 personal recognizance, the court authorizing the release may prohibit
34 that person from having any contact with the victim. The jurisdiction
35 authorizing the release shall determine whether that person should be
36 prohibited from having any contact with the victim. If there is no
37 outstanding restraining or protective order prohibiting that person
38 from having contact with the victim, the court authorizing release may

1 issue, by telephone, a no-contact order prohibiting the person charged
2 or arrested from having contact with the victim. In issuing the order,
3 the court shall consider the provisions of section 441 of this act.
4 The no-contact order shall also be issued in writing as soon as
5 possible. (~~If the court has probable cause to believe that the person~~
6 ~~charged or arrested is likely to use or display or threaten to use a~~
7 ~~deadly weapon as defined in RCW 9A.04.110 in any further acts of~~
8 ~~violence, the court may also require that person to surrender any~~
9 ~~deadly weapon in that person's immediate possession or control, or~~
10 ~~subject to that person's immediate possession or control, to the~~
11 ~~sheriff of the county or chief of police of the municipality in which~~
12 ~~that person resides or to the defendant's counsel for safekeeping.))~~

13 (3) At the time of arraignment the court shall determine whether a
14 no-contact order shall be issued or extended. If a no-contact order is
15 issued or extended, the court may also include in the conditions of
16 release a requirement that the defendant submit to electronic
17 monitoring. If electronic monitoring is ordered, the court shall
18 specify who shall provide the monitoring services, and the terms under
19 which the monitoring shall be performed. Upon conviction, the court
20 may require as a condition of the sentence that the defendant reimburse
21 the providing agency for the costs of the electronic monitoring.

22 (4)(a) Willful violation of a court order issued under subsection
23 (2) or (3) of this section is a misdemeanor. Upon conviction and in
24 addition to other penalties provided by law, the court may require that
25 the defendant submit to electronic monitoring. The court shall specify
26 who shall provide the electronic monitoring services and the terms
27 under which the monitoring must be performed. The court also may
28 include a requirement that the defendant pay the costs of the
29 monitoring. The court shall consider the ability of the convicted
30 person to pay for electronic monitoring.

31 (b) Any assault that is a violation of an order issued under this
32 section and that does not amount to assault in the first or second
33 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
34 under chapter 9A.20 RCW, and any conduct in violation of a protective
35 order issued under this section that is reckless and creates a
36 substantial risk of death or serious physical injury to another person
37 is a class C felony punishable under chapter 9A.20 RCW.

38 (c) The written order releasing the person charged or arrested
39 shall contain the court's directives and shall bear the legend:

1 Violation of this order is a criminal offense under chapter 10.99 RCW
2 and will subject a violator to arrest; any assault or reckless
3 endangerment that is a violation of this order is a felony. A
4 certified copy of the order shall be provided to the victim. If a no-
5 contact order has been issued prior to charging, that order shall
6 expire at arraignment or within seventy-two hours if charges are not
7 filed. Such orders need not be entered into the computer information
8 system in this state which is used by law enforcement agencies to list
9 outstanding warrants.

10 (5) Whenever an order prohibiting contact is issued, modified, or
11 terminated under subsection (2) or (3) of this section, the clerk of
12 the court shall forward a copy of the order on or before the next
13 judicial day to the appropriate law enforcement agency specified in the
14 order. Upon receipt of the copy of the order the law enforcement
15 agency shall forthwith enter the order for one year or until the
16 expiration date specified on the order into any computer information
17 system available in this state used by law enforcement agencies to list
18 outstanding warrants. Entry into the law enforcement information
19 system constitutes notice to all law enforcement agencies of the
20 existence of the order. The order is fully enforceable in any
21 jurisdiction in the state.

22 **Sec. 445.** RCW 10.99.045 and 1984 c 263 s 23 are each amended to
23 read as follows:

24 (1) A defendant arrested for an offense involving domestic violence
25 as defined by RCW 10.99.020(2) shall be required to appear in person
26 before a magistrate within one judicial day after the arrest.

27 (2) A defendant who is charged by citation, complaint, or
28 information with an offense involving domestic violence as defined by
29 RCW 10.99.020(2) and not arrested shall appear in court for arraignment
30 in person as soon as practicable, but in no event later than fourteen
31 days after the next day on which court is in session following the
32 issuance of the citation or the filing of the complaint or information.

33 (3) At the time of the appearances provided in subsection (1) or
34 (2) of this section, the court shall determine the necessity of
35 imposing a no contact order or other conditions of pretrial release
36 according to the procedures established by court rule for a preliminary
37 appearance or an arraignment. ~~((If the court has probable cause to
38 believe that the defendant is likely to use or display or threaten to~~

1 use a deadly weapon as defined in RCW 9A.04.110 in any further acts of
2 violence, as one of the conditions of pretrial release, the court may
3 require the defendant to surrender any deadly weapon in the defendant's
4 immediate possession or control, or subject to the defendant's
5 immediate possession or control, to the sheriff of the county or chief
6 of police of the municipality in which the defendant resides or to the
7 defendant's counsel for safekeeping. The decision of the judge and
8 findings of fact in support thereof shall be in writing.)) The court
9 may include in the order any conditions authorized under section 441 of
10 this act.

11 (4) Appearances required pursuant to this section are mandatory and
12 cannot be waived.

13 (5) The no-contact order shall be issued and entered with the
14 appropriate law enforcement agency pursuant to the procedures outlined
15 in RCW 10.99.040 (2) and (4).

16 **Sec. 446.** RCW 26.09.050 and 1989 c 375 s 29 are each amended to
17 read as follows:

18 In entering a decree of dissolution of marriage, legal separation,
19 or declaration of invalidity, the court shall determine the marital
20 status of the parties, make provision for a parenting plan for any
21 minor child of the marriage, make provision for the support of any
22 child of the marriage entitled to support, consider or approve
23 provision for the maintenance of either spouse, make provision for the
24 disposition of property and liabilities of the parties, make provision
25 for the allocation of the children as federal tax exemptions, make
26 provision for any necessary continuing restraining orders including the
27 provisions contained in section 441 of this act, and make provision for
28 the change of name of any party.

29 **Sec. 447.** RCW 26.09.060 and 1992 c 229 s 9 are each amended to
30 read as follows:

31 (1) In a proceeding for:

32 (a) Dissolution of marriage, legal separation, or a declaration of
33 invalidity; or

34 (b) Disposition of property or liabilities, maintenance, or support
35 following dissolution of the marriage by a court which lacked personal
36 jurisdiction over the absent spouse; either party may move for
37 temporary maintenance or for temporary support of children entitled to

1 support. The motion shall be accompanied by an affidavit setting forth
2 the factual basis for the motion and the amounts requested.

3 (2) As a part of a motion for temporary maintenance or support or
4 by independent motion accompanied by affidavit, either party may
5 request the court to issue a temporary restraining order or preliminary
6 injunction, providing relief proper in the circumstances, and
7 restraining or enjoining any person from:

8 (a) Transferring, removing, encumbering, concealing, or in any way
9 disposing of any property except in the usual course of business or for
10 the necessities of life, and, if so restrained or enjoined, requiring
11 him or her to notify the moving party of any proposed extraordinary
12 expenditures made after the order is issued;

13 (b) ~~Molesting or disturbing the peace of the other party or of any
14 child ((and, upon a showing by clear and convincing evidence that the
15 party so restrained or enjoined has used or displayed or threatened to
16 use a deadly weapon as defined in RCW 9A.04.110 in an act of violence
17 or has previously committed acts of domestic violence and is likely to
18 use or display or threaten to use a deadly weapon in an act of domestic
19 violence, requiring the party to surrender any deadly weapon in his
20 immediate possession or control or subject to his immediate possession
21 or control to the sheriff of the county having jurisdiction of the
22 proceeding or to the restrained or enjoined party's counsel or to any
23 person designated by the court. The court may order temporary
24 surrender of deadly weapons without notice to the other party only if
25 it finds on the basis of the moving affidavit or other evidence that
26 irreparable injury could result if an order is not issued until the
27 time for response has elapsed))~~;

28 (c) Entering the family home or the home of the other party upon a
29 showing of the necessity therefor;

30 (d) Removing a child from the jurisdiction of the court.

31 (3) In issuing the order, the court shall consider the provisions
32 of section 441 of this act.

33 (4) The court may issue a temporary restraining order without
34 requiring notice to the other party only if it finds on the basis of
35 the moving affidavit or other evidence that irreparable injury could
36 result if an order is not issued until the time for responding has
37 elapsed.

38 ~~((+4))~~ (5) The court may issue a temporary restraining order or
39 preliminary injunction and an order for temporary maintenance or

1 support in such amounts and on such terms as are just and proper in the
2 circumstances. The court may in its discretion waive the filing of the
3 bond or the posting of security.

4 ~~((+5))~~ (6) Restraining orders issued under this section
5 restraining the person from molesting or disturbing another party or
6 from entering a party's home shall bear the legend: VIOLATION OF THIS
7 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
8 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

9 ~~((+6))~~ (7) The court may order that any temporary restraining
10 order granted under this section be forwarded by the clerk of the court
11 on or before the next judicial day to the appropriate law enforcement
12 agency specified in the order. Upon receipt of the order, the law
13 enforcement agency shall forthwith enter the order for one year into
14 any computer-based criminal intelligence information system available
15 in this state used by law enforcement agencies to list outstanding
16 warrants. Entry into the law enforcement information system
17 constitutes notice to all law enforcement agencies of the existence of
18 the order. The order is fully enforceable in any county in the state.

19 ~~((+7))~~ (8) A temporary order, temporary restraining order, or
20 preliminary injunction:

21 (a) Does not prejudice the rights of a party or any child which are
22 to be adjudicated at subsequent hearings in the proceeding;

23 (b) May be revoked or modified;

24 (c) Terminates when the final decree is entered, except as provided
25 under subsection ~~((+8))~~ (9) of this section, or when the petition for
26 dissolution, legal separation, or declaration of invalidity is
27 dismissed;

28 (d) May be entered in a proceeding for the modification of an
29 existing decree.

30 ~~((+8))~~ (9) Delinquent support payments accrued under an order for
31 temporary support remain collectible and are not extinguished when a
32 final decree is entered unless the decree contains specific language to
33 the contrary. A support debt under a temporary order owed to the state
34 for public assistance expenditures shall not be extinguished by the
35 final decree if:

36 (a) The obligor was given notice of the state's interest under
37 chapter 74.20A RCW; or

1 (b) The temporary order directs the obligor to make support
2 payments to the office of support enforcement or the Washington state
3 support registry.

4 **Sec. 448.** RCW 26.10.040 and 1989 c 375 s 31 are each amended to
5 read as follows:

6 In entering an order under this chapter, the court shall consider,
7 approve, or make provision for:

8 (1) Child custody, visitation, and the support of any child
9 entitled to support;

10 (2) The allocation of the children as a federal tax exemption; and

11 (3) Any necessary continuing restraining orders, including the
12 provisions contained in section 441 of this act.

13 **Sec. 449.** RCW 26.10.115 and 1989 c 375 s 32 are each amended to
14 read as follows:

15 (1) In a proceeding under this chapter either party may file a
16 motion for temporary support of children entitled to support. The
17 motion shall be accompanied by an affidavit setting forth the factual
18 basis for the motion and the amount requested.

19 (2) In a proceeding under this chapter either party may file a
20 motion for a temporary restraining order or preliminary injunction,
21 providing relief proper in the circumstances, and restraining or
22 enjoining any person from:

23 (a) ~~Molesting or disturbing the peace of the other party or of any~~
24 ~~child ((and, upon a showing by clear and convincing evidence that the~~
25 ~~party so restrained or enjoined has used or displayed or threatened to~~
26 ~~use a deadly weapon as defined in RCW 9A.04.110 in an act of violence~~
27 ~~or has previously committed acts of domestic violence and is likely to~~
28 ~~use or display or threaten to use a deadly weapon in an act of domestic~~
29 ~~violence, requiring the party to surrender any deadly weapon in his~~
30 ~~immediate possession or control or subject to his immediate possession~~
31 ~~or control to the sheriff of the county having jurisdiction of the~~
32 ~~proceeding or to the restrained or enjoined party's counsel or to any~~
33 ~~person designated by the court. The court may order temporary~~
34 ~~surrender of deadly weapons without notice to the other party only if~~
35 ~~it finds on the basis of the moving affidavit or other evidence that~~
36 ~~irreparable injury could result if an order is not issued until the~~
37 ~~time for response has elapsed))~~);

1 (b) Entering the family home or the home of the other party upon a
2 showing of the necessity therefor;

3 (c) Removing a child from the jurisdiction of the court.

4 (3) In issuing the order, the court shall consider the provisions
5 of section 441 of this act.

6 (4) The court may issue a temporary restraining order without
7 requiring notice to the other party only if it finds on the basis of
8 the moving affidavit or other evidence that irreparable injury could
9 result if an order is not issued until the time for responding has
10 elapsed.

11 ~~((4))~~ (5) The court may issue a temporary restraining order or
12 preliminary injunction and an order for temporary support in such
13 amounts and on such terms as are just and proper in the circumstances.

14 ~~((5))~~ (6) Restraining orders issued under this section
15 restraining the person from molesting or disturbing another party or
16 from entering a party's home shall bear the legend: VIOLATION OF THIS
17 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
18 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

19 ~~((6))~~ (7) The court may order that any temporary restraining
20 order granted under this section be forwarded by the clerk of the court
21 on or before the next judicial day to the appropriate law enforcement
22 agency specified in the order. Upon receipt of the order, the law
23 enforcement agency shall forthwith enter the order for one year into
24 any computer-based criminal intelligence information system available
25 in this state used by law enforcement agencies to list outstanding
26 warrants. Entry into the law enforcement information system
27 constitutes notice to all law enforcement agencies of the existence of
28 the order. The order is fully enforceable in any county in the state.

29 ~~((7))~~ (8) A temporary order, temporary restraining order, or
30 preliminary injunction:

31 (a) Does not prejudice the rights of a party or any child which are
32 to be adjudicated at subsequent hearings in the proceeding;

33 (b) May be revoked or modified;

34 (c) Terminates when the final order is entered or when the motion
35 is dismissed;

36 (d) May be entered in a proceeding for the modification of an
37 existing order.

38 ~~((8))~~ (9) A support debt owed to the state for public assistance
39 expenditures which has been charged against a party pursuant to RCW

1 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
2 extinguished by, the final decree or order, unless the office of
3 support enforcement has been given notice of the final proceeding and
4 an opportunity to present its claim for the support debt to the court
5 and has failed to file an affidavit as provided in this subsection.
6 Notice of the proceeding shall be served upon the office of support
7 enforcement personally, or by certified mail, and shall be given no
8 fewer than thirty days prior to the date of the final proceeding. An
9 original copy of the notice shall be filed with the court either before
10 service or within a reasonable time thereafter. The office of support
11 enforcement may present its claim, and thereby preserve the support
12 debt, by filing an affidavit setting forth the amount of the debt with
13 the court, and by mailing a copy of the affidavit to the parties or
14 their attorney prior to the date of the final proceeding.

15 **Sec. 450.** RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18
16 are each reenacted and amended to read as follows:

17 (1) The judgment and order of the court determining the existence
18 or nonexistence of the parent and child relationship shall be
19 determinative for all purposes.

20 (2) If the judgment and order of the court is at variance with the
21 child's birth certificate, the court shall order that an amended birth
22 certificate be issued.

23 (3) The judgment and order shall contain other appropriate
24 provisions directed to the appropriate parties to the proceeding,
25 concerning the duty of current and future support, the extent of any
26 liability for past support furnished to the child if that issue is
27 before the court, the furnishing of bond or other security for the
28 payment of the judgment, or any other matter in the best interest of
29 the child. The judgment and order may direct the father to pay the
30 reasonable expenses of the mother's pregnancy and confinement. The
31 judgment and order may include a continuing restraining order or
32 injunction. In issuing the order, the court shall consider the
33 provisions of section 441 of this act.

34 (4) Support judgment and orders shall be for periodic payments
35 which may vary in amount. The court may limit the father's liability
36 for the past support to the child to the proportion of the expenses
37 already incurred as the court deems just. The court shall not limit or
38 affect in any manner the right of nonparties including the state of

1 Washington to seek reimbursement for support and other services
2 previously furnished to the child.

3 (5) After considering all relevant factors, the court shall order
4 either or both parents to pay an amount determined pursuant to the
5 schedule and standards (~~adopted under RCW 26.19.040~~) contained in
6 chapter 26.19 RCW.

7 (6) On the same basis as provided in chapter 26.09 RCW, the court
8 shall make residential provisions with regard to minor children of the
9 parties, except that a parenting plan shall not be required unless
10 requested by a party.

11 (7) In any dispute between the natural parents of a child and a
12 person or persons who have (a) commenced adoption proceedings or who
13 have been granted an order of adoption, and (b) pursuant to a court
14 order, or placement by the department of social and health services or
15 by a licensed agency, have had actual custody of the child for a period
16 of one year or more before court action is commenced by the natural
17 parent or parents, the court shall consider the best welfare and
18 interests of the child, including the child's need for situation
19 stability, in determining the matter of custody, and the parent or
20 person who is more fit shall have the superior right to custody.

21 **Sec. 451.** RCW 26.26.137 and 1983 1st ex.s. c 41 s 12 are each
22 amended to read as follows:

23 (1) If the court has made a finding as to the paternity of a child,
24 or if a party's acknowledgment of paternity has been filed with the
25 court, or a party alleges he is the father of the child, any party may
26 move for temporary support for the child prior to the date of entry of
27 the final order. The motion shall be accompanied by an affidavit
28 setting forth the factual basis for the motion and the amounts
29 requested.

30 (2) Any party may request the court to issue a temporary
31 restraining order or preliminary injunction, providing relief proper in
32 the circumstances, and restraining or enjoining any party from:

- 33 (a) Molesting or disturbing the peace of another party;
- 34 (b) Entering the home of another party; or
- 35 (c) Removing a child from the jurisdiction of the court.

36 (3) The court may issue a temporary restraining order without
37 requiring notice to the other party only if it finds on the basis of
38 the moving affidavit or other evidence that irreparable injury could

1 result if an order is not issued until the time for responding has
2 elapsed.

3 (4) The court may issue a temporary restraining order or
4 preliminary injunction and an order for temporary support in such
5 amounts and on such terms as are just and proper in the circumstances.
6 In issuing the order, the court shall consider the provisions of
7 section 441 of this act.

8 (5) A temporary order, temporary restraining order, or preliminary
9 injunction:

10 (a) Does not prejudice the rights of a party or any child which are
11 to be adjudicated at subsequent hearings in the proceeding;

12 (b) May be revoked or modified;

13 (c) Terminates when the final order is entered or when the petition
14 is dismissed; and

15 (d) May be entered in a proceeding for the modification of an
16 existing order.

17 (6) A support debt owed to the state for public assistance
18 expenditures which has been charged against a party pursuant to RCW
19 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
20 extinguished by, the final decree or order, unless the office of
21 support enforcement has been given notice of the final proceeding and
22 an opportunity to present its claim for the support debt to the court
23 and has failed to file an affidavit as provided in this subsection.
24 Notice of the proceeding shall be served upon the office of support
25 enforcement personally, or by certified mail, and shall be given no
26 fewer than thirty days prior to the date of the final proceeding. An
27 original copy of the notice shall be filed with the court either before
28 service or within a reasonable time thereafter. The office of support
29 enforcement may present its claim, and thereby preserve the support
30 debt, by filing an affidavit setting forth the amount of the debt with
31 the court, and by mailing a copy of the affidavit to the parties or
32 their attorney prior to the date of the final proceeding.

33 **Sec. 452.** RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and
34 1992 c 86 s 4 are each reenacted and amended to read as follows:

35 (1) Upon notice and after hearing, the court may provide relief as
36 follows:

37 (a) Restrain the respondent from committing acts of domestic
38 violence;

1 (b) Exclude the respondent from the dwelling which the parties
2 share or from the residence of the petitioner;

3 (c) On the same basis as is provided in chapter 26.09 RCW, the
4 court shall make residential provision with regard to minor children of
5 the parties. However, parenting plans as specified in chapter 26.09
6 RCW shall not be required under this chapter;

7 (d) Order the respondent to participate in batterers' treatment;

8 (e) Order other relief as it deems necessary for the protection of
9 the petitioner and other family or household members sought to be
10 protected, including orders or directives to a peace officer, as
11 allowed under this chapter;

12 (f) Require the respondent to pay the filing fee and court costs,
13 including service fees, and to reimburse the petitioner for costs
14 incurred in bringing the action, including a reasonable attorney's fee.
15 If the petitioner has been granted leave to proceed in forma pauperis,
16 the court may require the respondent to pay the filing fee and costs,
17 including services fees, to the county or municipality incurring the
18 expense;

19 (g) Restrain the respondent from having any contact with the victim
20 of domestic violence or the victim's children or members of the
21 victim's household; (~~and~~)

22 (h) Require the respondent to submit to electronic monitoring. The
23 order shall specify who shall provide the electronic monitoring
24 services and the terms under which the monitoring must be performed.
25 The order also may include a requirement that the respondent pay the
26 costs of the monitoring. The court shall consider the ability of the
27 respondent to pay for electronic monitoring; and

28 (i) Consider the provisions of section 441 of this act.

29 (2) Any relief granted by the order for protection, other than a
30 judgment for costs, shall be for a fixed period not to exceed one year
31 if the restraining order restrains the respondent from contacting the
32 respondent's minor children. If the petitioner has petitioned for
33 relief on his or her own behalf or on behalf of the petitioner's family
34 or household members or minor children that are not also the
35 respondent's minor children, and the court finds that the respondent is
36 likely to resume acts of domestic violence against the petitioner or
37 the petitioner's family or household members or minor children when the
38 order expires, the court may either (a) grant relief for a fixed period

1 not to exceed one year; (b) grant relief for a fixed period in excess
2 of one year; or (c) enter a permanent order of protection.

3 If the petitioner has petitioned for relief on behalf of the
4 respondent's minor children, the court shall advise the petitioner that
5 if the petitioner wants to continue protection for a period beyond one
6 year the petitioner may either petition for renewal pursuant to the
7 provisions of this chapter or may seek relief pursuant to the
8 provisions of chapter 26.09 RCW.

9 (3) If the court grants an order for a fixed time period, the
10 petitioner may apply for renewal of the order by filing a petition for
11 renewal at any time within the three months before the order expires.
12 The petition for renewal shall state the reasons why the petitioner
13 seeks to renew the protection order. Upon receipt of the petition for
14 renewal the court shall order a hearing which shall be not later than
15 fourteen days from the date of the order. Except as provided in RCW
16 26.50.085, personal service shall be made on the respondent not less
17 than five days before the hearing. If timely service cannot be made
18 the court shall set a new hearing date and shall either require
19 additional attempts at obtaining personal service or permit service by
20 publication as provided in RCW 26.50.085. If the court permits service
21 by publication, the court shall set the new hearing date not later than
22 twenty-four days from the date of the order. If the order expires
23 because timely service cannot be made the court shall grant an ex parte
24 order of protection as provided in RCW 26.50.070. The court shall
25 grant the petition for renewal unless the respondent proves by a
26 preponderance of the evidence that the respondent will not resume acts
27 of domestic violence against the petitioner or the petitioner's
28 children or family or household members when the order expires. The
29 court may renew the protection order for another fixed time period or
30 may enter a permanent order as provided in this section. The court may
31 award court costs, service fees, and reasonable attorneys' fees as
32 provided in subsection (1)(f) of this section.

33 (4) In providing relief under this chapter, the court may realign
34 the designation of the parties as "petitioner" and "respondent" where
35 the court finds that the original petitioner is the abuser and the
36 original respondent is the victim of domestic violence and may issue an
37 ex parte temporary order for protection in accordance with RCW
38 26.50.070 on behalf of the victim until the victim is able to prepare

1 a petition for an order for protection in accordance with RCW
2 26.50.030.

3 (5) Except as provided in subsection (4) of this section, no order
4 for protection shall grant relief to any party except upon notice to
5 the respondent and hearing pursuant to a petition or counter-petition
6 filed and served by the party seeking relief in accordance with RCW
7 26.50.050.

8 (6) The court order shall specify the date the order expires if
9 any. The court order shall also state whether the court issued the
10 protection order following personal service or service by publication
11 and whether the court has approved service by publication of an order
12 issued under this section.

13 **Sec. 453.** RCW 26.50.070 and 1992 c 143 s 3 are each amended to
14 read as follows:

15 (1) Where an application under this section alleges that
16 irreparable injury could result from domestic violence if an order is
17 not issued immediately without prior notice to the respondent, the
18 court may grant an ex parte temporary order for protection, pending a
19 full hearing, and grant relief as the court deems proper, including an
20 order:

21 (a) Restraining any party from committing acts of domestic
22 violence;

23 (b) Excluding any party from the dwelling shared or from the
24 residence of the other until further order of the court;

25 (c) Restraining any party from interfering with the other's custody
26 of the minor children or from removing the children from the
27 jurisdiction of the court; ~~((and))~~

28 (d) Restraining any party from having any contact with the victim
29 of domestic violence or the victim's children or members of the
30 victim's household; and

31 (e) Considering the provisions of section 441 of this act.

32 (2) Irreparable injury under this section includes but is not
33 limited to situations in which the respondent has recently threatened
34 petitioner with bodily injury or has engaged in acts of domestic
35 violence against the petitioner.

36 (3) The court shall hold an ex parte hearing in person or by
37 telephone on the day the petition is filed or on the following judicial
38 day.

1 (4) An ex parte temporary order for protection shall be effective
2 for a fixed period not to exceed fourteen days or twenty-four days if
3 the court has permitted service by publication under RCW 26.50.085.
4 The ex parte order may be reissued. A full hearing, as provided in
5 this chapter, shall be set for not later than fourteen days from the
6 issuance of the temporary order or not later than twenty-four days if
7 service by publication is permitted. Except as provided in RCW
8 26.50.050 and 26.50.085, the respondent shall be personally served with
9 a copy of the ex parte order along with a copy of the petition and
10 notice of the date set for the hearing.

11 **Sec. 454.** RCW 77.12.720 and 1990 c 195 s 2 are each amended to
12 read as follows:

13 The firearms range account is hereby created in the state general
14 fund. (~~Any funds remaining in the firearm range account established~~
15 ~~by RCW 77.12.195, at the time of its repeal by section 7, chapter 195,~~
16 ~~Laws of 1990, shall be transferred to the firearms range account~~
17 ~~established in this section.~~) Moneys in the account shall be subject
18 to legislative appropriation and shall be used for purchase and
19 development of land, construction or improvement of range facilities,
20 including fixed structure construction or remodeling, equipment
21 purchase, safety or environmental improvements, noise abatement, and
22 liability protection for public and nonprofit firearm range training
23 and practice facilities.

24 Grant funds shall not be used for expendable shooting supplies, or
25 normal operating expenses. Grant funds shall not supplant funds for
26 other organization programs.

27 The funds will be available to nonprofit shooting organizations,
28 school districts, and state, county, or local governments on a match
29 basis. All (~~ranges~~) entities receiving matching funds must be open
30 on a regular basis and usable by law enforcement personnel or the
31 general public who possess Washington concealed (~~carry permits~~)
32 pistol licenses or Washington hunting licenses or who are enrolled in
33 a firearm safety class.

34 Applicants for a grant from the firearms range account shall
35 provide matching funds in either cash or in-kind contributions. The
36 match must represent one dollar in value for each one dollar of the
37 grant. In-kind contributions include but are not limited to labor,

1 materials, and new property. Existing assets and existing development
2 may not apply to the match.

3 Applicants other than school districts or local or state government
4 must be registered as a nonprofit or not-for-profit organization with
5 the Washington secretary of state and the United States internal
6 revenue service. The organization's articles of incorporation must
7 contain provisions for the organization's structure, officers, legal
8 address, and registered agent.

9 Organizations requesting grants must provide the hours of range
10 availability for public and law enforcement use. The fee structure
11 will be submitted with the grant application.

12 Any nonprofit organization or agency accepting a grant under this
13 program will be required to pay back the entire grant amount to the
14 firearms range account if the use of the range facility is discontinued
15 less than ten years after the grant is accepted.

16 ~~((Facilities))~~ Entities receiving grants must ~~((be))~~ make the
17 facilities for which grant funding is received open for hunter safety
18 education classes and firearm safety classes on a regular basis for no
19 fee.

20 Government units or school districts applying for grants must open
21 their range facility on a regular basis for hunter safety education
22 ~~((training))~~ classes and firearm safety classes.

23 The interagency committee for outdoor recreation shall adopt rules
24 to implement ~~((this act))~~ chapter 195, Laws of 1990, pursuant to
25 chapter 34.05 RCW.

26 **Sec. 455.** RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are
27 each reenacted and amended to read as follows:

28 A police officer having probable cause to believe that a person has
29 committed or is committing a felony shall have the authority to arrest
30 the person without a warrant. A police officer may arrest a person
31 without a warrant for committing a misdemeanor or gross misdemeanor
32 only when the offense is committed in the presence of the officer,
33 except as provided in subsections (1) through (10) of this section.

34 (1) Any police officer having probable cause to believe that a
35 person has committed or is committing a misdemeanor or gross
36 misdemeanor, involving physical harm or threats of harm to any person
37 or property or the unlawful taking of property or involving the use or
38 possession of cannabis, or involving the acquisition, possession, or

1 consumption of alcohol by a person under the age of twenty-one years
2 under RCW 66.44.270 shall have the authority to arrest the person.

3 (2) A police officer shall arrest and take into custody, pending
4 release on bail, personal recognizance, or court order, a person
5 without a warrant when the officer has probable cause to believe that:

6 (a) An order has been issued of which the person has knowledge
7 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
8 RCW, or chapter 26.50 RCW restraining the person and the person has
9 violated the terms of the order restraining the person from acts or
10 threats of violence or excluding the person from a residence or, in the
11 case of an order issued under RCW 26.44.063, imposing any other
12 restrictions or conditions upon the person; or

13 (b) The person is eighteen years or older and within the preceding
14 four hours has assaulted that person's spouse, former spouse, or a
15 person eighteen years or older with whom the person resides or has
16 formerly resided and the officer believes: (i) A felonious assault
17 has occurred; (ii) an assault has occurred which has resulted in bodily
18 injury to the victim, whether the injury is observable by the
19 responding officer or not; or (iii) that any physical action has
20 occurred which was intended to cause another person reasonably to fear
21 imminent serious bodily injury or death. Bodily injury means physical
22 pain, illness, or an impairment of physical condition. When the
23 officer has probable cause to believe that spouses, former spouses, or
24 other persons who reside together or formerly resided together have
25 assaulted each other, the officer is not required to arrest both
26 persons. The officer shall arrest the person whom the officer believes
27 to be the primary physical aggressor. In making this determination,
28 the officer shall make every reasonable effort to consider: (i) The
29 intent to protect victims of domestic violence under RCW 10.99.010;
30 (ii) the comparative extent of injuries inflicted or serious threats
31 creating fear of physical injury; and (iii) the history of domestic
32 violence between the persons involved.

33 (3) Any police officer having probable cause to believe that a
34 person has committed or is committing a violation of any of the
35 following traffic laws shall have the authority to arrest the person:

36 (a) RCW 46.52.010, relating to duty on striking an unattended car
37 or other property;

38 (b) RCW 46.52.020, relating to duty in case of injury to or death
39 of a person or damage to an attended vehicle;

1 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
2 racing of vehicles;

3 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
4 influence of intoxicating liquor or drugs;

5 (e) RCW 46.20.342, relating to driving a motor vehicle while
6 operator's license is suspended or revoked;

7 (f) RCW 46.61.525, relating to operating a motor vehicle in a
8 negligent manner.

9 (4) A law enforcement officer investigating at the scene of a motor
10 vehicle accident may arrest the driver of a motor vehicle involved in
11 the accident if the officer has probable cause to believe that the
12 driver has committed in connection with the accident a violation of any
13 traffic law or regulation.

14 (5) Any police officer having probable cause to believe that a
15 person has committed or is committing a violation of RCW (~~(88.12.100)~~)
16 88.12.025 shall have the authority to arrest the person.

17 (6) An officer may act upon the request of a law enforcement
18 officer in whose presence a traffic infraction was committed, to stop,
19 detain, arrest, or issue a notice of traffic infraction to the driver
20 who is believed to have committed the infraction. The request by the
21 witnessing officer shall give an officer the authority to take
22 appropriate action under the laws of the state of Washington.

23 (7) Any police officer having probable cause to believe that a
24 person has committed or is committing any act of indecent exposure, as
25 defined in RCW 9A.88.010, may arrest the person.

26 (8) A police officer may arrest and take into custody, pending
27 release on bail, personal recognizance, or court order, a person
28 without a warrant when the officer has probable cause to believe that
29 an order has been issued of which the person has knowledge under
30 chapter 10.14 RCW and the person has violated the terms of that order.

31 (9) Any police officer having probable cause to believe that a
32 person has, within twenty-four hours of the alleged violation,
33 committed a violation of RCW 9A.50.020 may arrest such person.

34 (10) A police officer having probable cause to believe that a
35 person illegally possesses or illegally has possessed a (~~firearm or~~
36 ~~other dangerous~~) deadly weapon as defined in RCW 9A.04.110 on private
37 or public elementary or secondary school premises shall have the
38 authority to arrest the person.

1 (~~For purposes of this subsection, the term "firearm" has the~~
2 ~~meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the~~
3 ~~meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).)~~)

4 (11) Except as specifically provided in subsections (2), (3), (4),
5 and (6) of this section, nothing in this section extends or otherwise
6 affects the powers of arrest prescribed in Title 46 RCW.

7 (12) No police officer may be held criminally or civilly liable for
8 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
9 officer acts in good faith and without malice.

10 **Sec. 456.** RCW 10.99.030 and 1993 c 350 s 3 are each amended to
11 read as follows:

12 (1) All training relating to the handling of domestic violence
13 complaints by law enforcement officers shall stress enforcement of
14 criminal laws in domestic situations, availability of community
15 resources, and protection of the victim. Law enforcement agencies and
16 community organizations with expertise in the issue of domestic
17 violence shall cooperate in all aspects of such training.

18 (2) The primary duty of peace officers, when responding to a
19 domestic violence situation, is to enforce the laws allegedly violated
20 and to protect the complaining party.

21 (3)(a) When a peace officer responds to a domestic violence call
22 and has probable cause to believe that a crime has been committed, the
23 peace officer shall exercise arrest powers with reference to the
24 criteria in RCW 10.31.100. The officer shall notify the victim of the
25 victim's right to initiate a criminal proceeding in all cases where the
26 officer has not exercised arrest powers or decided to initiate criminal
27 proceedings by citation or otherwise. The parties in such cases shall
28 also be advised of the importance of preserving evidence.

29 (b) A peace officer responding to a domestic violence call shall
30 take a complete offense report including the officer's disposition of
31 the case.

32 (4) When a peace officer responds to a domestic violence call, the
33 officer shall advise victims of all reasonable means to prevent further
34 abuse, including advising each person of the availability of a shelter
35 or other services in the community, and giving each person immediate
36 notice of the legal rights and remedies available. The notice shall
37 include handing each person a copy of the following statement:

1 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
2 city or county prosecuting attorney to file a criminal
3 complaint. You also have the right to file a petition in
4 superior, district, or municipal court requesting an order for
5 protection from domestic abuse which could include any of the
6 following: (a) An order restraining your abuser from further
7 acts of abuse; (b) an order directing your abuser to leave your
8 household; (c) an order preventing your abuser from entering
9 your residence, school, business, or place of employment; (d)
10 an order awarding you or the other parent custody of or
11 visitation with your minor child or children; and (e) an order
12 restraining your abuser from molesting or interfering with
13 minor children in your custody. The forms you need to obtain
14 a protection order are available in any municipal, district, or
15 superior court.

16 Information about shelters and alternatives to domestic
17 violence is available from a state-wide twenty-four-hour toll-
18 free hotline at 1-800-562-6025. The battered women's shelter
19 and other resources in your area are (include local
20 information)"

21 (5) The peace officer may offer, arrange, or facilitate
22 transportation for the victim to a hospital for treatment of injuries
23 or to a place of safety or shelter.

24 (6) The law enforcement agency shall forward the offense report to
25 the appropriate prosecutor within ten days of making such report if
26 there is probable cause to believe that an offense has been committed,
27 unless the case is under active investigation.

28 (7) Each law enforcement agency shall make as soon as practicable
29 a written record and shall maintain records of all incidents of
30 domestic violence reported to it.

31 (8) Records kept pursuant to subsections (3) and (7) of this
32 section shall be made identifiable by means of a departmental code for
33 domestic violence.

34 (9) Commencing January 1, 1994, records of incidents of domestic
35 violence shall be submitted, in accordance with procedures described in
36 this subsection, to the Washington association of sheriffs and police
37 chiefs by all law enforcement agencies. The Washington criminal
38 justice training commission shall amend its contract for collection of

1 state-wide crime data with the Washington association of sheriffs and
2 police chiefs:

3 (a) To include a table, in the annual report of crime in Washington
4 produced by the Washington association of sheriffs and police chiefs
5 pursuant to the contract, showing the total number of actual offenses
6 and the number and percent of the offenses that are domestic violence
7 incidents for the following crimes: (i) Criminal homicide, with
8 subtotals for murder and nonnegligent homicide and manslaughter by
9 negligence; (ii) forcible rape, with subtotals for rape by force and
10 attempted forcible rape; (iii) robbery, with subtotals for firearm,
11 knife or cutting instrument, or other ((dangerous)) deadly weapon as
12 defined in RCW 9A.04.110, and strongarm robbery; (iv) assault, with
13 subtotals for firearm, knife or cutting instrument, other ((dangerous))
14 deadly weapon, hands, feet, aggravated, and other nonaggravated
15 assaults; (v) burglary, with subtotals for forcible entry, nonforcible
16 unlawful entry, and attempted forcible entry; (vi) larceny theft,
17 except motor vehicle theft; (vii) motor vehicle theft, with subtotals
18 for autos, trucks and buses, and other vehicles; and (viii) arson;

19 (b) To require that the table shall continue to be prepared and
20 contained in the annual report of crime in Washington until that time
21 as comparable or more detailed information about domestic violence
22 incidents is available through the Washington state incident based
23 reporting system and the information is prepared and contained in the
24 annual report of crime in Washington; and

25 (c) To require that, in consultation with interested persons, the
26 Washington association of sheriffs and police chiefs prepare and
27 disseminate procedures to all law enforcement agencies in the state as
28 to how the agencies shall code and report domestic violence incidents
29 to the Washington association of sheriffs and police chiefs.

30 NEW SECTION. **Sec. 457.** The legislature is making the change of
31 "dangerous weapon" to "deadly weapon" solely to make consistent use of
32 terminology. No substantive change in sentencing or the element of any
33 criminal offense is intended.

34 NEW SECTION. **Sec. 458.** RCW 9.41.160 shall be recodified within
35 chapter 9.41 RCW to follow RCW 9.41.310.

1 based shared decision-making models; programs to promote lifelong
2 learning and community involvement in education; school-to-work
3 transition programs; programs to meet the needs of highly capable
4 students; programs to meet the diverse needs of students based on
5 gender, racial, ethnic, economic, and special needs status; in-service
6 or curriculum programs regarding violence prevention; and other
7 programs that will assist educators in helping students learn the
8 essential academic learning requirements;

9 (d) Develop and distribute, in conjunction with the commission on
10 student learning, parental involvement materials, including
11 instructional guides developed to inform parents of the essential
12 academic learning requirements. The instructional guides also shall
13 contain actions parents may take to assist their children in meeting
14 the requirements, and should focus on reaching parents who have not
15 previously been involved with their children's education;

16 (e) Identify obstacles to greater parent and community involvement
17 in school shared decision-making processes and recommend strategies for
18 helping parents and community members to participate effectively in
19 school shared decision-making processes, including understanding and
20 respecting the roles of school building administrators and staff;

21 (f) Take other actions to increase public awareness of the
22 importance of parental and community involvement in education;

23 (g) Work with appropriate organizations to inform teachers,
24 district and school administrators, and school directors about the
25 waivers available under RCW 28A.305.140 and the broadened school board
26 powers under RCW 28A.320.015;

27 (h) Provide training and consultation services, including in-
28 service training on violence prevention, and promote interagency
29 sharing of information on violence prevention programs and model
30 violence prevention curricula;

31 (i) Address methods for improving the success rates of certain
32 ethnic and racial student groups; and

33 (j) Perform other functions consistent with the purpose of the
34 center as prescribed in subsection (1) of this section.

35 (3) The superintendent of public instruction, after consultation
36 with the commission on student learning, shall select and employ a
37 director for the center.

38 (4) The superintendent may enter into contracts with individuals or
39 organizations including but not limited to: School districts;

1 teachers; higher education faculty; institutions of higher education;
2 state agencies; business or community-based organizations; and other
3 individuals and organizations to accomplish the duties and
4 responsibilities of the center. The superintendent shall contract out
5 with community-based organizations to meet the provisions of subsection
6 (2) (d) and (e) of this section. In carrying out the duties and
7 responsibilities of the center, the superintendent, whenever possible,
8 shall use practitioners to assist agency staff as well as assist
9 educators and others in schools and districts.

10 (5) The superintendent shall report annually to the commission on
11 student learning on the activities of the center.

12 NEW SECTION. **Sec. 502.** A new section is added to chapter 28A.310
13 RCW to read as follows:

14 The educational service districts, in meeting the core service
15 requirement of in-service training and workshops under RCW
16 28A.310.350(5), shall provide to school districts, on a request basis,
17 in-service training on violence prevention.

18 **Sec. 503.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended
19 to read as follows:

20 (1) Beginning with the 1994-95 school year, to provide the local
21 community and electorate with access to information on the educational
22 programs in the schools in the district, each school shall publish
23 annually a school performance report and deliver the report to each
24 parent with children enrolled in the school and make the report
25 available to the community served by the school. The annual
26 performance report shall be in a form that can be easily understood and
27 be used by parents, guardians, and other members of the community who
28 are not professional educators to make informed educational decisions.
29 As data from the assessments in RCW 28A.630.885 becomes available, the
30 annual performance report should enable parents, educators, and school
31 board members to determine whether students in the district's schools
32 are attaining mastery of the student learning goals under RCW
33 28A.150.210, and other important facts about the schools' performance
34 in assisting students to learn. The annual report shall make
35 comparisons to a school's performance in preceding years and shall
36 project goals in performance categories.

1 (2) The annual performance report shall include, but not be limited
2 to: A brief statement of the mission of the school and the school
3 district; enrollment statistics including student demographics;
4 expenditures per pupil for the school year; a summary of student scores
5 on all mandated tests; a concise annual budget report; student
6 attendance, graduation, and dropout rates; information regarding the
7 use and condition of the school building or buildings; a brief
8 description of the restructuring plan for the school; violence data
9 based on department of health violence data collection standards; and
10 an invitation to all parents and citizens to participate in school
11 activities.

12 (3) The superintendent of public instruction shall develop by June
13 30, 1994, a model report form, which shall also be adapted for
14 computers, that schools may use to meet the requirements of subsections
15 (1) and (2) of this section.

16 NEW SECTION. Sec. 504. A new section is added to chapter 28A.405
17 RCW to read as follows:

18 To receive initial certification as a teacher in this state after
19 August 31, 1995, an applicant shall have successfully completed a
20 course or course work on violence prevention awareness and training.
21 Such course or course work may be incorporated into the requirements of
22 RCW 28A.405.025 regarding completion of a course on issues of abuse.

23 Sec. 505. RCW 28A.610.030 and 1990 c 33 s 507 are each amended to
24 read as follows:

25 (1) The superintendent of public instruction, in consultation with
26 the department of community, trade, and economic development, the
27 department of social and health services, the state board for community
28 and technical colleges (~~(education)~~), and community-based, nonprofit
29 providers of adult literacy services, shall develop an adult literacy
30 program to serve eligible parents as defined under RCW 28A.610.020.
31 The program shall give priority to serving parents with children who
32 have not yet enrolled in school or are in grades kindergarten through
33 three.

34 (2) In addition to providing basic skills instruction to eligible
35 parents, the program shall include violence prevention awareness and
36 training and may include other program components which may include
37 transportation, child care, and such other directly necessary

1 activities as may be necessary to accomplish the purposes of RCW
2 28A.610.020 through 28A.610.060.

3 (3) Parents who elect to participate in training or work programs,
4 as a condition of receiving public assistance, shall have the hours
5 spent in parent participation programs, conducted as part of a federal
6 head start program, or the state early childhood education and
7 assistance program under RCW 28A.215.100 through 28A.215.200 and
8 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
9 28A.610.020 through 28A.610.060, counted toward the fulfillment of
10 their work and training obligation for the receipt of public
11 assistance.

12 (4) State funds as may be appropriated for project even start shall
13 be used solely to expand and complement, but not supplant, federal
14 funds for adult literary programs.

15 (5) The superintendent of public instruction shall adopt rules as
16 necessary to carry out the purposes of RCW 28A.610.020 through
17 28A.610.060.

18 **Sec. 506.** RCW 28A.610.060 and 1987 c 518 s 109 are each amended to
19 read as follows:

20 The superintendent of public instruction, through the ((state
21 clearinghouse for education information)) center for the improvement of
22 student learning, shall collect and disseminate to all school districts
23 and other interested parties information about effective parent
24 literacy programs under project even start.

25 **Sec. 507.** RCW 28A.620.020 and 1985 c 344 s 2 are each amended to
26 read as follows:

27 Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any
28 other law, rule, or regulation, any school district is authorized and
29 encouraged to provide community education programs in the form of
30 instructional, recreational and/or service programs on a noncredit and
31 nontuition basis, excluding fees for supplies, materials, or instructor
32 costs, for the purpose of stimulating the full educational potential
33 and meeting the needs of the district's residents of all ages, and
34 making the fullest use of the district's school facilities: PROVIDED,
35 That school districts are encouraged to provide programs for
36 prospective parents, prospective foster parents, and prospective
37 adoptive parents on parenting skills, violence prevention, and on the

1 problems of child abuse and methods to avoid child abuse situations:
2 PROVIDED FURTHER, That community education programs shall be consistent
3 with rules and regulations promulgated by the state superintendent of
4 public instruction governing cooperation between common schools,
5 community college districts, and other civic and governmental
6 organizations which shall have been developed in cooperation with the
7 state board for community and technical colleges ~~((education))~~ and
8 shall be programs receiving the approval of said superintendent.

9 **Sec. 508.** RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s 1
10 are each reenacted and amended to read as follows:

11 (1) The Washington commission on student learning is hereby
12 established. The primary purposes of the commission are to identify
13 the knowledge and skills all public school students need to know and be
14 able to do based on the student learning goals in RCW 28A.150.210, to
15 develop student assessment and school accountability systems, and to
16 take other steps necessary to develop a performance-based education
17 system. The commission shall include three members of the state board
18 of education, three members appointed by the governor before July 1,
19 1992, and five members appointed no later than June 1, 1993, by the
20 governor elected in the November 1992 election. The governor shall
21 appoint a chair from the commission members, and fill any vacancies in
22 gubernatorial appointments that may occur. The state board of
23 education shall fill any vacancies of state board of education
24 appointments that may occur. In making the appointments, educators,
25 business leaders, and parents shall be represented, and nominations
26 from state-wide education, business, and parent organizations shall be
27 requested. Efforts shall be made to ensure that the commission
28 reflects the racial and ethnic diversity of the state's K-12 student
29 population and that the major geographic regions in the state are
30 represented. Appointees shall be qualified individuals who are
31 supportive of educational restructuring, who have a positive record of
32 service, and who will devote sufficient time to the responsibilities of
33 the commission to ensure that the objectives of the commission are
34 achieved.

35 (2) The commission shall establish advisory committees. Membership
36 of the advisory committees shall include, but not necessarily be
37 limited to, professionals from the office of the superintendent of

1 public instruction and the state board of education, and other state
2 and local educational practitioners and student assessment specialists.

3 (3) The commission, with the assistance of the advisory committees,
4 shall:

5 (a) Develop essential academic learning requirements based on the
6 student learning goals in RCW 28A.150.210. Essential academic learning
7 requirements shall be developed, to the extent possible, for each of
8 the student learning goals in RCW 28A.150.210. Goals one and two shall
9 be considered primary. Essential academic learning requirements for
10 RCW 28A.150.210(1), goal one, and the mathematics component of RCW
11 28A.150.210(2), goal two, shall be completed no later than March 1,
12 1995. Essential academic learning requirements that incorporate the
13 remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and
14 four, shall be completed no later than March 1, 1996. To the maximum
15 extent possible, the commission shall integrate goal four and the
16 knowledge and skill areas in the other goals in the development of the
17 essential academic learning requirements;

18 (b)(i) The commission shall present to the state board of education
19 and superintendent of public instruction a state-wide academic
20 assessment system for use in the elementary, middle, and high school
21 years designed to determine if each student has mastered the essential
22 academic learning requirements identified in (a) of this subsection.
23 The academic assessment system shall include a variety of assessment
24 methods, including performance-based measures that are criterion-
25 referenced. Performance standards for determining if a student has
26 successfully completed an assessment shall be initially determined by
27 the commission in consultation with the advisory committees required in
28 subsection (2) of this section.

29 (ii) The assessment system shall be designed so that the results
30 under the assessment system are used by educators as tools to evaluate
31 instructional practices, and to initiate appropriate educational
32 support for students who have not mastered the essential academic
33 learning requirements at the appropriate periods in the student's
34 educational development.

35 (iii) Assessments measuring the essential academic learning
36 requirements developed for RCW 28A.150.210(1), goal one, and the
37 mathematics component of RCW 28A.150.210(2), goal two, shall be
38 initially implemented by the state board of education and
39 superintendent of public instruction no later than the 1996-97 school

1 year, unless the legislature takes action to delay or prevent
2 implementation of the assessment system and essential academic learning
3 requirements. Assessments measuring the essential academic learning
4 requirements developed for RCW 28A.150.210 (2), (3), and (4), goals
5 two, three, and four, shall be initially implemented by the state board
6 of education and superintendent of public instruction no later than the
7 1997-98 school year, unless the legislature takes action to delay or
8 prevent implementation of the assessment system and essential academic
9 learning requirements. To the maximum extent possible, the commission
10 shall integrate knowledge and skill areas in development of the
11 assessments.

12 (iv) Before the 2000-2001 school year, participation by school
13 districts in the assessment system shall be optional. School districts
14 that desire to participate before the 2000-2001 school year shall
15 notify the superintendent of public instruction in a manner determined
16 by the superintendent. Beginning in the 2000-2001 school year, all
17 school districts shall be required to participate in the assessment
18 system.

19 (v) The state board of education and superintendent of public
20 instruction may modify the essential academic learning requirements and
21 academic assessment system, as needed, in subsequent school years.

22 (vi) The commission shall develop assessments that are directly
23 related to the essential academic learning requirements, and are not
24 biased toward persons with different learning styles, racial or ethnic
25 backgrounds, or on the basis of gender;

26 (c) After a determination is made by the state board of education
27 that the high school assessment system has been implemented and that it
28 is sufficiently reliable and valid, successful completion of the high
29 school assessment shall lead to a certificate of mastery. The
30 certificate of mastery shall be obtained by most students at about the
31 age of sixteen, and is evidence that the student has successfully
32 mastered the essential academic learning requirements during his or her
33 educational career. The certificate of mastery shall be required for
34 graduation but shall not be the only requirement for graduation. The
35 commission shall make recommendations to the state board of education
36 regarding the relationship between the certificate of mastery and high
37 school graduation requirements. Upon achieving the certificate of
38 mastery, schools shall provide students with the opportunity to
39 continue to pursue career and educational objectives through

1 educational pathways that emphasize integration of academic and
2 vocational education. Educational pathways may include, but are not
3 limited to, programs such as work-based learning, school-to-work
4 transition, tech prep, vocational-technical education, running start,
5 and preparation for technical college, community college, or university
6 education;

7 (d) Consider methods to address the unique needs of special
8 education students when developing the assessments in (b) and (c) of
9 this subsection;

10 (e) Consider methods to address the unique needs of highly capable
11 students when developing the assessments in (b) and (c) of this
12 subsection;

13 (f) Develop recommendations on the time, support, and resources,
14 including technical assistance, needed by schools and school districts
15 to help students achieve the essential academic learning requirements.
16 These recommendations shall include an estimate for the legislature,
17 superintendent of public instruction, and governor on the expected cost
18 of implementing the academic assessment system;

19 (g) Develop recommendations for consideration by the higher
20 education coordinating board for adopting college and university
21 entrance requirements for public school students that are consistent
22 with the essential academic learning requirements and the certificate
23 of mastery;

24 (h) By December 1, 1998, recommend to the legislature, governor,
25 state board of education, and superintendent of public instruction:

26 (i) A state-wide accountability system to monitor and evaluate
27 accurately and fairly the level of learning occurring in individual
28 schools and school districts. The accountability system shall be
29 designed to recognize the characteristics of the student population of
30 schools and school districts such as gender, race, ethnicity,
31 socioeconomic status, and other factors. The system shall include
32 school-site, school district, and state-level accountability reports;

33 (ii) A school assistance program to help schools and school
34 districts that are having difficulty helping students meet the
35 essential academic learning requirements;

36 (iii) A system to intervene in schools and school districts in
37 which significant numbers of students persistently fail to learn the
38 essential academic learning requirements; and

1 (iv) An awards program to provide incentives to school staff to
2 help their students learn the essential academic learning requirements,
3 with each school being assessed individually against its own baseline.
4 Incentives shall be based on the rate of percentage change of students
5 achieving the essential academic learning requirements. School staff
6 shall determine how the awards will be spent.

7 The recommended awards, assistance, and intervention programs shall
8 include violence indicators or standards as part of the criteria for
9 determining the status of a school to receive an award or assistance,
10 or be subject to intervention.

11 It is the intent of the legislature to begin implementation of
12 programs in this subsection (3)(h) on September 1, 2000;

13 (i) Report annually by December 1st to the legislature, the
14 governor, the superintendent of public instruction, and the state board
15 of education on the progress, findings, and recommendations of the
16 commission; and

17 (j) Make recommendations to the legislature and take other actions
18 necessary or desirable to help students meet the student learning
19 goals.

20 (4) The commission shall coordinate its activities with the state
21 board of education and the office of the superintendent of public
22 instruction.

23 (5) The commission shall seek advice broadly from the public and
24 all interested educational organizations in the conduct of its work,
25 including holding periodic regional public hearings.

26 (6) The commission shall select an entity to provide staff support
27 and the office of the superintendent of public instruction shall
28 provide administrative oversight and be the fiscal agent for the
29 commission. The commission may direct the office of the superintendent
30 of public instruction to enter into subcontracts, within the
31 commission's resources, with school districts, teachers, higher
32 education faculty, state agencies, business organizations, and other
33 individuals and organizations to assist the commission in its
34 deliberations.

35 (7) Members of the commission shall be reimbursed for travel
36 expenses as provided in RCW 43.03.050 and 43.03.060.

37 NEW SECTION. Sec. 509. A new section is added to chapter 70.190
38 RCW to read as follows:

1 The community public health and safety networks, based on rules
2 adopted by the department of health, may include in its comprehensive
3 community plans procedures for providing matching grants to school
4 districts to support expanded use of school facilities for after-hours
5 recreational opportunities and day care as authorized under chapter
6 28A.215 RCW and RCW 28A.620.010.

7 **Sec. 510.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to
8 read as follows:

9 (1) A person is guilty of assault in the third degree if he or she,
10 under circumstances not amounting to assault in the first or second
11 degree:

12 (a) With intent to prevent or resist the execution of any lawful
13 process or mandate of any court officer or the lawful apprehension or
14 detention of himself or herself or another person, assaults another; or

15 (b) Assaults a person employed as a transit operator or driver by
16 a public or private transit company while that person is operating or
17 is in control of a vehicle that is owned or operated by the transit
18 company and that is occupied by one or more passengers; or

19 (c) Assaults a school bus driver employed by a school district or
20 a private company under contract for transportation services with a
21 school district while the driver is operating or is in control of a
22 school bus that is occupied by one or more passengers; or

23 (d) With criminal negligence, causes bodily harm to another person
24 by means of a weapon or other instrument or thing likely to produce
25 bodily harm; or

26 (e) Assaults a fire fighter or other employee of a fire department
27 or fire protection district who was performing his or her official
28 duties at the time of the assault; or

29 (f) With criminal negligence, causes bodily harm accompanied by
30 substantial pain that extends for a period sufficient to cause
31 considerable suffering; or

32 (g) Assaults a law enforcement officer or other employee of a law
33 enforcement agency who was performing his or her official duties at the
34 time of the assault; or

35 (h) Assaults a certificated staff member, classified staff member
36 not included under (c) of this subsection, or a volunteer, of a
37 preschool through twelfth grade school, who was performing his or her
38 assigned duties at the time of the assault; or

1 (i) Assaults a referee, umpire, judge, manager, coach, or volunteer
2 of an organized physical activity or sporting event, either during or
3 immediately following the activity or event.

4 (2) Assault in the third degree is a class C felony.

5 **Sec. 511.** 1993 sp.s. c 24 s 501 (uncodified) is amended to read as
6 follows:

7 **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

8	General Fund--State Appropriation	\$	34,414,000
9	General Fund--Federal Appropriation	\$	33,106,000
10	Public Safety and Education Account		
11	Appropriation	\$	338,000
12	<u>Violence Reduction and Drug Enforcement</u>		
13	((and Education)) Account Appropriation	\$	3,197,000
14	TOTAL APPROPRIATION	\$	71,055,000

15 The appropriations in this section are subject to the following
16 conditions and limitations:

17 (1) AGENCY OPERATIONS

18 (a) \$304,000 of the general fund--state appropriation is provided
19 solely to upgrade the student data collection capability of the
20 superintendent of public instruction.

21 (b) \$423,000 of the general fund--state appropriation is provided
22 solely for certification investigation activities of the office of
23 professional practices.

24 (c) \$770,000 of the general fund--state appropriation is provided
25 solely for the operation and expenses of the state board of education,
26 including basic education assistance activities.

27 ~~((e))~~ (d) The entire public safety and education account
28 appropriation is provided solely for administration of the traffic
29 safety education program, including in-service training related to
30 instruction in the risks of driving while under the influence of
31 alcohol and other drugs.

32 ~~((f))~~ (e) \$10,000 of the general fund--state appropriation is
33 provided solely for a contract through the Washington State Institute
34 for Public Policy at The Evergreen State College for a bilingual
35 education conference to disseminate information on best practices in
36 bilingual instruction, including model programs from other states, and
37 to develop strategies for incorporating the most effective
38 instructional methods into the state's bilingual curriculum.

1 (2) STATE-WIDE PROGRAMS

2 (a) \$100,000 of the general fund--state appropriation is provided
3 for state-wide curriculum development.

4 (b) \$62,000 of the general fund--state appropriation is provided
5 for operation of a K-2 education program at Pt. Roberts by the Blaine
6 school district.

7 (c) \$2,415,000 of the general fund--state appropriation is provided
8 for in-service training and educational programs conducted by the
9 Pacific science center.

10 (d) \$70,000 of the general fund--state appropriation is provided
11 for operation of the Cispus environmental learning center.

12 (e) \$2,949,000 of the general fund--state appropriation is provided
13 for educational clinics, including state support activities.

14 (f) \$3,437,000 of the general fund--state appropriation is provided
15 for grants for magnet schools to be distributed as recommended by the
16 superintendent of public instruction pursuant to chapter 232, section
17 516(13), Laws of 1992.

18 (g) \$4,855,000 of the general fund--state appropriation is provided
19 for complex need grants. Grants shall be provided according to funding
20 ratios established in LEAP Document 30B as developed on May 4, 1993, at
21 11:00 a.m.

22 (h) \$3,050,000 of the violence reduction and drug enforcement (~~and~~
23 ~~education~~) account appropriation is provided solely for matching
24 grants to enhance security in secondary schools. Not more than
25 seventy-five percent of a district's total expenditures for school
26 security in any school year may be paid from a grant under this
27 subsection. The grants shall be expended solely for the costs of
28 employing or contracting for building security monitors, metal
29 detectors, or other security or violence prevention measures in
30 secondary schools during school hours and school events. Of the amount
31 provided in this subsection, at least \$2,850,000 shall be spent for
32 grants to districts that, during the 1988-89 school year, employed or
33 contracted for security monitors in schools during school hours.
34 However, these grants may be used only for increases in school district
35 expenditures for school security over expenditure levels for the 1988-
36 89 school year.

37 (i) Districts receiving allocations from subsection (2) (f) and (g)
38 of this section shall submit an annual report to the superintendent of

1 public instruction on the use of all district resources to address the
2 educational needs of at-risk students in each school building.

3 **Sec. 512.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to
4 read as follows:

5 (1) School districts may participate in the exchange of information
6 with law enforcement and juvenile court officials to the extent
7 permitted by the family educational and privacy rights act of 1974, 20
8 U.S.C. Sec. 1232g. When directed by court order or pursuant to ((any))
9 a lawfully issued subpoena, a school district shall make student
10 records and information available to law enforcement officials,
11 probation officers, court personnel, and others legally entitled to the
12 information. Parents and students shall be notified by the school
13 district of all ((such)) orders or subpoenas in advance of compliance
14 with them.

15 (2) The social file, diversion record, police contact record, and
16 arrest record of a student may be made available to a school district
17 if the records are requested by the principal or school counselor. Use
18 of the records is restricted to the principal, the school counselor, or
19 a teacher or teachers identified by the principal as necessary for the
20 provision of additional services to the student. The records may only
21 be used to identify and facilitate those services offered through the
22 school district that would be of benefit to the student. The student's
23 records shall be made available under the provisions of this chapter,
24 section 517 of this act, and chapter 13.50 RCW unless a parent or
25 guardian provides, prior to the release of the records, a written
26 statement indicating which records shall remain confidential until such
27 further written release. School districts shall provide written notice
28 of this section to parents or guardians at the time of enrollment of a
29 student.

30 **Sec. 513.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to
31 read as follows:

32 (1) This section governs records relating to the commission of
33 juvenile offenses, including records relating to diversions.

34 (2) The official juvenile court file of any alleged or proven
35 juvenile offender shall be open to public inspection, unless sealed
36 pursuant to subsection (11) of this section.

1 (3) All records other than the official juvenile court file are
2 confidential and may be released only as provided in this section, RCW
3 13.50.010, 13.40.215, and 4.24.550.

4 (4) Except as otherwise provided in this section and RCW 13.50.010,
5 records retained or produced by any juvenile justice or care agency may
6 be released to other participants in the juvenile justice or care
7 system only when an investigation or case involving the juvenile in
8 question is being pursued by the other participant or when that other
9 participant is assigned the responsibility for supervising the
10 juvenile.

11 (5) Except as provided in RCW 4.24.550 or 28A.600.475, information
12 not in an official juvenile court file concerning a juvenile or a
13 juvenile's family may be released to the public only when that
14 information could not reasonably be expected to identify the juvenile
15 or the juvenile's family.

16 (6) Notwithstanding any other provision of this chapter, the
17 release, to the juvenile or his or her attorney, of law enforcement and
18 prosecuting attorneys' records pertaining to investigation, diversion,
19 and prosecution of juvenile offenses shall be governed by the rules of
20 discovery and other rules of law applicable in adult criminal
21 investigations and prosecutions.

22 (7) The juvenile court and the prosecutor may set up and maintain
23 a central record-keeping system which may receive information on all
24 alleged juvenile offenders against whom a complaint has been filed
25 pursuant to RCW 13.40.070 whether or not their cases are currently
26 pending before the court. The central record-keeping system may be
27 computerized. If a complaint has been referred to a diversion unit,
28 the diversion unit shall promptly report to the juvenile court or the
29 prosecuting attorney when the juvenile has agreed to diversion. An
30 offense shall not be reported as criminal history in any central
31 record-keeping system without notification by the diversion unit of the
32 date on which the offender agreed to diversion.

33 (8) Upon request of the victim of a crime or the victim's immediate
34 family, the identity of an alleged or proven juvenile offender alleged
35 or found to have committed a crime against the victim and the identity
36 of the alleged or proven juvenile offender's parent, guardian, or
37 custodian and the circumstance of the alleged or proven crime shall be
38 released to the victim of the crime or the victim's immediate family.

1 (9) Subject to the rules of discovery applicable in adult criminal
2 prosecutions, the juvenile offense records of an adult criminal
3 defendant or witness in an adult criminal proceeding shall be released
4 upon request to prosecution and defense counsel after a charge has
5 actually been filed. The juvenile offense records of any adult
6 convicted of a crime and placed under the supervision of the adult
7 corrections system shall be released upon request to the adult
8 corrections system.

9 (10) In any case in which an information has been filed pursuant to
10 RCW 13.40.100 or a complaint has been filed with the prosecutor and
11 referred for diversion pursuant to RCW 13.40.070, the person the
12 subject of the information or complaint may file a motion with the
13 court to have the court vacate its order and findings, if any, and,
14 subject to subsection (24) of this section, order the sealing of the
15 official juvenile court file, the social file, and records of the court
16 and of any other agency in the case.

17 (11) The court shall grant the motion to seal records made pursuant
18 to subsection (10) of this section if it finds that:

19 (a) Two years have elapsed from the later of: (i) Final discharge
20 of the person from the supervision of any agency charged with
21 supervising juvenile offenders; or (ii) from the entry of a court order
22 relating to the commission of a juvenile offense or a criminal offense;

23 (b) No proceeding is pending against the moving party seeking the
24 conviction of a juvenile offense or a criminal offense; and

25 (c) No proceeding is pending seeking the formation of a diversion
26 agreement with that person.

27 (12) The person making a motion pursuant to subsection (10) of this
28 section shall give reasonable notice of the motion to the prosecution
29 and to any person or agency whose files are sought to be sealed.

30 (13) If the court grants the motion to seal made pursuant to
31 subsection (10) of this section, it shall, subject to subsection (24)
32 of this section, order sealed the official juvenile court file, the
33 social file, and other records relating to the case as are named in the
34 order. Thereafter, the proceedings in the case shall be treated as if
35 they never occurred, and the subject of the records may reply
36 accordingly to any inquiry about the events, records of which are
37 sealed. Any agency shall reply to any inquiry concerning confidential
38 or sealed records that records are confidential, and no information can

1 be given about the existence or nonexistence of records concerning an
2 individual.

3 (14) Inspection of the files and records included in the order to
4 seal may thereafter be permitted only by order of the court upon motion
5 made by the person who is the subject of the information or complaint,
6 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of
7 this section.

8 (15) Any adjudication of a juvenile offense or a crime subsequent
9 to sealing has the effect of nullifying the sealing order. Any
10 conviction for any adult felony subsequent to the sealing has the
11 effect of nullifying the sealing order for the purposes of chapter
12 9.94A RCW for any juvenile adjudication of guilt for a class A offense
13 or a sex offense as defined in RCW 9.94A.030.

14 (16) In any case in which an information has been filed pursuant to
15 RCW 13.40.100 or a complaint has been filed with the prosecutor and
16 referred for diversion pursuant to RCW 13.40.070, the person who is the
17 subject of the information or complaint may file a motion with the
18 court to have the court vacate its order and findings, if any, and,
19 subject to subsection (24) of this section, order the destruction of
20 the official juvenile court file, the social file, and records of the
21 court and of any other agency in the case.

22 (17) The court may grant the motion to destroy records made
23 pursuant to subsection (16) of this section if it finds:

24 (a) The person making the motion is at least twenty-three years of
25 age;

26 (b) The person has not subsequently been convicted of a felony;

27 (c) No proceeding is pending against that person seeking the
28 conviction of a criminal offense; and

29 (d) The person has never been found guilty of a serious offense.

30 (18) A person eighteen years of age or older whose criminal history
31 consists of only one referral for diversion may request that the court
32 order the records in that case destroyed. The request shall be
33 granted, subject to subsection (24) of this section, if the court finds
34 that two years have elapsed since completion of the diversion
35 agreement.

36 (19) If the court grants the motion to destroy records made
37 pursuant to subsection (16) or (18) of this section, it shall, subject
38 to subsection (24) of this section, order the official juvenile court

1 file, the social file, and any other records named in the order to be
2 destroyed.

3 (20) The person making the motion pursuant to subsection (16) or
4 (18) of this section shall give reasonable notice of the motion to the
5 prosecuting attorney and to any agency whose records are sought to be
6 destroyed.

7 (21) Any juvenile to whom the provisions of this section may apply
8 shall be given written notice of his or her rights under this section
9 at the time of his or her disposition hearing or during the diversion
10 process.

11 (22) Nothing in this section may be construed to prevent a crime
12 victim or a member of the victim's family from divulging the identity
13 of the alleged or proven juvenile offender or his or her family when
14 necessary in a civil proceeding.

15 (23) Any juvenile justice or care agency may, subject to the
16 limitations in subsection (24) of this section and subparagraphs (a)
17 and (b) of this subsection, develop procedures for the routine
18 destruction of records relating to juvenile offenses and diversions.

19 (a) Records may be routinely destroyed only when the person the
20 subject of the information or complaint has attained twenty-three years
21 of age or older, or is eighteen years of age or older and his or her
22 criminal history consists entirely of one diversion agreement and two
23 years have passed since completion of the agreement.

24 (b) The court may not routinely destroy the official juvenile court
25 file or recordings or transcripts of any proceedings.

26 (24) No identifying information held by the Washington state patrol
27 in accordance with chapter 43.43 RCW is subject to destruction or
28 sealing under this section. For the purposes of this subsection,
29 identifying information includes photographs, fingerprints, palmprints,
30 soleprints, toeprints and any other data that identifies a person by
31 physical characteristics, name, birthdate or address, but does not
32 include information regarding criminal activity, arrest, charging,
33 diversion, conviction or other information about a person's treatment
34 by the criminal justice system or about the person's behavior.

35 (25) Information identifying child victims under age eighteen who
36 are victims of sexual assaults by juvenile offenders is confidential
37 and not subject to release to the press or public without the
38 permission of the child victim or the child's legal guardian.
39 Identifying information includes the child victim's name, addresses,

1 location, photographs, and in cases in which the child victim is a
2 relative of the alleged perpetrator, identification of the relationship
3 between the child and the alleged perpetrator. Information identifying
4 a child victim of sexual assault may be released to law enforcement,
5 prosecutors, judges, defense attorneys, or private or governmental
6 agencies that provide services to the child victim of sexual assault.

7 **Sec. 514.** RCW 13.50.010 and 1993 c 374 s 1 are each amended to
8 read as follows:

9 (1) For purposes of this chapter:

10 (a) "Juvenile justice or care agency" means any of the following:
11 Police, diversion units, court, prosecuting attorney, defense attorney,
12 detention center, attorney general, the department of social and health
13 services and its contracting agencies, schools; and, in addition,
14 persons or public or private agencies having children committed to
15 their custody;

16 (b) "Official juvenile court file" means the legal file of the
17 juvenile court containing the petition or information, motions,
18 memorandums, briefs, findings of the court, and court orders;

19 (c) "Social file" means the juvenile court file containing the
20 records and reports of the probation counselor;

21 (d) "Records" means the official juvenile court file, the social
22 file, and records of any other juvenile justice or care agency in the
23 case.

24 (2) Each petition or information filed with the court may include
25 only one juvenile and each petition or information shall be filed under
26 a separate docket number. The social file shall be filed separately
27 from the official juvenile court file.

28 (3) It is the duty of any juvenile justice or care agency to
29 maintain accurate records. To this end:

30 (a) The agency may never knowingly record inaccurate information.
31 Any information in records maintained by the department of social and
32 health services relating to a petition filed pursuant to chapter 13.34
33 RCW that is found by the court, upon proof presented, to be false or
34 inaccurate shall be corrected or expunged from such records by the
35 agency;

36 (b) An agency shall take reasonable steps to (~~insure~~) assure the
37 security of its records and prevent tampering with them; and

1 (c) An agency shall make reasonable efforts to insure the
2 completeness of its records, including action taken by other agencies
3 with respect to matters in its files.

4 (4) Each juvenile justice or care agency shall implement procedures
5 consistent with the provisions of this chapter to facilitate inquiries
6 concerning records.

7 (5) Any person who has reasonable cause to believe information
8 concerning that person is included in the records of a juvenile justice
9 or care agency and who has been denied access to those records by the
10 agency may make a motion to the court for an order authorizing that
11 person to inspect the juvenile justice or care agency record concerning
12 that person. The court shall grant the motion to examine records
13 unless it finds that in the interests of justice or in the best
14 interests of the juvenile the records or parts of them should remain
15 confidential.

16 (6) A juvenile, or his or her parents, or any person who has
17 reasonable cause to believe information concerning that person is
18 included in the records of a juvenile justice or care agency may make
19 a motion to the court challenging the accuracy of any information
20 concerning the moving party in the record or challenging the continued
21 possession of the record by the agency. If the court grants the
22 motion, it shall order the record or information to be corrected or
23 destroyed.

24 (7) The person making a motion under subsection (5) or (6) of this
25 section shall give reasonable notice of the motion to all parties to
26 the original action and to any agency whose records will be affected by
27 the motion.

28 (8) The court may permit inspection of records by, or release of
29 information to, any clinic, hospital, or agency which has the subject
30 person under care or treatment, or to individuals or agencies engaged
31 in legitimate research for educational, scientific, or public purposes.
32 The court may also permit inspection of, or release of information
33 from, records which have been sealed pursuant to RCW 13.50.050(11).
34 Access to records or information for research purposes shall be
35 permitted only if the anonymity of all persons mentioned in the records
36 or information will be preserved. Each person granted permission to
37 inspect juvenile justice or care agency records for research purposes
38 shall present a notarized statement to the court stating that the names
39 of juveniles and parents will remain confidential.

1 (9) Juvenile detention facilities shall release records to the
2 juvenile disposition standards commission under RCW 13.40.025 upon
3 request. The commission shall not disclose the names of any juveniles
4 or parents mentioned in the records without the named individual's
5 written permission.

6 NEW SECTION. **Sec. 515.** The state board of education shall conduct
7 a study to identify possible incentives to encourage schools to
8 increase the space that is available for after-hours community use.
9 The board shall examine incentives for both existing school facilities
10 and for new construction. The board shall report its findings and
11 recommendations to the legislature by November 15, 1994.

12 NEW SECTION. **Sec. 516.** A new section is added to chapter 28A.600
13 RCW to read as follows:

14 When a school transfers a student's transcript to a new school, it
15 may also transfer the student's attendance records, records of unpaid
16 fines or property damage, and any disciplinary records, including
17 records relating to the facts resulting in any expulsions. The
18 student's parent shall be given the opportunity to review all such
19 records before the transfer.

20 NEW SECTION. **Sec. 517.** (1) The department of social and health
21 services and the superintendent of public instruction shall review all
22 statutes and rules relative to the sharing or exchange of information
23 about children who are the subject of reports of abuse and neglect or
24 who are charged with criminal behavior. The department and the
25 superintendent shall revise or adopt rules, consistent with federal
26 guidelines, that allow educational professionals in elementary and
27 secondary schools access to information contained in department records
28 solely for purposes of improving the child's educational performance or
29 attendance.

30 (2) The department and superintendent shall also revise or adopt
31 rules, consistent with federal guidelines, that allows the department
32 access to information contained in the records of a school or school
33 district on a child who is the subject of a report of abuse or neglect
34 solely for the purpose of improving the department's ability to respond
35 to the report of abuse or neglect.

1 The department and superintendent shall report their findings and
2 actions, including the need for statutory changes, to the legislature
3 by December 31, 1994.

4 This section shall expire January 1, 1995.

5 **PART VI. MEDIA**

6 NEW SECTION. **Sec. 601.** The purpose of this chapter is to regulate
7 media and media-related activities that directly or indirectly promote
8 violence in electronic media.

9 NEW SECTION. **Sec. 602.** Unless the context clearly requires
10 otherwise, the definitions in this section apply throughout this
11 chapter.

12 (1) "Prime time" means those hours as defined by rule by the
13 federal communication commission.

14 (2) "Sweeps week" means any week during the year in which national
15 rating services measure the size of the television audience to
16 determine the market share for purposes of setting advertising rates.

17 (3) "Time/channel lock" is electronic circuitry designed to enable
18 television owners to block display of selected times and channels from
19 viewing.

20 (4) "Video" means any motion picture, television or other
21 electronically delivered programming, or other presentation on film,
22 video tape, or other medium designed to produce, reproduce, or project
23 images on a screen.

24 (5) "Violence" means any deliberate and hostile use of overt force,
25 or the immediate threat thereof, by an individual against another
26 individual.

27 (6) "Virtual reality" means any computer or other electronic
28 artificial-intelligence-based technology that creates an enhanced
29 simulation or illusion of three-dimensional, real-time or near-real-
30 time interactive reality through the use of software, specialized
31 hardware, holograms, gloves, masks, glasses, pods, goggles, helmets,
32 computer guns, or other items capable of producing visual, audio,
33 tactile, or sensory effects of verisimilitude beyond those available
34 with a personal computer.

1 NEW SECTION. **Sec. 603.** All new televisions sold in this state
2 after January 1, 1995, shall be equipped with a time/channel lock or
3 shall be sold with an offer to the customer to purchase a time/channel
4 lock separately. All cable television stations shall make available to
5 all customers at the company's cost the opportunity to purchase a
6 time/channel lock. Notice of this availability shall be clearly made
7 to all existing customers and to all new customers at the time of their
8 signing up for service.

9 NEW SECTION. **Sec. 604.** All videos and video and virtual reality
10 games sold or rented in this state shall clearly and prominently
11 display a realistic age rating for appropriateness of use by end-users
12 of the video or video game. The age rating for videos shall be the
13 advisory rating placed on videos by the motion picture association of
14 America if rated. If the video is unrated by the motion picture
15 association of America the age rating for the video and virtual reality
16 shall be developed by the copyright holder of the video, with the
17 documented input of educators, parents, and child development experts.
18 The age rating for video and virtual reality games shall be developed
19 by the software publishers association or the copyright holder of the
20 game, with the documented input of independent educators, parents, and
21 child development experts. The software publishers association or the
22 copyright holders shall make age ratings available to the department of
23 health upon request.

24 NEW SECTION. **Sec. 605.** (1) Owners of video or video game
25 businesses shall not sell or rent videos or video games to a person
26 under the age of eighteen unless: (a) The renter or seller has on file
27 a written declaration from at least one parent or guardian of the
28 juvenile authorizing the juvenile to rent or purchase videos or video
29 games; or (b) the juvenile is accompanied by his or her parent or
30 guardian. The declaration may contain such restrictions as the parent
31 deems appropriate.

32 (2) A violation of this section is a class 3 civil infraction under
33 chapter 7.80 RCW.

34 NEW SECTION. **Sec. 606.** Television and radio broadcast stations
35 including cable stations, video rental companies, and print media are
36 encouraged, as a matter of public health and safety, to broadcast

1 public health-based, antiviolence public service messages. The
2 content, style, and format of the messages shall be developed by the
3 community public health and safety council created under RCW
4 70.190.010, in coordination with its violence-reduction efforts and may
5 include the television violence report card, as set forth in section
6 608 of this act. The messages may be produced with grant funds from
7 the council or may be produced voluntarily by the media working with
8 the council.

9 NEW SECTION. **Sec. 607.** The legislature finds that, as a matter of
10 public health and safety, access by minors to violent videos, video
11 games, and computer software should be limited.

12 Public libraries, with the exception of university, college, and
13 community college libraries, may establish standards and policies on
14 the protection of minors from access to violent video and other
15 electronic materials. Libraries shall make their standards and
16 policies known to the public in their communities.

17 Each library system may formulate its own standards and policies,
18 and may, in its discretion, include public hearings, consultation with
19 community networks as defined under chapter 70.190 RCW, or consultation
20 with the Washington library association in the development of its
21 standards and policies.

22 NEW SECTION. **Sec. 608.** (1) The department of health shall
23 establish, by rule, a program for evaluating and ranking television
24 programs, including cable television programs, on the basis of the
25 violence contained in the programs.

26 Under the program, the department shall select, within each
27 calendar quarter, at least one week for the department to evaluate the
28 extent of the violence contained in each of the programs carried on any
29 of the national broadcast television networks, or on cable television
30 systems with regard to programs available to a substantial percentage
31 of the households that subscribe to cable television service
32 nationally, during that week's prime-time and Saturday morning time
33 slots. The department shall ensure that at least one of the weeks
34 selected in any calendar year is a sweeps week.

35 (2) After evaluating the television programs described in this
36 section, and in accordance with criteria established by the rules
37 adopted under this section, the department shall:

1 (a) List in ranked order those programs in terms of the extent of
2 the violence they contain; and

3 (b) List in ranked order program sponsors in terms of the extent to
4 which they sponsor television programs that contain a high degree of
5 violence.

6 (3) In the quarter following any quarter for which the department
7 has made evaluations under this section, the department shall publish
8 and make available to the public and the news media a television
9 violence report card that reports the violence rankings performed by
10 the department, including identification of the programs so evaluated
11 and the sponsors of those programs.

12 (4) The news media shall be immune from legal liability for the
13 accurate publication of the television violence report card.

14 For the purpose of facilitating the rule making required by
15 sections 613 and 614 of this act, the department of health shall also
16 communicate to the department of general administration and the state
17 investment board the results of its evaluations.

18 NEW SECTION. **Sec. 609.** A new section is added to chapter 13.16
19 RCW to read as follows:

20 Motion pictures unrated or rated X or NC-17 by the motion picture
21 association of America shall not be shown in juvenile detention
22 facilities.

23 NEW SECTION. **Sec. 610.** A new section is added to chapter 72.02
24 RCW to read as follows:

25 Motion pictures unrated or rated X or NC-17 by the motion picture
26 association of America shall not be shown in adult correctional
27 facilities.

28 NEW SECTION. **Sec. 611.** A new section is added to chapter 28A.650
29 RCW to read as follows:

30 (1) Software, computer games, and videos with fictional violent
31 content shall not be used in schools, except to depict actual
32 historical events or for educational purposes in a formal classroom
33 setting.

34 (2) Each educational service district shall monitor the software
35 and videos used in its district for fictional violent content, using

1 the guidelines developed by the office of the superintendent of public
2 instruction.

3 **Sec. 612.** RCW 28A.650.015 and 1993 c 336 s 703 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction, to the extent funds
6 are appropriated, shall develop and implement a Washington state K-12
7 education technology plan. The technology plan, which shall be
8 completed by December 15, 1993, and updated on at least a biennial
9 basis, shall be developed to coordinate and expand the use of education
10 technology in the common schools of the state. The plan shall be
11 consistent with applicable provisions of chapter 43.105 RCW. The plan,
12 at a minimum, shall address:

13 (a) The provision of technical assistance to schools and school
14 districts for the planning, implementation, and training of staff in
15 the use of technology in curricular and administrative functions;

16 (b) The continued development of a network to connect school
17 districts, institutions of higher learning, and other sources of on-
18 line information; (~~and~~)

19 (c) Methods to equitably increase the use of education technology
20 by students and school personnel throughout the state; and

21 (d) After the effective date of this section, guidelines for
22 monitoring fictional violent content in computer software and videos
23 used in schools.

24 (2) The superintendent of public instruction shall appoint an
25 educational technology advisory committee to assist in the development
26 and implementation of the technology plan in subsection (1) of this
27 section. The committee shall include, but is not limited to, persons
28 representing: The state board of education, the commission on student
29 learning, the department of information services, educational service
30 districts, school directors, school administrators, school principals,
31 teachers, classified staff, higher education faculty, parents,
32 students, business, labor, scientists and mathematicians, the higher
33 education coordinating board, the work force training and education
34 coordinating board, and the state library.

35 NEW SECTION. **Sec. 613.** A new section is added to chapter 43.19
36 RCW to read as follows:

1 Notwithstanding any other provision of law, the department of
2 general administration shall adopt a policy of refusing to purchase
3 goods and services for the state from businesses or corporations,
4 including parent corporations, profiting from violence-related products
5 or services. Nothing in this section requires the department to adopt
6 a policy that results in a refusal to purchase goods and services from
7 a corporation that is primarily engaged in the business of producing
8 materials intended to be used in formal educational settings as set
9 forth in section 611 of this act. A business or corporation whose
10 violence-related products or services are for the main purpose of
11 national defense are exempt from this policy. Definitions and
12 guidelines shall be developed by the department of general
13 administration in consultation with the department of health.

14 NEW SECTION. **Sec. 614.** A new section is added to chapter 43.33A
15 RCW to read as follows:

16 Notwithstanding any other provision of law, the state investment
17 board shall adopt a policy of disinvestment in businesses or
18 corporations, including parent corporations, profiting from violence-
19 related products or services. Nothing in this section requires the
20 board to adopt a policy that results in a refusal to purchase goods and
21 services from a corporation that is primarily engaged in the business
22 of producing materials intended to be used in formal educational
23 settings as set forth in section 611 of this act. A business or
24 corporation whose violence-related products or services are for the
25 main purpose of national defense are exempt from this policy.
26 Definitions and guidelines for disinvestment shall be established by
27 the state investment board in consultation with the department of
28 health.

29 NEW SECTION. **Sec. 615.** Sections 601 through 608 of this act shall
30 constitute a new chapter in Title 19 RCW.

31 **PART VII. MISCELLANEOUS**

32 NEW SECTION. **Sec. 701.** A new section is added to chapter 44.28
33 RCW to read as follows:

34 (1) The legislative budget committee shall contract to monitor and
35 track the implementation of chapter, Laws of 1994 (this act) to

1 determine whether these efforts result in a measurable reduction of
2 violence, and evaluate the data provided by the state and local health
3 departments to determine whether the community networks have met the
4 outcome criteria. Starting five years after the initial grant to a
5 community network, if the community network fails to meet the outcome
6 criteria and goals in any two consecutive years, the legislative budget
7 committee shall make recommendations to the legislature concerning
8 whether the funds received by that community network shall revert back
9 to the originating agency.

10 (2) The social development standards and measures established by
11 the department of health under section 204 of this act shall be used in
12 conducting the outcome evaluation of the community networks.

13 **Sec. 702.** RCW 66.24.210 and 1993 c 160 s 2 are each amended to
14 read as follows:

15 (1) There is hereby imposed upon all wines sold to wine wholesalers
16 and the Washington state liquor control board, within the state a tax
17 at the rate of twenty and one-fourth cents per liter: PROVIDED,
18 HOWEVER, That wine sold or shipped in bulk from one winery to another
19 winery shall not be subject to such tax. The tax provided for in this
20 section may, if so prescribed by the board, be collected by means of
21 stamps to be furnished by the board, or by direct payments based on
22 wine purchased by wine wholesalers. Every person purchasing wine under
23 the provisions of this section shall on or before the twentieth day of
24 each month report to the board all purchases during the preceding
25 calendar month in such manner and upon such forms as may be prescribed
26 by the board, and with such report shall pay the tax due from the
27 purchases covered by such report unless the same has previously been
28 paid. Any such purchaser of wine whose applicable tax payment is not
29 postmarked by the twentieth day following the month of purchase will be
30 assessed a penalty at the rate of two percent a month or fraction
31 thereof. If this tax be collected by means of stamps, every such
32 person shall procure from the board revenue stamps representing the tax
33 in such form as the board shall prescribe and shall affix the same to
34 the package or container in such manner and in such denomination as
35 required by the board and shall cancel the same prior to the delivery
36 of the package or container containing the wine to the purchaser. If
37 the tax is not collected by means of stamps, the board may require that
38 every such person shall execute to and file with the board a bond to be

1 approved by the board, in such amount as the board may fix, securing
2 the payment of the tax. If any such person fails to pay the tax when
3 due, the board may forthwith suspend or cancel the license until all
4 taxes are paid.

5 (2) An additional tax is imposed equal to the rate specified in RCW
6 82.02.030 multiplied by the tax payable under subsection (1) of this
7 section. All revenues collected during any month from this additional
8 tax shall be transferred to the state general fund by the twenty-fifth
9 day of the following month.

10 (3) An additional tax is imposed on wines subject to tax under
11 subsection (1) of this section, at the rate of one-fourth of one cent
12 per liter for wine sold after June 30, 1987. Such additional tax shall
13 cease to be imposed on July 1, 2001. All revenues collected under this
14 subsection (3) shall be disbursed quarterly to the Washington wine
15 commission for use in carrying out the purposes of chapter 15.88 RCW.

16 (4) (~~Until July 1, 1995,~~) An additional tax is imposed on all
17 wine subject to tax under subsection (1) of this section. The
18 additional tax is equal to twenty-three and forty-four one-hundredths
19 cents per liter on fortified wine as defined in RCW 66.04.010(34) when
20 bottled or packaged by the manufacturer and one cent per liter on all
21 other wine. All revenues collected during any month from this
22 additional tax shall be deposited in the violence reduction and drug
23 enforcement (~~and education~~) account under RCW 69.50.520 by the
24 twenty-fifth day of the following month.

25 **Sec. 703.** RCW 66.24.290 and 1993 c 492 s 311 are each amended to
26 read as follows:

27 (1) Any brewer or beer wholesaler licensed under this title may
28 sell and deliver beer to holders of authorized licenses direct, but to
29 no other person, other than the board; and every such brewer or beer
30 wholesaler shall report all sales to the board monthly, pursuant to the
31 regulations, and shall pay to the board as an added tax for the
32 privilege of manufacturing and selling the beer within the state a tax
33 of two dollars and sixty cents per barrel of thirty-one gallons on
34 sales to licensees within the state and on sales to licensees within
35 the state of bottled and canned beer shall pay a tax computed in
36 gallons at the rate of two dollars and sixty cents per barrel of
37 thirty-one gallons. Any brewer or beer wholesaler whose applicable tax
38 payment is not postmarked by the twentieth day following the month of

1 sale will be assessed a penalty at the rate of two percent per month or
2 fraction thereof. Each such brewer or wholesaler shall procure from
3 the board revenue stamps representing such tax in form prescribed by
4 the board and shall affix the same to the barrel or package in such
5 manner and in such denominations as required by the board, and shall
6 cancel the same prior to commencing delivery from his or her place of
7 business or warehouse of such barrels or packages. Beer shall be sold
8 by brewers and wholesalers in sealed barrels or packages. The revenue
9 stamps provided under this section need not be affixed and canceled in
10 the making of resales of barrels or packages already taxed by the
11 affixation and cancellation of stamps as provided in this section.

12 (2) An additional tax is imposed equal to seven percent multiplied
13 by the tax payable under subsection (1) of this section. All revenues
14 collected during any month from this additional tax shall be
15 transferred to the state general fund by the twenty-fifth day of the
16 following month.

17 (3) (~~Until July 1, 1995,~~) An additional tax is imposed on all
18 beer subject to tax under subsection (1) of this section. The
19 additional tax is equal to two dollars per barrel of thirty-one
20 gallons. All revenues collected during any month from this additional
21 tax shall be deposited in the violence reduction and drug enforcement
22 (~~and education~~) account under RCW 69.50.520 by the twenty-fifth day
23 of the following month.

24 (4)(a) An additional tax is imposed on all beer subject to tax
25 under subsection (1) of this section. The additional tax is equal to
26 ninety-six cents per barrel of thirty-one gallons through June 30,
27 1995, two dollars and thirty-nine cents per barrel of thirty-one
28 gallons for the period July 1, 1995, through June 30, 1997, and four
29 dollars and seventy-eight cents per barrel of thirty-one gallons
30 thereafter.

31 (b) The additional tax imposed under this subsection does not apply
32 to the sale of the first sixty thousand barrels of beer each year by
33 breweries that are entitled to a reduced rate of tax under 26 U.S.C.
34 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may
35 be provided by the board by rule consistent with the purposes of this
36 exemption.

37 (c) All revenues collected from the additional tax imposed under
38 this subsection (4) shall be deposited in the health services account
39 under RCW 43.72.900.

1 (5) The tax imposed under this section shall not apply to "strong
2 beer" as defined in this title.

3 **Sec. 704.** RCW 82.08.150 and 1993 c 492 s 310 are each amended to
4 read as follows:

5 (1) There is levied and shall be collected a tax upon each retail
6 sale of spirits, or strong beer in the original package at the rate of
7 fifteen percent of the selling price. The tax imposed in this
8 subsection shall apply to all such sales including sales by the
9 Washington state liquor stores and agencies, but excluding sales to
10 class H licensees.

11 (2) There is levied and shall be collected a tax upon each sale of
12 spirits, or strong beer in the original package at the rate of ten
13 percent of the selling price on sales by Washington state liquor stores
14 and agencies to class H licensees.

15 (3) There is levied and shall be collected an additional tax upon
16 each retail sale of spirits in the original package at the rate of one
17 dollar and seventy-two cents per liter. The additional tax imposed in
18 this subsection shall apply to all such sales including sales by
19 Washington state liquor stores and agencies, and including sales to
20 class H licensees.

21 (4) An additional tax is imposed equal to fourteen percent
22 multiplied by the taxes payable under subsections (1), (2), and (3) of
23 this section.

24 (5) (~~Until July 1, 1995,~~) An additional tax is imposed upon each
25 retail sale of spirits in the original package at the rate of seven
26 cents per liter. The additional tax imposed in this subsection shall
27 apply to all such sales including sales by Washington state liquor
28 stores and agencies, and including sales to class H licensees. All
29 revenues collected during any month from this additional tax shall be
30 deposited in the violence reduction and drug enforcement (~~and~~
31 ~~education~~) account under RCW 69.50.520 by the twenty-fifth day of the
32 following month.

33 (6)(a) An additional tax is imposed upon retail sale of spirits in
34 the original package at the rate of one and seven-tenths percent of the
35 selling price through June 30, 1995, two and six-tenths percent of the
36 selling price for the period July 1, 1995, through June 30, 1997, and
37 three and four-tenths of the selling price thereafter. This additional

1 tax applies to all such sales including sales by Washington state
2 liquor stores and agencies, but excluding sales to class H licensees.

3 (b) An additional tax is imposed upon retail sale of spirits in the
4 original package at the rate of one and one-tenth percent of the
5 selling price through June 30, 1995, one and seven-tenths percent of
6 the selling price for the period July 1, 1995, through June 30, 1997,
7 and two and three-tenths of the selling price thereafter. This
8 additional tax applies to all such sales to class H licensees.

9 (c) An additional tax is imposed upon each retail sale of spirits
10 in the original package at the rate of twenty cents per liter through
11 June 30, 1995, thirty cents per liter for the period July 1, 1995,
12 through June 30, 1997, and forty-one cents per liter thereafter. This
13 additional tax applies to all such sales including sales by Washington
14 state liquor stores and agencies, and including sales to class H
15 licensees.

16 (d) All revenues collected during any month from additional taxes
17 under this subsection shall be deposited in the health services account
18 created under RCW 43.72.900 by the twenty-fifth day of the following
19 month.

20 (7) The tax imposed in RCW 82.08.020 shall not apply to sales of
21 spirits or strong beer in the original package.

22 (8) The taxes imposed in this section shall be paid by the buyer to
23 the seller, and each seller shall collect from the buyer the full
24 amount of the tax payable in respect to each taxable sale under this
25 section. The taxes required by this section to be collected by the
26 seller shall be stated separately from the selling price and for
27 purposes of determining the tax due from the buyer to the seller, it
28 shall be conclusively presumed that the selling price quoted in any
29 price list does not include the taxes imposed by this section.

30 (9) As used in this section, the terms, "spirits," "strong beer,"
31 and "package" shall have the meaning ascribed to them in chapter 66.04
32 RCW.

33 **Sec. 705.** RCW 82.24.020 and 1993 c 492 s 307 are each amended to
34 read as follows:

35 (1) There is levied and there shall be collected as provided in
36 this chapter, a tax upon the sale, use, consumption, handling,
37 possession or distribution of all cigarettes, in an amount equal to the
38 rate of eleven and one-half mills per cigarette.

1 (2) (~~Until July 1, 1995,~~) An additional tax is imposed upon the
2 sale, use, consumption, handling, possession, or distribution of all
3 cigarettes, in an amount equal to the rate of (~~one~~) seven and one-
4 half mills per cigarette. All revenues collected during any month from
5 this additional tax shall be deposited in the violence reduction and
6 drug enforcement (~~and education~~) account under RCW 69.50.520 by the
7 twenty-fifth day of the following month.

8 (3) An additional tax is imposed upon the sale, use, consumption,
9 handling, possession, or distribution of all cigarettes, in an amount
10 equal to the rate of ten mills per cigarette through June 30, 1994,
11 eleven and one-fourth mills per cigarette for the period July 1, 1994,
12 through June 30, 1995, twenty mills per cigarette for the period July
13 1, 1995, through June 30, 1996, and twenty and one-half mills per
14 cigarette thereafter. All revenues collected during any month from
15 this additional tax shall be deposited in the health services account
16 created under RCW 43.72.900 by the twenty-fifth day of the following
17 month.

18 (4) Wholesalers and retailers subject to the payment of this tax
19 may, if they wish, absorb one-half mill per cigarette of the tax and
20 not pass it on to purchasers without being in violation of this section
21 or any other act relating to the sale or taxation of cigarettes.

22 (5) For purposes of this chapter, "possession" shall mean both (a)
23 physical possession by the purchaser and, (b) when cigarettes are being
24 transported to or held for the purchaser or his or her designee by a
25 person other than the purchaser, constructive possession by the
26 purchaser or his or her designee, which constructive possession shall
27 be deemed to occur at the location of the cigarettes being so
28 transported or held.

29 **Sec. 706.** RCW 69.50.520 and 1989 c 271 s 401 are each amended to
30 read as follows:

31 The violence reduction and drug enforcement (~~and education~~)
32 account is created in the state treasury. All designated receipts from
33 RCW 9.41.110(5), 66.24.210(4), 66.24.290(3), 69.50.505(~~(f)(2)(i)(C)~~)
34 (h)(1), 82.04.250(3), 82.08.150(5), 82.24.020(2), 82.64.020, and
35 section 420, chapter 271, Laws of 1989 shall be deposited into the
36 account. Expenditures from the account may be used only for funding
37 services and programs under (~~this act~~) chapter 271, Laws of 1989 and
38 chapter . . . , Laws of 1994 (this act), including state incarceration

1 costs. At least seven and one-half percent of expenditures from the
2 account shall be used for providing grants to community networks under
3 chapter 70.190 RCW by the community public health and safety council.

4 NEW SECTION. Sec. 707. Sections 440 and 702 through 705 of this
5 act shall be submitted as a single ballot measure to the people for
6 their adoption and ratification, or rejection, at the next succeeding
7 general election to be held in this state, in accordance with Article
8 II, section 1 of the state Constitution, as amended, and the laws
9 adopted to facilitate the operation thereof unless section 13, chapter
10 2, Laws of 1994, has been declared invalid or otherwise enjoined or
11 stayed by a court of competent jurisdiction.

12 NEW SECTION. Sec. 708. (1) Until July 1, 1994, any reference in
13 this act to the director or department of community, trade, and
14 economic development means the director or department of community
15 development.

16 (2) Until July 1, 1994, any reference in this act to the director
17 or department of fish and wildlife means the director or department of
18 wildlife.

19 NEW SECTION. Sec. 709. Part headings and the table of contents as
20 used in this act do not constitute any part of the law.

21 NEW SECTION. Sec. 710. (1) Sections 201 through 204, 302, and 330
22 of this act are necessary for the immediate preservation of the public
23 peace, health, or safety, or support of the state government and its
24 existing public institutions, and shall take effect immediately.

25 (2) Section 705 of this act shall take effect July 1, 1995.

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