

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2319

53rd Legislature
1994 1st Special Session

Passed by the House March 11, 1994
Yeas 51 Nays 43

Speaker of the
House of Representatives

Passed by the Senate March 11, 1994
Yeas 26 Nays 20

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2319** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2319

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1994 1st Special Session

State of Washington 53rd Legislature 1994 1st Special Session

By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Leonard, Johanson, Valle, Wang, Wineberry, Scott, Karahalios, Caver, Kessler, Basich, Wolfe, J. Kohl, Veloria, Quall, Holm, Jones, Shin, King, Patterson, Eide, Dellwo, L. Johnson, Springer, Pruitt, Ogden, H. Myers and Anderson; by request of Governor Lowry)

Read first time 02/08/94.

1 AN ACT Relating to violence prevention; amending RCW 74.14A.020,
2 43.70.010, 70.190.005, 70.190.010, 43.101.240, 70.190.020, 70.190.030,
3 70.190.900, 9.41.050, 9.41.060, 9.41.070, 9.41.080, 9.41.090, 9.41.097,
4 9.41.098, 9.41.100, 9.41.110, 9.41.140, 9.41.190, 9.41.220, 9.41.230,
5 9.41.240, 9.41.250, 9.41.260, 9.41.270, 9.41.280, 9.41.290, 9.41.300,
6 9A.56.040, 9A.56.160, 13.40.265, 13.64.060, 42.17.318, 46.20.265,
7 71.05.450, 71.12.560, 72.23.080, 77.12.720, 77.16.290, 82.04.300,
8 82.32.030, 9A.46.050, 10.14.080, 10.99.040, 10.99.045, 26.09.050,
9 26.09.060, 26.10.040, 26.10.115, 26.26.137, 26.50.070, 13.32A.050,
10 13.32A.060, 13.32A.080, 13.32A.130, 9A.36.045, 9.94A.310, 43.20A.090,
11 13.04.030, 13.40.020, 13.40.0354, 13.40.0357, 13.40.160, 13.40.185,
12 13.40.210, 13.40.190, 13.40.220, 13.40.300, 72.09.111, 72.09.070,
13 26.12.010, 13.04.021, 72.76.010, 13.50.010, 72.09.300, 13.40.070,
14 13.40.080, 28A.620.020, 28A.600.475, 13.50.050, 43.63A.700, 43.63A.710,
15 82.60.020, 82.62.010, 66.24.210, 66.24.290, 82.08.150, 82.24.020,
16 82.64.010, 82.64.020, 82.64.030, 82.64.040, and 69.50.520; amending
17 1993 sp.s. c 24 s 501 (uncodified); amending 1993 sp.s. c 24 s 202
18 (uncodified); reenacting and amending RCW 9.41.010, 9.41.040,
19 26.28.080, 26.26.130, 26.50.060, and 9.94A.320; adding new sections to
20 chapter 43.70 RCW; adding new sections to chapter 70.190 RCW; adding
21 new sections to chapter 43.41 RCW; adding a new section to chapter

1 43.20A RCW; adding new sections to chapter 9.41 RCW; adding a new
2 section to chapter 9A.56 RCW; adding a new section to chapter 74.13
3 RCW; adding a new section to chapter 35.21 RCW; adding a new section to
4 chapter 35A.11 RCW; adding a new section to chapter 36.32 RCW; adding
5 a new section to chapter 43.101 RCW; adding a new section to chapter
6 4.24 RCW; adding a new section to chapter 9.91 RCW; adding new sections
7 to chapter 13.40 RCW; adding a new section to chapter 9.94A RCW; adding
8 new sections to chapter 28A.300 RCW; adding a new section to chapter
9 28A.320 RCW; adding a new section to chapter 13.16 RCW; adding a new
10 section to chapter 72.02 RCW; adding a new section to chapter 43.19
11 RCW; adding a new section to chapter 43.33A RCW; adding a new chapter
12 to Title 19 RCW; creating new sections; recodifying RCW 19.70.010
13 19.70.020, and 9.41.160; repealing RCW 70.190.900, 9.41.030, 9.41.093,
14 9.41.095, 9.41.130, 9.41.150, 9.41.180, 9.41.200, 9.41.210, 82.64.060,
15 and 82.64.900; repealing section 201, chapter . . . (section 201 of
16 Engrossed Substitute Senate Bill No. 6244), Laws of 1994 (uncodified);
17 prescribing penalties; providing effective dates; providing contingent
18 effective dates; providing a contingent expiration date; providing for
19 submission of certain sections of this act to a vote of the people; and
20 declaring an emergency.

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

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3 **PART I. INTENT**

4 NEW SECTION. **Sec. 101.** The legislature finds that the increasing
5 violence in our society causes great concern for the immediate health
6 and safety of our citizens and our social institutions. Youth violence
7 is increasing at an alarming rate and young people between the ages of
8 fifteen and twenty-four are at the highest risk of being perpetrators
9 and victims of violence. Additionally, random violence, including
10 homicide and the use of firearms, has dramatically increased over the
11 last decade.

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

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

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

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

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

7 (1) Serving children and families as a unit in the least
8 restrictive setting available and in close proximity to the family
9 home, consistent with the best interests and special needs of the
10 child;

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

14 (3) Ensuring that the safety and best interests of the child are
15 the paramount considerations when making placement and service delivery
16 decisions;

17 (4) Recognizing the interdependent and changing nature of families
18 and communities, building upon their inherent strengths, maintaining
19 their dignity and respect, and tailoring programs to their specific
20 circumstances;

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

25 (~~(4)~~) (6) Being sensitive to the family and community culture,
26 norms, values, and expectations, ensuring that all services are
27 provided in a culturally appropriate and relevant manner, and ensuring
28 participation of racial and ethnic minorities at all levels of
29 planning, delivery, and evaluation efforts;

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

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

34 (~~(b)~~) (ii) Seek to bring about meaningful change before family
35 situations become irreversibly destructive and before disturbed
36 psychological behavioral patterns and health problems become severe or
37 permanent;

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

1 consultation with affected groups or agencies, comprehensive rules for
2 the collection and reporting of data relating to acts of violence, at-
3 risk behaviors, and risk and protective factors. The data collection
4 and reporting rules shall be used by any public or private entity that
5 is required to report data relating to these behaviors and conditions.
6 The department may require any agency or program that is state-funded
7 or that accepts state funds and any licensed or regulated person or
8 professional to report these behaviors and conditions. To the extent
9 possible the department shall require the reports to be filed through
10 existing data systems. The department may also require reporting of
11 attempted acts of violence and of nonphysical injuries. For the
12 purposes of this section "acts of violence" means self-directed and
13 interpersonal behaviors that can result in suicide, homicide, and
14 nonfatal intentional injuries. "At-risk behaviors," "protective
15 factors," and "risk factors" have the same meanings as provided in RCW
16 70.190.010. A copy of the data used by a school district to prepare
17 and submit a report to the department shall be retained by the district
18 and, in the copy retained by the district, identify the reported acts
19 or behaviors by school site.

20 (2) The department is designated as the state-wide agency for the
21 coordination of all information relating to violence and other
22 intentional injuries, at-risk behaviors, and risk and protective
23 factors.

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

27 (4) The department shall publish annual reports on intentional
28 injuries, unintentional injuries, rates of at-risk youth, and
29 associated risk and protective factors. The reports shall be submitted
30 to the governor, the legislature, and the Washington state institute
31 for public policy.

32 (5) The department shall by rule establish requirements for local
33 health departments to perform assessment related to at-risk behaviors
34 and risk and protective factors and to assist community networks in
35 policy development and in planning and other duties under chapter
36 . . . , Laws of 1994 (this act).

37 (6) The department may, consistent with its general authority and
38 directives under sections 201 through 205 of this act, contract with a

1 college or university that has experience in data collection relating
2 to the health and overall welfare of children to provide assistance to:

3 (a) State and local health departments in developing new sources of
4 data to track acts of violence, at-risk behaviors, and risk and
5 protective factors; and

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

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

10 The public health services improvement plan developed under RCW
11 43.70.520 shall include:

12 (1) Minimum standards for state and local public health assessment,
13 performance measurement, policy development, and assurance regarding
14 social development to reduce at-risk behaviors and risk and protective
15 factors. The department in the development of data collection and
16 reporting requirements for the superintendent of public instruction,
17 schools, and school districts shall consult with the joint select
18 committee on education restructuring and local school districts.

19 (2)(a) Measurable risk factors that are empirically linked to
20 violent criminal acts by juveniles, teen substance abuse, teen
21 pregnancy and male parentage, teen suicide attempts, dropping out of
22 school, child abuse or neglect, and domestic violence; and

23 (b) An evaluation of other factors to determine whether they are
24 empirically related risk factors, such as: Out-of-home placements,
25 poverty, single-parent households, inadequate nutrition, hunger,
26 unemployment, lack of job skills, gang affiliation, lack of
27 recreational or cultural opportunities, school absenteeism, court-
28 ordered parenting plans, physical, emotional, or behavioral problems
29 requiring special needs assistance in K-12 schools, learning
30 disabilities, and any other possible factors.

31 (3) Data collection and analysis standards on at-risk behaviors and
32 risk and protective factors for use by the local public health
33 departments and the state council and the local community networks to
34 ensure consistent and interchangeable data.

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

1 The department shall provide an annual report to the Washington
2 state institute for public policy on the implementation of this
3 section.

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

6 The department, in consultation with the family policy council
7 created in chapter 70.190 RCW, shall establish, by rule, standards for
8 local health departments and networks to use in assessment, performance
9 measurement, policy development, and assurance regarding social
10 development to prevent health problems caused by risk factors
11 empirically linked to: Violent criminal acts by juveniles, teen
12 substance abuse, teen pregnancy and male parentage, teen suicide
13 attempts, dropping out of school, child abuse or neglect, and domestic
14 violence. The standards shall be based on the standards set forth in
15 the public health services improvement plan as required by section 203
16 of this act.

17 The department, in consultation with the family policy council,
18 shall review the definitions of at-risk children and youth, protective
19 factors, and risk factors contained in RCW 70.190.010 and make any
20 suggested recommendations for change to the legislature by January 1,
21 1995.

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

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

31 **Sec. 206.** RCW 43.70.010 and 1989 1st ex.s. c 9 s 102 are each
32 amended to read as follows:

33 As used in this chapter, unless the context indicates otherwise:

34 (1) "Assessment" means the regular collection, analysis, and
35 sharing of information about health conditions, risks, and resources in
36 a community. Assessment activities identify trends in illness, injury,

1 and death and the factors that may cause these events. They also
2 identify environmental risk factors, community concerns, community
3 health resources, and the use of health services. Assessment includes
4 gathering statistical data as well as conducting epidemiologic and
5 other investigations and evaluations of health emergencies and specific
6 ongoing health problems;

7 (2) "Board" means the state board of health;

8 ~~((+2))~~ (3) "Council" means the health care access and cost control
9 council;

10 ~~((+3))~~ (4) "Department" means the department of health; ~~((and~~
11 ~~+4))~~ (5) "Policy development" means the establishment of social
12 norms, organizational guidelines, operational procedures, rules,
13 ordinances, or statutes that promote health or prevent injury, illness,
14 or death; and

15 (6) "Secretary" means the secretary of health.

16 NEW SECTION. Sec. 207. A new section is added to chapter 70.190
17 RCW to read as follows:

18 (1) The Washington state institute for public policy shall conduct
19 or contract for monitoring and tracking of the implementation of
20 chapter . . . , Laws of 1994 (this act) to determine whether these
21 efforts result in a measurable reduction of violence. The institute
22 shall also conduct or contract for an evaluation of the effectiveness
23 of the community public health and safety networks in reducing the rate
24 of at-risk youth through reducing risk factors and increasing
25 protective factors. The evaluation plan shall result in statistically
26 valid evaluation at both state-wide and community levels. The
27 evaluation plan shall be submitted to the governor and appropriate
28 legislative committees by July 1, 1995.

29 (2) Starting five years after the initial grant to a community
30 network, if the community network fails to meet the outcome standards
31 and goals in any two consecutive years, the institute shall make
32 recommendations to the legislature concerning whether the funds
33 received by that community network should revert back to the
34 originating agency. In making this determination, the institute shall
35 consider the adequacy of the level of intervention relative to the risk
36 factors in the community and any external events having a significant
37 impact on risk factors or outcomes.

1 (3) The outcomes required under this chapter and social development
2 standards and measures established by the department of health under
3 section 204 of this act shall be used in conducting the outcome
4 evaluation of the community networks.

5 **PART III. COMMUNITY NETWORKS**

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

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

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

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

30 The legislature further finds that eligibility criteria,
31 expenditure restrictions, and reporting requirements of state and
32 federal categorical programs often create barriers toward the effective
33 use of resources for addressing the multiple problems of at-risk
34 families and children.

35 The purposes of this chapter are (1) to modify public policy and
36 programs to empower communities to support and respond to the needs of
37 individual families and children and (2) to improve the responsiveness

1 of services for children and families at risk by facilitating greater
2 coordination and flexibility in the use of funds by state and local
3 service agencies.

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

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Assessment" has the same meaning as provided in RCW 43.70.010.

9 (2) "At-risk" children and youth are those who risk the significant
10 loss of social, educational, or economic opportunities.

11 (3) "At-risk behaviors" means violent delinquent acts, teen
12 substance abuse, teen pregnancy and male parentage, teen suicide
13 attempts, dropping out of school, child abuse or neglect, and domestic
14 violence. At-risk children and youth also include those who are
15 victims of violence, abuse, neglect, and those who have been removed
16 from the custody of their parents.

17 (4) "Comprehensive plan" means a two-year plan that examines
18 available resources and unmet needs for a county or multicounty area,
19 barriers that limit the effective use of resources, and a plan to
20 address these issues that is broadly supported.

21 ~~((+2))~~ (5) "Participating state agencies" means the office of the
22 superintendent of public instruction, the department of social and
23 health services, the department of health, the employment security
24 department, the department of community, trade, and economic
25 development, and such other departments as may be specifically
26 designated by the governor.

27 ~~((+3))~~ (6) "Family policy council" or "council" means: The
28 superintendent of public instruction, the secretary of social and
29 health services, the secretary of health, the commissioner of the
30 employment security department, and the director of the department of
31 community, trade, and economic development or their designees~~((7))~~; one
32 legislator from each caucus of the senate and house of
33 representatives~~((7—and))~~; one representative of the governor; one
34 representative each appointed by the governor for cities or towns,
35 counties, federally recognized Indian tribes, school districts, the
36 children's commission, law enforcement agencies, superior courts,
37 public parks and recreation programs, and private agency service
38 providers; citizen representatives of community organizations not

1 associated with delivery of services affected by chapter . . . , Laws of
2 1994 (this act); and two chief executive officers of major Washington
3 corporations appointed by the governor.

4 ~~((4))~~ (7) "Outcome" or "outcome based" means defined and
5 measurable outcomes ((and indicators that make it possible for
6 communities)) used to evaluate progress in ((meeting their goals and
7 whether systems are fulfilling their responsibilities)) reducing the
8 rate of at-risk children and youth through reducing risk factors and
9 increasing protective factors.

10 ~~((5))~~ (8) "Matching funds" means an amount no less than twenty-
11 five percent of the amount budgeted for a ((consortium's project. Up
12 to half of the consortium's)) community network's plan. The network's
13 matching funds may be in-kind goods ((and)) services((. Funding
14 sources allowable for match include)) appropriate federal or local
15 levy funds, private charitable funding, and other charitable giving.
16 Basic education funds shall not be used as a match.

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

27 (9) "Community public health and safety networks" or "community
28 networks" means authorities authorized under section 303 of this act.

29 (10) "Policy development" has the same meaning as provided in RCW
30 43.70.010.

31 (11) "Protective factors" means those factors determined by the
32 department of health to be empirically associated with behaviors that
33 contribute to socially acceptable and healthy nonviolent behaviors.
34 Protective factors include promulgation, identification, and acceptance
35 of community norms regarding appropriate behaviors in the area of
36 delinquency, early sexual activity, and alcohol and substance abuse,
37 educational opportunities, employment opportunities, and absence of
38 crime.

1 (12) "Risk factors" means those factors determined by the
2 department of health to be empirically associated with at-risk
3 behaviors that contribute to violence. Risk factors include
4 availability of drugs or alcohol, economic, educational, and social
5 deprivation, rejection of identification with the community, academic
6 failure, a family history of high substance abuse, crime, a lack of
7 acceptance of societal norms, and substance, child, and sexual abuse.

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

10 (1) The legislature intends to create community public health and
11 safety networks to reconnect parents and other citizens with children,
12 youth, families, and community institutions which support health and
13 safety. The networks should empower parents and other citizens by
14 being a means of expressing their attitudes, spirit, and perspectives
15 regarding safe and healthy family and community life. The legislature
16 intends that parent and other citizen perspectives exercise a
17 controlling influence over policy and program operations of
18 professional organizations concerned with children and family issues
19 within networks in a manner consistent with the Constitution and state
20 law. It is not the intent of the legislature that health, social
21 service, or educational professionals dominate community public health
22 and safety network processes or programs, but rather that these
23 professionals use their skills to lend support to parents and other
24 citizens in expressing their values as parents and other citizens
25 identify community needs and establish community priorities. To this
26 end, the legislature intends full participation of parents and other
27 citizens in community public health and safety networks. The intent is
28 that local community values are reflected in the operations of the
29 network.

30 (2) A group of persons described in subsection (3) of this section
31 may apply by December 1, 1994, to be a community public health and
32 safety network.

33 (3) Each community public health and safety network shall be
34 composed of twenty-three people, thirteen of whom shall be citizens
35 with no direct fiduciary interest in health, education, social service,
36 or justice system organizations operating within the network area. In
37 selecting these members, first priority shall be given to members of
38 community mobilization advisory boards, city or county children's

1 services commissions, human services advisory boards, or other such
2 organizations which may exist within the network. The thirteen persons
3 shall be selected as follows: Three by the chambers of commerce
4 located in the network, three by school board members of the school
5 districts within the network boundary, three by the county legislative
6 authorities of the counties within the network boundary, three by the
7 city legislative authorities of the cities within the network boundary,
8 and one high school student, selected by student organizations within
9 the network boundary. The remaining ten members shall include local
10 representation from the following groups and entities: Cities,
11 counties, federally recognized Indian tribes, parks and recreation
12 programs, law enforcement agencies, superior court judges, state
13 children's service workers from within the network area, employment
14 assistance workers from within the network area, private social,
15 educational, or health service providers from within the network area,
16 and broad-based nonsecular organizations.

17 (4) A list of the network members shall be submitted to the council
18 by December 1, 1994, by the network chair who shall be selected by
19 network members at their first meeting. The list shall become final
20 unless the council chooses other members within twenty days after the
21 list is submitted. The council shall accept the list unless he or she
22 believes the proposed list does not adequately represent all parties
23 identified in subsection (3) of this section or a member has a conflict
24 of interest between his or her membership and his or her livelihood.
25 Members of the community network shall serve terms of three years.

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

34 (5) The network shall select a public entity as the lead fiscal
35 agency for the network. The lead agency may contract with a public or
36 private entity to perform other administrative duties required by the
37 state. In making the selection, the network shall consider: (a)
38 Experience in administering prevention and intervention programs; (b)
39 the relative geographical size of the network and its members; (c)

1 budgeting and fiscal capacity; and (d) how diverse a population each
2 entity represents.

3 (6) Network meetings are subject to the open public meetings act
4 under chapter 42.30 RCW.

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

7 The community public health and safety networks shall:

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

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

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

18 (4) Distribute funds to local programs that reflect the locally
19 established priorities and as provided in section 324 of this act;

20 (5) Comply with outcome-based standards;

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

23 (7) Coordinate its efforts with anti-drug use efforts and
24 organizations and maintain a high priority for combatting drug use by
25 at-risk youth.

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

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

34 (2) The community network's plan may also include funding of
35 community-based home visitor programs which are designed to reduce the
36 incidence of child abuse and neglect with the network. Parents shall
37 sign a voluntary authorization for services, which may be withdrawn at

1 any time. The program may provide parents with education and support
2 either in parents' homes or in other locations comfortable for parents,
3 beginning with the birth of their first baby. The program may make the
4 following services available to the families:

5 (a) Visits for all expectant or new parents, either at the parent's
6 home or another location with which the parent is comfortable;

7 (b) Screening before or soon after the birth of a child to assess
8 the family's strengths and goals and define areas of concern in
9 consultation with the family;

10 (c) Parenting education and skills development;

11 (d) Parenting and family support information and referral;

12 (e) Parent support groups; and

13 (f) Service coordination for individual families, and assistance
14 with accessing services, provided in a manner that ensures that
15 individual families have only one individual or agency to which they
16 look for service coordination. Where appropriate for a family, service
17 coordination may be conducted through interdisciplinary or interagency
18 teams.

19 These programs are intended to be voluntary for the parents
20 involved.

21 (3) The community network may include funding of:

22 (a) At-risk youth job placement and training programs. The
23 programs shall:

24 (i) Identify and recruit at-risk youth for local job opportunities;

25 (ii) Provide skills and needs assessments for each youth recruited;

26 (iii) Provide career and occupational counseling to each youth
27 recruited;

28 (iv) Identify businesses willing to provide employment and training
29 opportunities for at-risk youth;

30 (v) Match each youth recruited with a business that meets his or
31 her skills and training needs;

32 (vi) Provide employment and training opportunities that prepare the
33 individual for demand occupations; and

34 (vii) Include, to the extent possible, collaboration of business,
35 labor, education and training, community organizations, and local
36 government;

37 (b) Employment assistance, including job development, school-to-
38 work placement, employment readiness training, basic skills,

1 apprenticeships, job mentoring, and private sector and community
2 service employment;

3 (c) Education assistance, including tutoring, mentoring,
4 interactions with role models, entrepreneurial education and projects,
5 violence prevention training, safe school strategies, and employment
6 reentry assistance services;

7 (d) Peer-to-peer, group, and individual counseling, including
8 crisis intervention, for at-risk youth and their parents;

9 (e) Youth coalitions that provide opportunities to develop
10 leadership skills and gain appropriate respect, recognition, and
11 rewards for their positive contribution to their community;

12 (f) Technical assistance to applicants to increase their
13 organizational capacity and to improve the likelihood of a successful
14 application; and

15 (g) Technical assistance and training resources to successful
16 applicants.

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

19 (1) A community network that has its membership finalized under
20 section 303(4) of this act shall, upon application to the council, be
21 eligible to receive planning grants and technical assistance from the
22 council. Planning grants may be funded through available federal funds
23 for family preservation services. After receiving the planning grant
24 the region will be given up to one year to submit the long-term
25 comprehensive plan. Upon application the community networks are
26 eligible to receive funds appropriated under section 324 of this act.

27 (2) The council shall enter into biennial contracts with community
28 networks as part of the grant process. The contracts shall be
29 consistent with available resources, and shall be distributed in
30 accordance with the distribution formula developed pursuant to section
31 319 of this act.

32 (3) No later than February 1 of each odd-numbered year following
33 the initial contract between the council and a network, the council
34 shall request from the network its plan for the upcoming biennial
35 contract period.

36 (4) The council shall notify the community networks of their
37 allocation of available resources at least sixty days prior to the
38 start of a new biennial contract period.

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

3 The family policy council shall:

4 (1) Establish network boundaries no later than July 1, 1994. There
5 is a presumption that no county may be divided between two or more
6 community networks and no network shall have fewer than forty thousand
7 population. When approving multicounty networks, considering dividing
8 a county between networks, or creating a network with a population of
9 less than forty thousand, the council must consider: (a) Common
10 economic, geographic, and social interests; (b) historical and existing
11 shared governance; and (c) the size and location of population centers.
12 Individuals and groups within any area shall be given ample opportunity
13 to propose network boundaries in a manner designed to assure full
14 consideration of their expressed wishes;

15 (2) Develop a technical assistance and training program to assist
16 communities in creating and developing community networks and
17 comprehensive plans;

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

20 (4) Identify all prevention and early intervention programs and
21 funds, including all programs funded under RCW 69.50.520, in addition
22 to the programs set forth in section 308 of this act, which could be
23 transferred, in all or part, to the community networks, and report
24 their findings and recommendations to the governor and the legislature
25 regarding any appropriate program transfers by January 1 of each year;

26 (5) Reward community networks that show exceptional success as
27 provided in section 319 of this act;

28 (6) Seek every opportunity to maximize federal and other funding
29 that is consistent with the plans approved by the council for the
30 purpose and goals of this chapter;

31 (7) Review the state-funded out-of-home placement rate before the
32 end of each contract to determine whether the region has sufficiently
33 reduced the rate. If the council determines that there has not been a
34 sufficient reduction in the rate, it may reduce the immediately
35 succeeding grant to the network;

36 (8)(a) The council shall monitor the implementation of programs
37 contracted by participating state agencies by reviewing periodic
38 reports on the extent to which services were delivered to intended
39 populations, the quality of services, and the extent to which service

1 outcomes were achieved at the conclusion of service interventions.
2 This monitoring shall include provision for periodic feedback to
3 community networks;

4 (b) The legislature intends that this monitoring be used by the
5 Washington state institute for public policy, together with public
6 health data on at-risk behaviors and risk and protective factors, to
7 produce an external evaluation of the effectiveness of the networks and
8 their programs. For this reason, and to conserve public funds, the
9 council shall not conduct or contract for the conduct of control group
10 studies, quasi-experimental design studies, or other analysis efforts
11 to attempt to determine the impact of network programs on at-risk
12 behaviors or risk and protective factors; and

13 (9) Review the implementation of chapter . . . , Laws of 1994 (this
14 act) and report its recommendations to the legislature annually. The
15 report shall use measurable performance standards to evaluate the
16 implementation.

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

19 (1) The council, and each network, shall biennially review all
20 state and federal funded programs serving individuals, families, or
21 communities to determine whether a network may be better able to
22 integrate and coordinate these services within the community.

23 (2) The council, and each network, shall specifically review and
24 report, to the governor and the legislature, on the feasibility and
25 desirability of decategorizing and granting, all or part of, the
26 following program funds to the networks:

27 (a) Consolidated juvenile services;

28 (b) Family preservation and support services;

29 (c) Readiness to learn;

30 (d) Community mobilization;

31 (e) Violence prevention;

32 (f) Community-police partnership;

33 (g) Child care;

34 (h) Early intervention and educational services, including but not
35 limited to, birth to three, birth to six, early childhood education and
36 assistance, and headstart;

37 (i) Crisis residential care;

38 (j) Victims' assistance;

1 (k) Foster care;
2 (l) Adoption support;
3 (m) Continuum of care; and
4 (n) Drug and alcohol abuse prevention and early intervention in
5 schools.

6 (3) In determining the desirability of decategorizing these
7 programs the report shall analyze whether:

8 (a) The program is an integral part of the comprehensive plan
9 without decategorization;

10 (b) The program is already adequately integrated and coordinated
11 with other programs that are, or will be, funded by the network;

12 (c) The network could develop the capacity to provide the program's
13 services;

14 (d) The program goals might receive greater community support and
15 reinforcement through the network;

16 (e) The program presently ensures that adequate follow-up efforts
17 are utilized, and whether the network could improve on those efforts
18 through decategorization of the funds;

19 (f) The decategorization would benefit the community; and

20 (g) The decategorization would assist the network in achieving its
21 goals.

22 (4) If the council or a network determines that a program should
23 not be decategorized, the council or network shall make recommendations
24 regarding programmatic changes that are necessary to improve the
25 coordination and integration of services and programs, regardless of
26 the funding source for those programs.

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

29 (1) The participating state agencies shall execute an interagency
30 agreement to ensure the coordination of their local program efforts
31 regarding children. This agreement shall recognize and give specific
32 planning, coordination, and program administration responsibilities to
33 community networks, after the approval under section 310 of this act of
34 their comprehensive plans. The community networks shall encourage the
35 development of integrated, regionally based children, youth, and family
36 activities and services with adequate local flexibility to accomplish
37 the purposes stated in section 101 of this act and RCW 74.14A.020.

1 (2) The community networks shall exercise the planning,
2 coordinating, and program administration functions specified by the
3 state interagency agreement in addition to other activities required by
4 law, and shall participate in the planning process required by chapter
5 71.36 RCW.

6 (3) Any state or federal funds identified for contracts with
7 community networks shall be transferred with no reductions.

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

10 The council shall only disburse funds to a community network after
11 a comprehensive plan has been prepared by the network and approved by
12 the council or as provided in section 324 of this act. In approving
13 the plan the council shall consider whether the network:

14 (1) Promoted input from the widest practical range of agencies and
15 affected parties;

16 (2) Reviewed the indicators of violence data compiled by the local
17 public health departments and incorporated a response to those
18 indicators in the plan;

19 (3) Obtained a declaration by the largest health department within
20 the network's boundaries, ensuring that the plan met minimum standards
21 for assessment and policy development relating to social development
22 according to section 204 of this act;

23 (4) Included a specific mechanism of data collection and
24 transmission based on the rules established under section 204 of this
25 act;

26 (5) Considered all relevant causes of violence in its community and
27 did not isolate only one or a few of the elements to the exclusion of
28 others and demonstrated evidence of building community capacity through
29 effective neighborhood and community development; and

30 (6) Committed to make measurable reductions in the rate of at-risk
31 children and youth by reducing the rate of state-funded out-of-home
32 placements and make reductions in at least three of the following rates
33 of youth: Violent criminal acts, substance abuse, pregnancy and male
34 parentage, suicide attempts, or dropping out of school.

35 **Sec. 311.** RCW 43.101.240 and 1989 c 271 s 423 are each amended to
36 read as follows:

1 (1) The criminal justice training commission in cooperation with
2 the United States department of justice department of community
3 relations (region X) shall conduct an assessment of successful
4 community-police partnerships throughout the United States. The
5 commission shall develop training for local law enforcement agencies
6 targeted toward those communities where there has been a substantial
7 increase in drug crimes. The purpose of the training is to facilitate
8 cooperative community-police efforts and enhanced community protection
9 to reduce drug abuse and related crimes. The training shall include
10 but not be limited to conflict management, ethnic sensitivity, cultural
11 awareness, and effective community policing. ((The commission shall
12 report its findings and progress to the legislature by January 1990.))

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

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

27 NEW SECTION. Sec. 312. A new section is added to chapter 70.190
28 RCW to read as follows:

29 If there exist any federal restrictions against the transfer of
30 funds, for the programs enumerated in section 308 of this act, to the
31 community networks, the council shall assist the governor in
32 immediately applying to the federal government for waivers of the
33 federal restrictions. The council shall also assist the governor in
34 coordinating efforts to make any changes in federal law necessary to
35 meet the purpose and intent of chapter . . . , Laws of 1994 (this act).

36 NEW SECTION. Sec. 313. A new section is added to chapter 70.190
37 RCW to read as follows:

1 For grant funds awarded under this chapter, no state agency may
2 require any other program requirements, except those necessary to meet
3 federal funding standards or requirements. None of the grant funds
4 awarded to the community networks shall be considered as new
5 entitlements.

6 NEW SECTION. **Sec. 314.** A new section is added to chapter 70.190
7 RCW to read as follows:

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

12 **Sec. 315.** RCW 70.190.020 and 1992 c 198 s 4 are each amended to
13 read as follows:

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

21 **Sec. 316.** RCW 70.190.030 and 1992 c 198 s 5 are each amended to
22 read as follows:

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

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

29 ~~(b)~~) community networks;

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

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

1 ~~((d) Funds are to be used to provide support or services needed to~~
2 ~~implement a family's or child's case plan that are not otherwise~~
3 ~~adequately available through existing categorical services or community~~
4 ~~programs; [and]~~

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

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

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

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

23 **Sec. 317.** RCW 70.190.900 and 1992 c 198 s 11 are each amended to
24 read as follows:

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

29 NEW SECTION. **Sec. 318.** A new section is added to chapter 43.41
30 RCW to read as follows:

31 The office of financial management shall review the administration
32 of funds for programs identified under section 308 of this act and
33 propose legislation to complete interdepartmental transfers of funds or
34 programs as necessary. The office of financial management shall review
35 statutes that authorize the programs identified under section 308 of
36 this act and suggest legislation to eliminate statutory requirements
37 that may interfere with the administration of that policy.

1 NEW SECTION. **Sec. 319.** A new section is added to chapter 43.41
2 RCW to read as follows:

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

8 (a) The number of arrests and convictions for juvenile violent
9 offenses;

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

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

13 (d) The number of child and teenage suicides and attempted
14 suicides; and

15 (e) The high school graduation rate.

16 (2) In developing the formula, the office of financial management
17 shall reserve five percent of the funds for the purpose of rewarding
18 community networks.

19 (3) The reserve fund shall be used by the council to reward
20 community networks that show exceptional reductions in: State-funded
21 out-of-home placements, violent criminal acts by juveniles, substance
22 abuse, teen pregnancy and male parentage, teen suicide attempts, or
23 school dropout rates.

24 (4) The office of financial management shall submit the
25 distribution formula to the family policy council and to the
26 appropriate committees of the legislature by December 20, 1994.

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

29 If a community network is unable or unwilling to assume powers and
30 duties authorized under this chapter by June 30, 1998, or the
31 Washington state institute for public policy makes a recommendation
32 under section 207 of this act, the governor may transfer all funds and
33 programs available to a community network to a single state agency
34 whose statutory purpose, mission, goals, and operating philosophy most
35 closely supports the principles and purposes of section 101 of this act
36 and RCW 74.14A.020, for the purpose of integrating the programs and
37 services.

1 **Sec. 401.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
2 each reenacted and amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) (~~("Short firearm" or~~) "Firearm" means a weapon or device from
6 which a projectile may be fired by an explosive such as gunpowder.

7 (2) "Pistol" ((as used in this chapter)) means any firearm with a
8 barrel less than twelve inches in length, or is designed to be held and
9 fired by the use of a single hand.

10 (~~(+2+)) (3) "Rifle" means a weapon designed or redesigned, made or~~

11 remade, and intended to be fired from the shoulder and designed or

12 redesigned, made or remade, and intended to use the energy of the

13 explosive in a fixed metallic cartridge to fire only a single

14 projectile through a rifled bore for each single pull of the trigger.

15 (4) "Short-barreled rifle" means a rifle having one or more barrels
16 less than sixteen inches in length and any weapon made from a rifle by
17 any means of modification if such modified weapon has an overall length
18 of less than twenty-six inches.

19 (5) "Shotgun" means a weapon with one or more barrels, designed or
20 redesigned, made or remade, and intended to be fired from the shoulder
21 and designed or redesigned, made or remade, and intended to use the
22 energy of the explosive in a fixed shotgun shell to fire through a
23 smooth bore either a number of ball shot or a single projectile for
24 each single pull of the trigger.

25 (6) "Short-barreled shotgun" means a shotgun having one or more
26 barrels less than eighteen inches in length and any weapon made from a
27 shotgun by any means of modification if such modified weapon has an
28 overall length of less than twenty-six inches.

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

36 (8) "Antique firearm" means a firearm or replica of a firearm not
37 designed or redesigned for using rim fire or conventional center fire
38 ignition with fixed ammunition and manufactured in or before 1898,
39 including any matchlock, flintlock, percussion cap, or similar type of

1 ignition system and also any firearm using fixed ammunition
2 manufactured in or before 1898, for which ammunition is no longer
3 manufactured in the United States and is not readily available in the
4 ordinary channels of commercial trade.

5 (9) "Loaded" means:

6 (a) There is a cartridge in the chamber of the firearm;

7 (b) Bullets are in a clip that is locked in place in the firearm;

8 (c) There is a cartridge in the cylinder of the firearm, if the
9 firearm is a revolver; or

10 (d) There is a cartridge in the tube, magazine, or other
11 compartment of the firearm.

12 (10) "Dealer" means a person engaged in the business of selling
13 firearms or ammunition at wholesale or retail who has, or is required
14 to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A
15 person who does not have, and is not required to have, a federal
16 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that
17 person makes only occasional sales, exchanges, or purchases of firearms
18 for the enhancement of a personal collection or for a hobby, or sells
19 all or part of his or her personal collection of firearms.

20 (11) "Crime of violence" ((as used in this chapter)) means:

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

31 (b) Any conviction ((or adjudication)) for a felony offense in
32 effect at any time prior to July 1, 1976, which is comparable to a
33 felony classified as a crime of violence in ((subsection (2)))(a) of
34 this ((section)) subsection; and

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

38 ~~(3) "Firearm" as used in this chapter means a weapon or device from~~
39 ~~which a projectile may be fired by an explosive such as gunpowder.~~

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

3 (12) "Serious offense" means any of the following felonies or a
4 felony attempt to commit any of the following felonies, as now existing
5 or hereafter amended:

6 (a) Any crime of violence;

7 (b) Child molestation in the second degree;

8 (c) Controlled substance homicide;

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

10 (e) Indecent liberties;

11 (f) Leading organized crime;

12 (g) Promoting prostitution in the first degree;

13 (h) Rape in the third degree;

14 (i) Sexual exploitation;

15 (j) Vehicular assault;

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

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

22 (m) Any other felony with a deadly weapon verdict under RCW
23 9.94A.125; or

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

28 **Sec. 402.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are
29 each reenacted and amended to read as follows:

30 (1) A person, whether an adult or juvenile, is guilty of the crime
31 of unlawful possession of a ((short)) firearm ((or pistol,)) if((,
32 having previously been convicted or, as a juvenile, adjudicated in this
33 state or elsewhere of a crime of violence or of a felony in which a
34 firearm was used or displayed,)) the person owns ((or)), has in his or
35 her possession, or has in his or her control any ((short)) firearm ((or
36 pistol))):

37 (a) After having previously been convicted in this state or
38 elsewhere of a serious offense, a domestic violence offense enumerated

1 in RCW 10.99.020(2), a harassment offense enumerated in RCW 9A.46.060,
2 or of a felony in which a firearm was used or displayed, except as
3 otherwise provided in subsection (3) or (4) of this section;

4 (b) After having previously been convicted of any felony violation
5 of the uniform controlled substances act, chapter 69.50 RCW, or
6 equivalent statutes of another jurisdiction, except as otherwise
7 provided in subsection (3) or (4) of this section;

8 (c) After having previously been convicted on three occasions
9 within five years of driving a motor vehicle or operating a vessel
10 while under the influence of intoxicating liquor or any drug, unless
11 his or her right to possess a firearm has been restored as provided in
12 section 404 of this act;

13 (d) After having previously been committed for mental health
14 treatment, either voluntarily for a period exceeding fourteen
15 continuous days, or involuntarily under RCW 71.05.320, 71.34.090,
16 chapter 10.77 RCW, or equivalent statutes of another jurisdiction,
17 unless his or her right to possess a firearm has been restored as
18 provided in section 404 of this act; or

19 (e) If the person is under eighteen years of age, except as
20 provided in section 403 of this act.

21 (2) Unlawful possession of a ((short)) firearm ((or pistol shall be
22 punished as)) is a class C felony, punishable under chapter 9A.20 RCW.

23 (3) As used in this section, a person has been "convicted ((or
24 adjudicated))" at such time as a plea of guilty has been accepted or a
25 verdict of guilty has been filed, notwithstanding the pendency of any
26 future proceedings including but not limited to sentencing or
27 disposition, post-trial or post-factfinding motions, and appeals. A
28 person shall not be precluded from possession of a firearm if the
29 conviction ((or adjudication)) has been the subject of a pardon,
30 annulment, certificate of rehabilitation, or other equivalent procedure
31 based on a finding of the rehabilitation of the person convicted ((or
32 adjudicated)) or the conviction or disposition has been the subject of
33 a pardon, annulment, or other equivalent procedure based on a finding
34 of innocence.

35 (4) ((Except as provided in subsection (5) of this section, a
36 person is guilty of the crime of unlawful possession of a short firearm
37 or pistol if, after having been convicted or adjudicated of any felony
38 violation of the uniform controlled substances act, chapter 69.50 RCW,
39 or equivalent statutes of another jurisdiction, the person owns or has

1 ~~in his or her possession or under his or her control any short firearm~~
2 ~~or pistol.~~

3 ~~(5))~~ Notwithstanding subsection (1) of this section, a person
4 convicted of an offense other than murder, manslaughter, robbery, rape,
5 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
6 violations with respect to controlled substances under RCW 69.50.401(a)
7 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
8 and who received a dismissal of the charge under RCW 9.95.240, shall
9 not be precluded from ~~((ownership,))~~ possession~~((, or control))~~ of a
10 firearm as a result of the conviction.

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

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

18 ~~(c) The secretary of social and health services shall develop~~
19 ~~appropriate rules to create an approval process under this subsection.~~
20 ~~The rules must provide for the immediate restoration of the right to~~
21 ~~possess a firearm upon a showing in a court of competent jurisdiction~~
22 ~~that a person no longer is required to participate in an inpatient or~~
23 ~~outpatient treatment program, and is no longer required to take~~
24 ~~medication to treat any condition related to the commitment. Unlawful~~
25 ~~possession of a firearm under this subsection shall be punished as a~~
26 ~~class C felony under chapter 9A.20 RCW.)~~

27 (5) In addition to any other penalty provided for by law, if a
28 person under the age of eighteen years is found by a court to have
29 possessed a firearm in a vehicle in violation of subsection (1) of this
30 section or to have committed an offense while armed with a firearm
31 during which offense a motor vehicle served an integral function, the
32 court shall notify the department of licensing within twenty-four hours
33 and the person's privilege to drive shall be revoked under RCW
34 46.20.265.

35 NEW SECTION. Sec. 403. A new section is added to chapter 9.41 RCW
36 to read as follows:

37 RCW 9.41.040(1)(e) shall not apply to any person under the age of
38 eighteen years who is:

1 (1) In attendance at a hunter's safety course or a firearms safety
2 course;

3 (2) Engaging in practice in the use of a firearm or target shooting
4 at an established range authorized by the governing body of the
5 jurisdiction in which such range is located or any other area where the
6 discharge of a firearm is not prohibited;

7 (3) Engaging in an organized competition involving the use of a
8 firearm, or participating in or practicing for a performance by an
9 organized group that uses firearms as a part of the performance;

10 (4) Hunting or trapping under a valid license issued to the person
11 under Title 77 RCW;

12 (5) In an area where the discharge of a firearm is permitted, is
13 not trespassing, and the person either: (a) Is at least fourteen years
14 of age, has been issued a hunter safety certificate, and is using a
15 lawful firearm other than a pistol; or (b) is under the supervision of
16 a parent, guardian, or other adult approved for the purpose by the
17 parent or guardian;

18 (6) Traveling with any unloaded firearm in the person's possession
19 to or from any activity described in subsection (1), (2), (3), (4), or
20 (5) of this section;

21 (7) On real property under the control of his or her parent, other
22 relative, or legal guardian and who has the permission of the parent or
23 legal guardian to possess a firearm;

24 (8) At his or her residence and who, with the permission of his or
25 her parent or legal guardian, possesses a firearm for the purpose of
26 exercising the rights specified in RCW 9A.16.020(3); or

27 (9) Is a member of the armed forces of the United States, national
28 guard, or organized reserves, when on duty.

29 NEW SECTION. **Sec. 404.** A new section is added to chapter 9.41 RCW
30 to read as follows:

31 (1)(a) At the time a person is convicted of an offense making the
32 person ineligible to possess a firearm, or at the time a person is
33 committed by court order under RCW 71.05.320, 71.34.090, or chapter
34 10.77 RCW for mental health treatment, the convicting or committing
35 court shall notify the person, orally and in writing, that the person
36 may not possess a firearm unless his or her right to do so is restored
37 by a court of record.

1 The convicting or committing court also shall forward a copy of the
2 person's driver's license or identicard, or comparable information, to
3 the department of licensing, along with the date of conviction or
4 commitment.

5 (b) Upon the expiration of fourteen days of treatment of a person
6 voluntarily committed, if the period of voluntary commitment is to
7 continue, the institution, hospital, or sanitarium shall notify the
8 person, orally and in writing, that the person may not possess a
9 firearm unless his or her right to do so is restored by a court of
10 record.

11 Following fourteen continuous days of treatment, the institution,
12 hospital, or sanitarium also shall forward a copy of the person's
13 driver's license or identicard, or comparable information, to the
14 department of licensing, along with the date of voluntary commitment.

15 (2) Upon receipt of the information provided for by subsection (1)
16 of this section, the department of licensing shall determine if the
17 convicted or committed person has a concealed pistol license. If the
18 person does have a concealed pistol license, the department of
19 licensing shall immediately notify the license-issuing authority.

20 (3) A person who is prohibited from possessing a firearm by reason
21 of having previously been convicted on three occasions of driving a
22 motor vehicle or operating a vessel while under the influence of
23 intoxicating liquor or any drug may, after five continuous years
24 without further conviction for any alcohol-related offense, petition a
25 court of record to have his or her right to possess a firearm restored.

26 (4)(a) A person who is prohibited from possessing a firearm, by
27 reason of having been either:

28 (i) Voluntarily committed for mental health treatment for a period
29 exceeding fourteen continuous days; or

30 (ii) Involuntarily committed for mental health treatment under RCW
31 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of
32 another jurisdiction,
33 may, upon discharge, petition a court of record to have his or her
34 right to possess a firearm restored.

35 (b) At a minimum, a petition under this subsection (4) shall
36 include the following:

37 (i) The fact, date, and place of commitment;

38 (ii) The place of treatment;

39 (iii) The fact and date of release from commitment;

1 (iv) A certified copy of the most recent order, if one exists, of
2 commitment, with the findings of fact and conclusions of law; and

3 (v) A statement by the person that he or she is no longer required
4 to participate in an inpatient or outpatient treatment program, is no
5 longer required to take medication to treat any condition related to
6 the commitment, and does not present a substantial danger to himself or
7 herself, to others, or to the public safety.

8 (c) A person petitioning the court under this subsection (4) shall
9 bear the burden of proving by a preponderance of the evidence that the
10 circumstances resulting in the commitment no longer exist and are not
11 reasonably likely to recur.

12 **Sec. 405.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each
13 amended to read as follows:

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

17 ~~((A person who is in possession of an unloaded pistol shall not
18 leave the unloaded pistol in a vehicle unless the unloaded pistol is
19 locked within the vehicle and concealed from view from outside the
20 vehicle.~~

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

27 (3) A person at least eighteen years of age who is in possession of
28 an unloaded pistol shall not leave the unloaded pistol in a vehicle
29 unless the unloaded pistol is locked within the vehicle and concealed
30 from view from outside the vehicle.

31 (4) Except as otherwise provided in this chapter, no person may
32 carry a firearm unless it is unloaded and enclosed in an opaque case or
33 secure wrapper or the person is:

34 (a) Licensed under RCW 9.41.070 to carry a concealed pistol;

35 (b) In attendance at a hunter's safety course or a firearms safety
36 course;

37 (c) Engaging in practice in the use of a firearm or target shooting
38 at an established range authorized by the governing body of the

1 jurisdiction in which such range is located or any other area where the
2 discharge of a firearm is not prohibited;

3 (d) Engaging in an organized competition involving the use of a
4 firearm, or participating in or practicing for a performance by an
5 organized group that uses firearms as a part of the performance;

6 (e) Hunting or trapping under a valid license issued to the person
7 under Title 77 RCW;

8 (f) In an area where the discharge of a firearm is permitted, and
9 is not trespassing;

10 (g) Traveling with any unloaded firearm in the person's possession
11 to or from any activity described in (b), (c), (d), (e), or (f) of this
12 subsection, except as provided in (h) of this subsection;

13 (h) Traveling in a motor vehicle with a firearm, other than a
14 pistol, that is unloaded and locked in the trunk or other compartment
15 of the vehicle, secured in a gun rack, or otherwise secured in place in
16 a vehicle;

17 (i) On real property under the control of the person or a relative
18 of the person;

19 (j) At his or her residence;

20 (k) Is a member of the armed forces of the United States, national
21 guard, or organized reserves, when on duty;

22 (l) Is a law enforcement officer; or

23 (m) Carrying a firearm from or to a vehicle for the purpose of
24 taking or removing the firearm to or from a place of business for
25 repair.

26 (5) Nothing in this section permits the possession of firearms
27 illegal to possess under state or federal law.

28 (6) Any city, town, or county may enact an ordinance to exempt
29 itself from the prohibition of subsection (4) of this section.

30 **Sec. 406.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read
31 as follows:

32 The provisions of RCW 9.41.050 shall not apply to:

33 (1) Marshals, sheriffs, prison or jail wardens or their deputies,
34 ((policemen)) or other law enforcement officers((, or to));

35 (2) Members of the ((army, navy or marine corps)) armed forces of
36 the United States or of the national guard or organized reserves, when
37 on duty((, or to));

1 (3) Officers or employees of the United States duly authorized to
2 carry a concealed pistol;

3 (4) Any person engaged in the business of manufacturing, repairing,
4 or dealing in firearms, or the agent or representative of the person,
5 if possessing, using, or carrying a pistol in the usual or ordinary
6 course of the business;

7 (5) Regularly enrolled members of any organization duly authorized
8 to purchase or receive (~~such weapons~~) pistols from the United States
9 or from this state(~~, or to~~);

10 (6) Regularly enrolled members of clubs organized for the purpose
11 of target shooting (~~or~~), when those members are at or are going to or
12 from their places of target practice;

13 (7) Regularly enrolled members of clubs organized for the purpose
14 of modern and antique firearm collecting (~~or to~~), when those members
15 are at or are going to or from their collector's gun shows and
16 exhibits;

17 (8) Individual hunters(~~: PROVIDED, Such members are at, or are~~
18 going to or from their places of target practice, or their collector's
19 gun shows and exhibits, or are on a hunting, camping or fishing trip,
20 or to officers or employees of the United States duly authorized to
21 carry a concealed pistol, or to any person engaged in the business of
22 manufacturing, repairing, or dealing in firearms or the agent or
23 representative of any such person having in his possession, using, or
24 carrying a pistol in the usual or ordinary course of such business, or
25 to) when on a hunting, camping, or fishing trip; or

26 (9) Any person while carrying a pistol unloaded and in a closed
27 opaque case or secure wrapper (~~from the place of purchase to his home~~
28 or place of business or to a place of repair or back to his home or
29 place of business or in moving from one place of abode or business to
30 another)).

31 **Sec. 407.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
32 as follows:

33 (1) The judge of a court of record, the chief of police of a
34 municipality, or the sheriff of a county, shall within thirty days
35 after the filing of an application of any person issue a license to
36 such person to carry a pistol concealed on his or her person within
37 this state for four years from date of issue, for the purposes of
38 protection or while engaged in business, sport, or while traveling.

1 However, if the applicant does not have a valid permanent Washington
2 driver's license or Washington state identification card or has not
3 been a resident of the state for the previous consecutive ninety days,
4 the issuing authority shall have up to sixty days after the filing of
5 the application to issue a license. The issuing authority shall not
6 refuse to accept completed applications for concealed pistol licenses
7 during regular business hours.

8 ((Such)) The applicant's constitutional right to bear arms shall
9 not be denied, unless he or she:

10 (a) Is ineligible to ~~((own a pistol))~~ possess a firearm under the
11 provisions of RCW 9.41.040; ~~((or))~~

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

13 (c) Is subject to a court order or injunction regarding firearms
14 pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, ((or))
15 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137,
16 26.50.060, or 26.50.070; ~~((or))~~

17 (d) Is free on bond or personal recognizance pending trial, appeal,
18 or sentencing for a ~~((crime of violence))~~ serious offense; ~~((or))~~

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

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

24 (g)(i) Has been convicted of any ~~((of the following offenses:~~
25 ~~Assault in the third degree, indecent liberties, malicious mischief in~~
26 ~~the first degree, possession of stolen property in the first or second~~
27 ~~degree, or theft in the first or second degree. Any))~~ crime against a
28 child or other person listed in RCW 43.43.830(5).

29 (ii) Except as provided in (g)(iii) of this subsection, any person
30 who becomes ineligible for a concealed pistol ((permit)) license as a
31 result of a conviction for a crime listed in ((this subsection
32 ~~(1))~~(g)(i) of this subsection and then successfully completes all
33 terms of his or her sentence, as evidenced by a certificate of
34 discharge issued under RCW 9.94A.220 in the case of a sentence under
35 chapter 9.94A RCW, and has not again been convicted of any crime and is
36 not under indictment for any crime, may, one year or longer after such
37 successful sentence completion, petition ~~((the district))~~ a court of
38 record for a declaration that the person is no longer ineligible for a

1 ~~concealed pistol ((permit)) license under ((this subsection (1)))(g)(i)~~
2 ~~of this subsection.~~

3 (iii) No person convicted of a serious offense as defined in RCW
4 9.41.010 may have his or her right to possess firearms restored, unless
5 the person has been granted relief from disabilities by the secretary
6 of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4)
7 applies.

8 (2) The issuing authority shall check with the national crime
9 information center, the Washington state patrol electronic data base,
10 the department of social and health services electronic data base, and
11 with other agencies or resources as appropriate, to determine whether
12 the applicant is ineligible under RCW 9.41.040 to possess a pistol and
13 therefore ineligible for a concealed pistol license. This subsection
14 applies whether the applicant is applying for a new concealed pistol
15 license or to renew a concealed pistol license.

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

23 ~~((3) The license shall be revoked by the issuing authority~~
24 ~~immediately upon conviction of a crime which makes such a person~~
25 ~~ineligible to own a pistol or upon the third conviction for a violation~~
26 ~~of this chapter within five calendar years.~~

27 ~~(4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the~~
28 ~~issuing authority shall:~~

- 29 ~~(a) On the first forfeiture, revoke the license for one year;~~
- 30 ~~(b) On the second forfeiture, revoke the license for two years;~~
- 31 ~~(c) On the third or subsequent forfeiture, revoke the license for~~
32 ~~five years.~~

33 ~~Any person whose license is revoked as a result of a forfeiture of a~~
34 ~~firearm under RCW 9.41.098(1)(d) may not reapply for a new license~~
35 ~~until the end of the revocation period. The issuing authority shall~~
36 ~~notify, in writing, the department of licensing upon revocation of a~~
37 ~~license. The department of licensing shall record the revocation.~~

38 ~~(5)) (4) The license application shall be in triplicate, in form~~
39 ~~to be prescribed by the department of licensing, and shall bear the~~

1 full name, street address, ((and)) date and place of birth, race,
2 gender, description, fingerprints, and signature of the licensee, and
3 the licensee's driver's license number or state identification card
4 number if used for identification in applying for the license. A
5 signed application for a concealed pistol license shall constitute a
6 waiver of confidentiality and written request that the department of
7 social and health services, mental health institutions, and other
8 health care facilities release information relevant to the applicant's
9 eligibility for a concealed pistol license to an inquiring court or law
10 enforcement agency.

11 The license application shall contain a warning substantially as
12 follows:

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

18 The license application shall contain a description of the major
19 differences between state and federal law and an explanation of the
20 fact that local laws and ordinances on firearms are preempted by state
21 law and must be consistent with state law. The application shall
22 contain questions about the applicant's eligibility under RCW 9.41.040
23 to possess a pistol, the applicant's place of birth, whether the
24 applicant is a United States citizen, ((and if not a citizen whether
25 the applicant has declared the intent to become a citizen)) and whether
26 he or she has been required to register with the state or federal
27 government and any identification or registration number, if
28 applicable. The applicant shall not be required to produce a birth
29 certificate or other evidence of citizenship. ((An applicant who is
30 not a citizen shall provide documentation showing resident alien status
31 and the applicant's intent to become a citizen. A person who makes a
32 false statement regarding citizenship on the application is guilty of
33 a misdemeanor.)) A person who is not a citizen of the United States((~~7~~
34 or has not declared his or her intention to become a citizen)) shall
35 meet the additional requirements of RCW 9.41.170.

36 The original thereof shall be delivered to the licensee, the
37 duplicate shall within seven days be sent by registered mail to the

1 director of licensing and the triplicate shall be preserved for six
2 years, by the authority issuing (~~said~~) the license.

3 The department of licensing shall make available to law enforcement
4 and corrections agencies, in an on-line format, all information
5 received under this subsection.

6 (~~(6)~~) (5) The fee for the original issuance of a four-year
7 license shall be (~~twenty-three~~) fifty dollars(~~(: PROVIDED, That)~~).
8 No other (~~additional charges by any~~) branch or unit of government
9 (~~shall be borne by~~) may impose any additional charges on the
10 applicant for the issuance of the license(~~(: PROVIDED FURTHER, That)~~).

11 The fee shall be distributed as follows:

12 (a) (~~Four~~) Fifteen dollars shall be paid to the state general
13 fund;

14 (b) (~~Four~~) Ten dollars shall be paid to the agency taking the
15 fingerprints of the person licensed;

16 (c) (~~Twelve~~) Fifteen dollars shall be paid to the issuing
17 authority for the purpose of enforcing this chapter; and

18 (d) (~~Three~~) Ten dollars to the firearms range account in the
19 general fund.

20 (~~(7)~~) (6) The fee for the renewal of such license shall be
21 (~~fifteen~~) fifty dollars(~~(: PROVIDED, That)~~). No other (~~additional~~
22 charges by any) branch or unit of government (~~shall be borne by~~) may
23 impose any additional charges on the applicant for the renewal of the
24 license(~~(: PROVIDED FURTHER, That)~~).

25 The renewal fee shall be distributed as follows:

26 (a) (~~Four~~) Twenty dollars shall be paid to the state general
27 fund;

28 (b) (~~Eight~~) Twenty dollars shall be paid to the issuing authority
29 for the purpose of enforcing this chapter; and

30 (c) (~~Three~~) Ten dollars to the firearms range account in the
31 general fund.

32 (~~(8)~~) (7) Payment shall be by cash, check, or money order at the
33 option of the applicant. Additional methods of payment may be allowed
34 at the option of the issuing authority.

35 (~~(9)~~) (8) A licensee may renew a license if the licensee applies
36 for renewal within ninety days before or after the expiration date of
37 the license. A license so renewed shall take effect on the expiration
38 date of the prior license. A licensee renewing after the expiration
39 date of the license must pay a late renewal penalty of (~~ten~~) twenty

1 dollars in addition to the renewal fee specified in subsection (~~(7)~~)
2 (6) of this section. The fee shall be distributed as follows:

3 (a) (~~Three~~) Ten dollars shall be deposited in the state wildlife
4 fund and used exclusively for the printing and distribution of a
5 pamphlet on the legal limits of the use of firearms, firearms safety,
6 and the preemptive nature of state law. The pamphlet shall be given to
7 each applicant for a license; and

8 (b) (~~Seven~~) Ten dollars shall be paid to the issuing authority
9 for the purpose of enforcing this chapter.

10 (~~(10)~~) (9) Notwithstanding the requirements of subsections (1)
11 through (~~(9)~~) (8) of this section, the chief of police of the
12 municipality or the sheriff of the county of the applicant's residence
13 may issue a temporary emergency license for good cause pending review
14 under subsection (1) of this section.

15 (~~(11)~~) (10) A political subdivision of the state shall not modify
16 the requirements of this section or chapter, nor may a political
17 subdivision ask the applicant to voluntarily submit any information not
18 required by this section. (~~A civil suit may be brought to enjoin a
19 wrongful refusal to issue a license or a wrongful modification of the
20 requirements of this section or chapter. The civil suit may be brought
21 in the county in which the application was made or in Thurston county
22 at the discretion of the petitioner. Any person who prevails against
23 a public agency in any action in the courts for a violation of this
24 chapter shall be awarded costs, including reasonable attorneys' fees,
25 incurred in connection with such legal action.~~)

26 (11) A person who knowingly makes a false statement regarding
27 citizenship or identity on an application for a concealed pistol
28 license is guilty of false swearing under RCW 9A.72.040. In addition
29 to any other penalty provided for by law, the concealed pistol license
30 of a person who knowingly makes a false statement shall be revoked, and
31 the person shall be permanently ineligible for a concealed pistol
32 license.

33 (12) A person may apply for a concealed pistol license:

34 (a) To the municipality or to the county in which the applicant
35 resides if the applicant resides in a municipality;

36 (b) To the county in which the applicant resides if the applicant
37 resides in an unincorporated area; or

38 (c) Anywhere in the state if the applicant is a nonresident.

1 NEW SECTION. **Sec. 408.** A new section is added to chapter 9.41 RCW
2 to read as follows:

3 (1) The license shall be revoked by the license-issuing authority
4 immediately upon:

5 (a) Discovery by the issuing authority that the person was
6 ineligible under RCW 9.41.070 for a concealed pistol license when
7 applying for the license or license renewal;

8 (b) Conviction of the licensee of an offense, or commitment of the
9 licensee for mental health treatment, that makes a person ineligible
10 under RCW 9.41.040 to possess a firearm;

11 (c) Conviction of the licensee for a third violation of this
12 chapter within five calendar years; or

13 (d) An order that the licensee forfeit a firearm under RCW
14 9.41.098(1)(d).

15 (2)(a) Unless the person may lawfully possess a pistol without a
16 concealed pistol license, an ineligible person to whom a concealed
17 pistol license was issued shall, within fourteen days of license
18 revocation, lawfully transfer ownership of any pistol acquired while
19 the person was in possession of the license.

20 (b) Upon discovering a person issued a concealed pistol license was
21 ineligible for the license, the issuing authority shall contact the
22 department of licensing to determine whether the person purchased a
23 pistol while in possession of the license. If the person did purchase
24 a pistol while in possession of the concealed pistol license, if the
25 person may not lawfully possess a pistol without a concealed pistol
26 license, the issuing authority shall require the person to present
27 satisfactory evidence of having lawfully transferred ownership of the
28 pistol. The issuing authority shall require the person to produce the
29 evidence within fifteen days of the revocation of the license.

30 (3) When a licensee is ordered to forfeit a firearm under RCW
31 9.41.098(1)(d), the issuing authority shall:

32 (a) On the first forfeiture, revoke the license for one year;

33 (b) On the second forfeiture, revoke the license for two years; or

34 (c) On the third or subsequent forfeiture, revoke the license for
35 five years.

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

1 (4) The issuing authority shall notify, in writing, the department
2 of licensing of the revocation of a license. The department of
3 licensing shall record the revocation.

4 **Sec. 409.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
5 as follows:

6 No person (~~((shall))~~) may deliver a (~~((pistol))~~) firearm to any person
7 (~~((under the age of twenty one or to one who he has reasonable cause to~~
8 ~~believe has been convicted of a crime of violence, or is a drug addict,~~
9 ~~an habitual drunkard, or of unsound mind))~~) whom he or she has
10 reasonable cause to believe is ineligible under RCW 9.41.040 to possess
11 a firearm. Any person violating this section is guilty of a class C
12 felony, punishable under chapter 9A.20 RCW.

13 **Sec. 410.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read
14 as follows:

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

18 (a) The purchaser produces a valid concealed pistol license and the
19 (~~((commercial seller))~~) dealer has recorded the purchaser's name, license
20 number, and issuing agency, such record to be made in triplicate and
21 processed as provided in subsection (~~((+4))~~) (5) of this section; (~~((or))~~)

22 (b) The (~~((seller))~~) dealer is notified in writing by the chief of
23 police (~~((of the municipality))~~) or the sheriff of the (~~((county))~~)
24 jurisdiction in which the purchaser resides that the purchaser (~~((meets~~
25 ~~the requirements of))~~) is eligible to possess a pistol under RCW
26 9.41.040 and that the application to purchase is ((granted)) approved
27 by the chief of police or sheriff; or

28 (c) Five (~~((consecutive))~~) business days (~~((including Saturday, Sunday~~
29 ~~and holidays))~~), meaning days on which state offices are open, have
30 elapsed from the time of receipt of the application for the purchase
31 thereof as provided herein by the chief of police or sheriff designated
32 in subsection (~~((+4))~~) (5) of this section, and, when delivered,
33 (~~((said))~~) the pistol shall be securely wrapped and shall be unloaded.
34 However, if the purchaser does not have a valid permanent Washington
35 driver's license or state identification card or has not been a
36 resident of the state for the previous consecutive ninety days, the
37 waiting period under this subsection (1)(c) shall be up to sixty days.

1 (2)(a) Except as provided in (b) of this subsection, in determining
2 whether the purchaser meets the requirements of RCW 9.41.040, the chief
3 of police or sheriff, or the designee of either, shall check with the
4 national crime information center, the Washington state patrol
5 electronic data base, the department of social and health services
6 electronic data base, and with other agencies or resources as
7 appropriate, to determine whether the applicant is ineligible under RCW
8 9.41.040 to possess a firearm.

9 (b) Once the system is established, a dealer shall use the national
10 instant criminal background check system, provided for by the Brady
11 Handgun Control Act (H.R. 1025, 103rd Cong., 1st Sess. (1993)), to make
12 criminal background checks of applicants to purchase firearms.
13 However, a chief of police or sheriff, or a designee of either, shall
14 continue to check the department of social and health services'
15 electronic data base and with other agencies or resources as
16 appropriate, to determine whether applicants are ineligible under RCW
17 9.41.040 to possess a firearm.

18 (3) In any case under subsection (1)(c) of this section where the
19 applicant has an outstanding warrant for his or her arrest from any
20 court of competent jurisdiction for a felony or misdemeanor, the
21 ((seller)) dealer shall hold the delivery of the pistol until the
22 warrant for arrest is served and satisfied by appropriate court
23 appearance. The local jurisdiction for purposes of the sale shall
24 confirm the existence of outstanding warrants within seventy-two hours
25 after notification of the application to purchase a pistol is received.
26 The local jurisdiction shall also immediately confirm the satisfaction
27 of the warrant on request of the ((seller)) dealer so that the hold may
28 be released if the warrant was for ((a crime other than a crime of
29 violence)) an offense other than an offense making a person ineligible
30 under RCW 9.41.040 to possess a pistol.

31 (~~(3)~~) (4) In any case where the chief or sheriff of the local
32 jurisdiction has reasonable grounds based on the following
33 circumstances: (a) Open criminal charges, (b) pending criminal
34 proceedings, (c) pending commitment proceedings, (d) an outstanding
35 warrant for ((a crime of violence, or (e) an arrest for a crime of
36 violence)) an offense making a person ineligible under RCW 9.41.040 to
37 possess a pistol, or (e) an arrest for an offense making a person
38 ineligible under RCW 9.41.040 to possess a pistol, if the records of
39 disposition have not yet been reported or entered sufficiently to

1 determine eligibility to purchase a pistol, the local jurisdiction may
2 hold the sale and delivery of the pistol beyond five days up to thirty
3 days in order to confirm existing records in this state or elsewhere.
4 After thirty days, the hold will be lifted unless an extension of the
5 thirty days is approved by a local district court or municipal court
6 for good cause shown. An applicant shall be notified of each hold
7 placed on the sale by local law enforcement and of any application to
8 the court for additional hold period to confirm records or confirm the
9 identity of the applicant.

10 ((+4)) (5) At the time of applying for the purchase of a pistol,
11 the purchaser shall sign in triplicate and deliver to the ((seller))
12 dealer an application containing his or her full name, street address,
13 date and place of birth, ((and)) race, and gender; the date and hour of
14 the application; the applicant's driver's license number or state
15 identification card number; ((and)) a description of the ((weapon))
16 pistol including((7)) the make, model, caliber and manufacturer's
17 number; and a statement that the purchaser is eligible to ((own))
18 possess a pistol under RCW 9.41.040.

19 The application shall contain a warning substantially as follows:

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

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

29 The ((seller)) dealer shall, by the end of the business day, sign
30 and attach his or her address and deliver the original of the
31 application and such other documentation as required under subsection
32 (1) of this section to the chief of police of the municipality or the
33 sheriff of the county of which the ((seller)) purchaser is a resident.
34 The ((seller)) dealer shall deliver the pistol to the purchaser
35 following the period of time specified in this section unless the
36 ((seller)) dealer is notified in writing by the chief of police of the
37 municipality or the sheriff of the county, whichever is applicable,
38 denying the purchaser's application to purchase and the grounds

1 thereof. The application shall not be denied unless the purchaser
2 (~~fails to meet the requirements specified in~~) is not eligible to
3 possess a pistol under RCW 9.41.040. (~~The chief of police of the~~
4 ~~municipality or the county sheriff shall maintain a file containing the~~
5 ~~original of the application to purchase a pistol.~~)

6 The chief of police of the municipality or the sheriff of the
7 county shall retain or destroy applications to purchase a pistol in
8 accordance with the requirements of 18 U.S.C. Sec. 922.

9 (6) A person who knowingly makes a false statement regarding
10 identity or eligibility requirements on the application to purchase a
11 pistol is guilty of false swearing under RCW 9A.72.040.

12 (7) This section does not apply to sales to licensed dealers for
13 resale or to the sale of antique firearms.

14 NEW SECTION. Sec. 411. A new section is added to chapter 9.41 RCW
15 to read as follows:

16 A signed application to purchase a pistol shall constitute a waiver
17 of confidentiality and written request that the department of social
18 and health services, mental health institutions, and other health care
19 facilities release, to an inquiring court or law enforcement agency,
20 information relevant to the applicant's eligibility to purchase a
21 pistol to an inquiring court or law enforcement agency.

22 **Sec. 412.** RCW 9.41.097 and 1983 c 232 s 5 are each amended to read
23 as follows:

24 (1) The department of social and health services, mental health
25 institutions, and other health care facilities shall, upon request of
26 a court or law enforcement agency, supply such relevant information as
27 is necessary to determine the eligibility of a person to possess a
28 pistol or to be issued a concealed pistol license under RCW 9.41.070 or
29 to purchase a pistol under RCW 9.41.090. (~~Such information shall be~~
30 ~~used exclusively for the purposes specified in this section and shall~~
31 ~~not be made available for public inspection except by the person who is~~
32 ~~the subject of the information.~~)

33 (2) Mental health information received by: (a) The department of
34 licensing pursuant to section 404 of this act or RCW 9.41.170; (b) an
35 issuing authority pursuant to section 404 of this act or RCW 9.41.070;
36 (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.170;
37 (d) a court or law enforcement agency pursuant to subsection (1) of

1 this section, shall not be disclosed except as provided in RCW
2 42.17.318.

3 NEW SECTION. Sec. 413. A new section is added to chapter 9.41 RCW
4 to follow RCW 9.41.097 to read as follows:

5 (1) The state, local governmental entities, any public or private
6 agency, and the employees of any state or local governmental entity or
7 public or private agency, acting in good faith, are immune from
8 liability:

9 (a) For failure to prevent the sale or transfer of a firearm to a
10 person whose receipt or possession of the firearm is unlawful;

11 (b) For preventing the sale or transfer of a firearm to a person
12 who may lawfully receive or possess a firearm;

13 (c) For issuing a concealed pistol license to a person ineligible
14 for such a license;

15 (d) For failing to issue a concealed pistol license to a person
16 eligible for such a license;

17 (e) For revoking or failing to revoke an issued concealed pistol
18 license; or

19 (f) For errors in preparing or transmitting information as part of
20 determining a person's eligibility to receive or possess a firearm, or
21 eligibility for a concealed pistol license.

22 (2) An application may be made to a court of competent jurisdiction
23 for a writ of mandamus:

24 (a) Directing an issuing agency to issue a concealed pistol license
25 wrongfully refused;

26 (b) Directing a law enforcement agency to approve an application to
27 purchase wrongfully denied; or

28 (c) Directing that erroneous information resulting either in the
29 wrongful refusal to issue a concealed pistol license or in the wrongful
30 denial of a purchase application be corrected.

31 The application for the writ may be made in the county in which the
32 application for a concealed pistol license or to purchase a pistol was
33 made, or in Thurston county, at the discretion of the petitioner. A
34 court shall provide an expedited hearing for an application brought
35 under this subsection (2) for a writ of mandamus. A person granted a
36 writ of mandamus under this subsection (2) shall be awarded reasonable
37 attorneys' fees and costs.

1 **Sec. 414.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
2 as follows:

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

5 (a) Found concealed on a person not authorized by RCW 9.41.060 or
6 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
7 defense to forfeiture if the person possessed a valid Washington
8 concealed pistol license within the preceding two years and has not
9 become ineligible for a concealed pistol license in the interim.
10 Before the firearm may be returned, the person must pay the past due
11 renewal fee and the current renewal fee;

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

14 (c) Found in the possession of a person prohibited from possessing
15 the firearm under RCW 9.41.040;

16 (d) Found in the possession or under the control of a person at the
17 time the person committed or was arrested for committing a (~~crime of~~
18 ~~violence~~) serious offense or a crime in which a firearm was used or
19 displayed or a felony violation of the Uniform Controlled Substances
20 Act, chapter 69.50 RCW;

21 (~~(d)~~) (e) Found concealed on a person who is in any place in
22 which a concealed pistol license is required, and who is under the
23 influence of any drug or under the influence of intoxicating liquor,
24 (~~having 0.10 grams or more of alcohol per two hundred ten liters of~~
25 ~~breath or 0.10 percent or more by weight of alcohol in the person's~~
26 ~~blood, as shown by analysis of the person's breath, blood, or other~~
27 ~~bodily substance~~) as defined in chapter 46.61 RCW;

28 (~~(e) Found in the possession of a person prohibited from~~
29 ~~possessing the firearm under RCW 9.41.040;~~)

30 (f) Found in the possession of a person free on bail or personal
31 recognizance pending trial, appeal, or sentencing for a (~~crime of~~
32 ~~violence~~) serious offense or a crime in which a firearm was used or
33 displayed, except that violations of Title 77 RCW shall not result in
34 forfeiture under this section;

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

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

4 (i) Known to have been used in the commission of a (~~crime of~~
5 ~~violence~~) serious offense or a crime in which a firearm was used or
6 displayed or a felony violation of the (~~Uniformed [Uniform]~~) Uniform
7 Controlled Substances Act, chapter 69.50 RCW.

8 (2) Upon order of forfeiture, the court in its discretion (~~shall~~)
9 may order destruction of any forfeited firearm (~~that is illegal for~~
10 ~~any person to possess~~). A court may temporarily retain forfeited
11 firearms needed for evidence.

12 (a) Except as provided in (b), (c), and (d) of this subsection,
13 firearms that are: (i) Judicially forfeited and no longer needed for
14 evidence; or (ii) forfeited due to a failure to make a claim under RCW
15 63.32.010 or 63.40.010; may be disposed of in any manner determined by
16 the local legislative authority. Any proceeds of an auction or trade
17 may be retained by the legislative authority. This subsection (2)(a)
18 applies only to firearms that come into the possession of the law
19 enforcement agency after June 30, 1993, and applies only if the law
20 enforcement agency has complied with (b) of this subsection.

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

26 (b) Except as provided in (c) of this subsection, of the
27 inventoried firearms a law enforcement agency shall destroy illegal
28 firearms, may retain a maximum of ten percent of legal forfeited
29 firearms for agency use, and shall either:

30 (i) Comply with the provisions for the auction of firearms in RCW
31 9.41.098 that were in effect immediately preceding May 7, 1993; or

32 (ii) Trade, auction, or arrange for the auction of, rifles and
33 shotguns. In addition, the law enforcement agency shall either trade,
34 auction, or arrange for the auction of, short firearms, or shall pay a
35 fee of twenty-five dollars to the state treasurer for every short
36 firearm neither auctioned nor traded, to a maximum of fifty thousand
37 dollars. The fees shall be accompanied by an inventory, under oath, of
38 every short firearm listed in the inventory required by (a) of this
39 subsection, that has been neither traded nor auctioned. The state

1 treasurer shall credit the fees to the firearms range account
2 established in RCW 77.12.720. All trades or auctions of firearms under
3 this subsection shall be to (~~commercial sellers~~) licensed dealers.
4 Proceeds of any auction less costs, including actual costs of storage
5 and sale, shall be forwarded to the firearms range account established
6 in RCW 77.12.720.

7 (c) Antique firearms (~~as defined by RCW 9.41.150~~) and firearms
8 recognized as curios, relics, and firearms of particular historical
9 significance by the United States treasury department bureau of
10 alcohol, tobacco, and firearms are exempt from destruction and shall be
11 disposed of by auction or trade to (~~commercial sellers~~) licensed
12 dealers.

13 (d) Firearms in the possession of the Washington state patrol on or
14 after May 7, 1993, that are judicially forfeited and no longer needed
15 for evidence, or forfeited due to a failure to make a claim under RCW
16 63.35.020, must be disposed of as follows: (i) Firearms illegal for
17 any person to possess must be destroyed; (ii) the Washington state
18 patrol may retain a maximum of ten percent of legal firearms for agency
19 use; and (iii) all other legal firearms must be auctioned or traded to
20 (~~commercial sellers~~) licensed dealers. The Washington state patrol
21 may retain any proceeds of an auction or trade.

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

27 (4) A law enforcement officer of the state or of any county or
28 municipality may confiscate a firearm found to be in the possession of
29 a person under circumstances specified in subsection (1) of this
30 section. After confiscation, the firearm shall not be surrendered
31 except: (a) To the prosecuting attorney for use in subsequent legal
32 proceedings; (b) for disposition according to an order of a court
33 having jurisdiction as provided in subsection (1) of this section; or
34 (c) to the owner if the proceedings are dismissed or as directed in
35 subsection (3) of this section.

36 **Sec. 415.** RCW 9.41.100 and 1935 c 172 s 10 are each amended to
37 read as follows:

1 (~~No retail~~) Every dealer shall (~~sell or otherwise transfer, or~~
2 expose for sale or transfer, or have in his possession with intent to
3 sell, or otherwise transfer, any pistol without being) be licensed as
4 (~~hereinafter~~) provided in RCW 9.41.110 and shall register with the
5 department of revenue as provided in chapters 82.04 and 82.32 RCW.

6 **Sec. 416.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read
7 as follows:

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

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

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

20 (4) The duly constituted licensing authorities of any city, town,
21 or political subdivision of this state shall grant licenses in forms
22 prescribed by the director of licensing effective for not more than one
23 year from the date of issue permitting the licensee to sell (~~pistols~~)
24 firearms within this state subject to the following conditions, for
25 breach of any of which the license shall be forfeited and the licensee
26 subject to punishment as provided in RCW 9.41.010 through 9.41.160 (as
27 recodified by this act). A licensing authority shall forward a copy of
28 each license granted to the department of licensing. The department of
29 licensing shall notify the department of revenue of the name and
30 address of each dealer licensed under this section.

31 (5)(a) A licensing authority shall, within thirty days after the
32 filing of an application of any person for a dealer's license,
33 determine whether to grant the license. However, if the applicant does
34 not have a valid permanent Washington driver's license or Washington
35 state identification card, or has not been a resident of the state for
36 the previous consecutive ninety days, the licensing authority shall
37 have up to sixty days to determine whether to issue a license. No
38 person shall qualify for a license under this section without first

1 receiving a federal firearms license and undergoing fingerprinting and
2 a background check. In addition, no person ineligible to possess a
3 firearm under RCW 9.41.040 or ineligible for a concealed pistol license
4 under RCW 9.41.070 shall qualify for a dealer's license.

5 (b) A dealer shall require every employee who may sell a firearm in
6 the course of his or her employment to undergo fingerprinting and a
7 background check. An employee must be eligible to possess a firearm,
8 and must not have been convicted of a crime that would make the person
9 ineligible for a concealed pistol license, before being permitted to
10 sell a firearm. Every employee shall comply with requirements
11 concerning purchase applications and restrictions on delivery of
12 pistols that are applicable to dealers.

13 ((+1)) (6)(a) Except as otherwise provided in (b) of this
14 subsection, the business shall be carried on only in the building
15 designated in the license. For the purpose of this section,
16 advertising firearms for sale shall not be considered the carrying on
17 of business.

18 ((+2)) (b) A dealer may conduct business temporarily at a location
19 other than the building designated in the license, if the temporary
20 location is within Washington state and is the location of a gun show
21 sponsored by a national, state, or local organization, or an affiliate
22 of any such organization, devoted to the collection, competitive use,
23 or other sporting use of firearms in the community. Nothing in this
24 subsection (6)(b) authorizes a dealer to conduct business in or from a
25 motorized or towed vehicle.

26 In conducting business temporarily at a location other than the
27 building designated in the license, the dealer shall comply with all
28 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
29 9.41.110. The license of a dealer who fails to comply with the
30 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
31 section while conducting business at a temporary location shall be
32 revoked, and the dealer shall be permanently ineligible for a dealer's
33 license.

34 (7) The license or a copy thereof, certified by the issuing
35 authority, shall be displayed on the premises in the area where
36 firearms are sold, or at the temporary location, where it can easily be
37 read.

38 ((+3)) (8)(a) No pistol (~~shall~~) may be sold (~~(+a)~~): (i) In
39 violation of any provisions of RCW 9.41.010 through 9.41.160(~~-~~) (as

1 recodified by this act); nor ((~~(b) shall~~)) (ii) may a pistol be sold
2 under any circumstances unless the purchaser is personally known to the
3 ((~~seller~~)) dealer or shall present clear evidence of his or her
4 identity.

5 ((~~(4)~~)) (b) A dealer who sells or delivers any firearm in violation
6 of RCW 9.41.080 is guilty of a class C felony. In addition to any
7 other penalty provided for by law, the dealer is subject to mandatory
8 permanent revocation of his or her dealer's license and permanent
9 ineligibility for a dealer's license.

10 (c) The license fee for pistols shall be one hundred twenty-five
11 dollars. The license fee for firearms other than pistols shall be one
12 hundred twenty-five dollars. The license fee for ammunition shall be
13 one hundred twenty-five dollars. Any dealer who obtains any license
14 under subsection (1), (2), or (3) of this section may also obtain the
15 remaining licenses without payment of any fee. The fees received under
16 this section shall be deposited in the account under RCW 69.50.520.

17 (9)(a) A true record in triplicate shall be made of every pistol
18 sold, in a book kept for the purpose, the form of which may be
19 prescribed by the director of licensing and shall be personally signed
20 by the purchaser and by the person effecting the sale, each in the
21 presence of the other, and shall contain the date of sale, the caliber,
22 make, model and manufacturer's number of the weapon, the name, address,
23 occupation, ((~~color~~)) and place of birth of the purchaser and a
24 statement signed by the purchaser that he ((~~has never been convicted in~~
25 this state or elsewhere of a crime of violence)) or she is not
26 ineligible under RCW 9.41.040 to possess a firearm.

27 (b) One copy shall within six hours be sent by ((~~registered~~))
28 certified mail to the chief of police of the municipality or the
29 sheriff of the county of which the ((~~dealer~~)) purchaser is a resident;
30 the duplicate the dealer shall within seven days send to the director
31 of licensing; the triplicate the dealer shall retain for six years.

32 ((~~(5)~~)) (10) Subsections (2) through (9) of this section shall not
33 apply to sales at wholesale.

34 ((~~(6)~~)) (11) The dealer's licenses authorized to be issued by this
35 section are general licenses covering all sales by the licensee within
36 the effective period of the licenses. The department shall provide a
37 single application form for dealer's licenses and a single license form
38 which shall indicate the type or types of licenses granted.

1 (~~(7)~~) (12) Except as provided in RCW 9.41.090 (~~as now or~~
2 hereinafter amended)), every city, town, and political subdivision of
3 this state is prohibited from requiring the purchaser to secure a
4 permit to purchase or from requiring the dealer to secure an individual
5 permit for each sale.

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

8 NEW SECTION. Sec. 417. A new section is added to chapter 9.41 RCW
9 to read as follows:

10 The department of licensing may keep copies or records of
11 applications for concealed pistol licenses provided for in RCW
12 9.41.070, copies or records of applications for alien firearm licenses,
13 copies or records of applications to purchase pistols provided for in
14 RCW 9.41.090, and copies or records of pistol transfers provided for in
15 RCW 9.41.110. The copies and records shall not be disclosed except as
16 provided in RCW 42.17.318.

17 NEW SECTION. Sec. 418. A new section is added to chapter 9.41 RCW
18 to read as follows:

19 (1) At least once every twelve months, the department of licensing
20 shall obtain a list of dealers licensed under 18 U.S.C. Sec. 923(a)
21 with business premises in the state of Washington from the United
22 States bureau of alcohol, tobacco, and firearms. The department of
23 licensing shall verify that all dealers on the list provided by the
24 bureau of alcohol, tobacco, and firearms are licensed and registered as
25 required by RCW 9.41.100.

26 (2) At least once every twelve months, the department of licensing
27 shall obtain from the department of revenue and the department of
28 revenue shall transmit to the department of licensing a list of dealers
29 registered with the department of revenue whose gross proceeds of sales
30 are below the reporting threshold provided in RCW 82.04.300, and a list
31 of dealers whose names and addresses were forwarded to the department
32 of revenue by the department of licensing under RCW 9.41.110, who
33 failed to register with the department of revenue as required by RCW
34 9.41.100.

35 (3) At least once every twelve months, the department of licensing
36 shall notify the bureau of alcohol, tobacco, and firearms of all
37 dealers licensed under 18 U.S.C. Sec. 923(a) with business premises in

1 the state of Washington who have not complied with the licensing or
2 registration requirements of RCW 9.41.100, or whose gross proceeds of
3 sales are below the reporting threshold provided in RCW 82.04.300. In
4 notifying the bureau of alcohol, tobacco, and firearms, the department
5 of licensing shall not specify whether a particular dealer has failed
6 to comply with licensing requirements, has failed to comply with
7 registration requirements, or has gross proceeds of sales below the
8 reporting threshold.

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

11 No person (~~((shall))~~) may change, alter, remove, or obliterate the
12 name of the maker, model, manufacturer's number, or other mark of
13 identification on any (~~((pistol))~~) firearm. Possession of any (~~((pistol))~~)
14 firearm upon which any such mark shall have been changed, altered,
15 removed, or obliterated, shall be prima facie evidence that the
16 possessor has changed, altered, removed, or obliterated the same. This
17 section shall not apply to replacement barrels in old (~~((revolvers))~~)
18 firearms, which barrels are produced by current manufacturers and
19 therefor do not have the markings on the barrels of the original
20 manufacturers who are no longer in business. This section also shall
21 not apply if the changes do not make the firearm illegal for the person
22 to possess under state or federal law.

23 **Sec. 420.** RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each
24 amended to read as follows:

25 (1) It is unlawful for any person to manufacture, own, buy, sell,
26 loan, furnish, transport, or have in possession or under control, any
27 machine gun, short-barreled shotgun, or short-barreled rifle; or any
28 part (~~((thereof capable of use))~~) designed and intended solely and
29 exclusively for use in a machine gun, short-barreled shotgun, or short-
30 barreled rifle, or in converting a weapon into a machine gun, short-
31 barreled shotgun, or short-barreled rifle; or ((assembling)) to
32 assemble or ((repairing)) repair any machine gun(~~((: PROVIDED, HOWEVER,~~
33 That such limitation)), short-barreled shotgun, or short-barreled
34 rifle.

35 (2) This section shall not apply to:

36 (a) Any peace officer in the discharge of official duty or
37 traveling to or from official duty, or to any officer or member of the

1 armed forces of the United States or the state of Washington(~~(+~~
2 ~~PROVIDED FURTHER, That this section does not apply to~~)) in the
3 discharge of official duty or traveling to or from official duty; or

4 (b) A person, including an employee of such person if the employee
5 has undergone fingerprinting and a background check, who or which is
6 exempt from or licensed under ((~~the National Firearms Act (26 U.S.C.~~
7 section 5801 et seq.)) federal law, and engaged in the production,
8 manufacture, repair, or testing of ((~~weapons or equipment to be used or~~
9 purchased by the armed forces of the United States, and having a United
10 States government industrial security clearance.)) machine guns, short-
11 barreled shotguns, or short-barreled rifles:

12 (i) To be used or purchased by the armed forces of the United
13 States;

14 (ii) To be used or purchased by federal, state, county, or
15 municipal law enforcement agencies; or

16 (iii) For exportation in compliance with all applicable federal
17 laws and regulations.

18 (3) It shall be an affirmative defense to a prosecution brought
19 under this section that the machine gun, short-barreled shotgun, or
20 short-barreled rifle was acquired prior to the effective date of this
21 section and is possessed in compliance with federal law.

22 (4) Any person violating this section is guilty of a class C
23 felony.

24 **Sec. 421.** RCW 9.41.220 and 1933 c 64 s 4 are each amended to read
25 as follows:

26 All machine guns, short-barreled shotguns, or short-barreled
27 rifles, or ((~~parts thereof~~)) any part designed and intended solely and
28 exclusively for use in a machine gun, short-barreled shotgun, or short-
29 barreled rifle, or in converting a weapon into a machine gun, short-
30 barreled shotgun, or short-barreled rifle, illegally held or illegally
31 possessed are hereby declared to be contraband, and it shall be the
32 duty of all peace officers, and/or any officer or member of the armed
33 forces of the United States or the state of Washington, to seize said
34 machine gun, short-barreled shotgun, or short-barreled rifle, or parts
35 thereof, wherever and whenever found.

36 **Sec. 422.** RCW 9.41.230 and 1909 c 249 s 307 are each amended to
37 read as follows:

1 ~~((Every))~~ (1) For conduct not amounting to a violation of chapter
2 9A.36 RCW, any person who ~~((shall))~~:

3 (a) Aims any ~~((gun, pistol, revolver or other))~~ firearm, whether
4 loaded or not, at or towards any human being~~((, or who shall))~~;

5 (b) Willfully discharges any firearm, air gun, or other weapon, or
6 throws any deadly missile in a public place, or in any place where any
7 person might be endangered thereby~~((, although no injury result, shall~~
8 be)). A public place shall not include any location at which firearms
9 are authorized to be lawfully discharged; or

10 (c) Except as provided in RCW 9.41.185, sets a so-called trap,
11 spring pistol, rifle, or other dangerous weapon,
12 although no injury results, is guilty of a gross misdemeanor punishable
13 under chapter 9A.20 RCW.

14 (2) If an injury results from a violation of subsection (1) of this
15 section, the person violating subsection (1) of this section shall be
16 subject to the applicable provisions of chapters 9A.32 and 9A.36 RCW.

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

19 ~~((No minor under the age of fourteen years shall handle or have in~~
20 ~~his possession or under his control, except while accompanied by or~~
21 ~~under the immediate charge of his parent or guardian or other adult~~
22 ~~approved for the purpose of this section by the parent or guardian, or~~
23 ~~while under the supervision of a certified safety instructor at an~~
24 ~~established gun range or firearm training class, any firearm of any~~
25 ~~kind for hunting or target practice or for other purposes. Every~~
26 ~~person violating any of the foregoing provisions, or aiding or~~
27 ~~knowingly permitting any such minor to violate the same, shall be~~
28 ~~guilty of a misdemeanor.))~~

29 Unless an exception under section 403 of this act or RCW 9.41.050
30 or 9.41.060 applies, a person at least eighteen years of age, but less
31 than twenty-one years of age, may possess a pistol only:

32 (1) In the person's place of abode;

33 (2) At the person's fixed place of business; or

34 (3) On real property under his or her control.

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

37 Every person who ~~((shall))~~:

1 (1) Manufactures, sells, or disposes of or (~~have in his~~
2 ~~possession~~) possesses any instrument or weapon of the kind usually
3 known as slung shot, sand club, or metal knuckles, or spring blade
4 knife, or any knife the blade of which is automatically released by a
5 spring mechanism or other mechanical device, or any knife having a
6 blade which opens, or falls, or is ejected into position by the force
7 of gravity, or by an outward, downward, or centrifugal thrust or
8 movement; (~~who shall~~)

9 (2) Furtively (~~carry~~) carries with intent to conceal any dagger,
10 dirk, pistol, or other dangerous weapon; or (~~who shall~~)

11 (3) Uses any contrivance or device for suppressing the noise of any
12 firearm, (~~shall be~~)
13 is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

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

16 Every proprietor, lessee, or occupant of any place of amusement, or
17 any plat of ground or building, who (~~shall~~) allows it to be used for
18 the exhibition of skill in throwing any sharp instrument or in shooting
19 any bow gun(~~, pistol~~) or firearm of any description, at or toward any
20 human being, (~~shall be~~) is guilty of a misdemeanor punishable under
21 chapter 9A.20 RCW.

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

24 (1) It shall be unlawful for (~~anyone~~) any person to carry,
25 exhibit, display, or draw any firearm, dagger, sword, knife or other
26 cutting or stabbing instrument, club, or any other weapon apparently
27 capable of producing bodily harm, in a manner, under circumstances, and
28 at a time and place that either manifests an intent to intimidate
29 another or that warrants alarm for the safety of other persons.

30 (2) Any person violating the provisions of subsection (1) above
31 shall be guilty of a gross misdemeanor. If any person is convicted of
32 a violation of subsection (1) of this section, the person shall lose
33 his or her concealed pistol license, if any. The court shall send
34 notice of the revocation to the department of licensing, and the city,
35 town, or county which issued the license.

36 (3) Subsection (1) of this section shall not apply to or affect the
37 following:

1 (a) Any act committed by a person while in his or her place of
2 abode or fixed place of business;

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

7 (c) Any person acting for the purpose of protecting himself or
8 herself against the use of presently threatened unlawful force by
9 another, or for the purpose of protecting another against the use of
10 such unlawful force by a third person;

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

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

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

17 (1) It is unlawful for a person to carry onto, or to possess on,
18 public or private elementary or secondary school premises, school-
19 provided transportation, or areas of facilities while being used
20 exclusively by public or private schools:

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

22 (b) Any other dangerous weapon as defined in RCW 9.41.250; ~~((or))~~

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

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

29 (e) Any air gun, including any air pistol or air rifle, designed to
30 propel a BB, pellet, or other projectile by the discharge of compressed
31 air, carbon dioxide, or other gas.

32 (2) Any such person violating subsection (1) of this section is
33 guilty of a gross misdemeanor. If any person is convicted of a
34 violation of subsection (1)(a) of this section, the person shall lose
35 his or her concealed pistol license, if any. The court shall send
36 notice of the revocation to the department of licensing, and the city,
37 town, or county which issued the license.

1 Any violation of subsection (1) of this section by elementary or
2 secondary school students constitutes grounds for expulsion from the
3 state's public schools in accordance with RCW 28A.600.010. However,
4 any violation of subsection (1)(a) of this section by an elementary or
5 secondary school student shall result in expulsion for an indefinite
6 period of time in accordance with RCW 28A.600.010. An appropriate
7 school authority shall promptly notify law enforcement and the
8 student's parent or guardian regarding any allegation or indication of
9 such violation.

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

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

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

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

19 ~~((Any person who possesses nun-chu-ka sticks, throwing stars,~~
20 ~~or other dangerous weapons to be used in martial arts classes~~
21 ~~authorized to be conducted on the school premises;~~

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

24 ~~((f))~~ (e) Any person in possession of a pistol who has been
25 issued a license under RCW 9.41.070, or is exempt from the licensing
26 requirement by RCW 9.41.060, while picking up or dropping off a
27 student;

28 ~~((g))~~ (f) Any ((person)) nonstudent at least eighteen years of
29 age legally in possession of a firearm or dangerous weapon that is
30 secured within an attended vehicle or concealed from view within a
31 locked unattended vehicle while conducting legitimate business at the
32 school;

33 ~~((h))~~ (g) Any ((person)) nonstudent at least eighteen years of
34 age who is in lawful possession of an unloaded firearm, secured in a
35 vehicle while conducting legitimate business at the school; or

36 ~~((i))~~ (h) Any law enforcement officer of the federal, state, or
37 local government agency.

38 (4) Subsections (1) (c) and (d) of this section do not apply to any
39 person who possesses nun-chu-ka sticks, throwing stars, or other

1 dangerous weapons to be used in martial arts classes authorized to be
2 conducted on the school premises.

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

6 ~~((5))~~ (6) "GUN-FREE ZONE" signs shall be posted around school
7 facilities giving warning of the prohibition of the possession of
8 firearms on school grounds.

9 **Sec. 428.** RCW 9.41.290 and 1985 c 428 s 1 are each amended to read
10 as follows:

11 The state of Washington hereby fully occupies and preempts the
12 entire field of firearms regulation within the boundaries of the state,
13 including the registration, licensing, possession, purchase, sale,
14 acquisition, transfer, discharge, and transportation of firearms, or
15 any other element relating to firearms or parts thereof, including
16 ammunition and reloader components. Cities, towns, and counties or
17 other municipalities may enact only those laws and ordinances relating
18 to firearms that are specifically authorized by state law, as in RCW
19 9.41.300, and are consistent with this chapter. Such local ordinances
20 shall have the same ~~((or lesser))~~ penalty as provided for by state law.
21 Local laws and ordinances that are inconsistent with, more restrictive
22 than, or exceed the requirements of state law shall not be enacted and
23 are preempted and repealed, regardless of the nature of the code,
24 charter, or home rule status of such city, town, county, or
25 municipality.

26 **Sec. 429.** RCW 9.41.300 and 1993 c 396 s 1 are each amended to read
27 as follows:

28 (1) It is unlawful for any person to enter the following places
29 when he or she knowingly possesses or knowingly has under his or her
30 control a weapon:

31 (a) The restricted access areas of a jail, or of a law enforcement
32 facility, or any place used for the confinement of a person (i)
33 arrested for, charged with, or convicted of an offense, (ii) ~~((charged~~
34 ~~with being or adjudicated to be a juvenile offender as defined in RCW~~
35 ~~13.40.020, (iii))~~ held for extradition or as a material witness, or
36 ~~((iv))~~ (iii) otherwise confined pursuant to an order of a court,
37 except an order under chapter 13.32A or 13.34 RCW. Restricted access

1 areas do not include common areas of egress or ingress open to the
2 general public;

3 (b) Those areas in any building which are used in connection with
4 court proceedings, including courtrooms, jury rooms, judge's chambers,
5 offices and areas used to conduct court business, waiting areas, and
6 corridors adjacent to areas used in connection with court proceedings.
7 The restricted areas do not include common areas of ingress and egress
8 to the building that is used in connection with court proceedings, when
9 it is possible to protect court areas without restricting ingress and
10 egress to the building. The restricted areas shall be the minimum
11 necessary to fulfill the objective of this subsection (1)(b).

12 In addition, the local legislative authority shall provide either
13 a stationary locked box sufficient in size for (~~short firearms~~)
14 pistols and key to a weapon owner for weapon storage, or shall
15 designate an official to receive weapons for safekeeping, during the
16 owner's visit to restricted areas of the building. The locked box or
17 designated official shall be located within the same building used in
18 connection with court proceedings. The local legislative authority
19 shall be liable for any negligence causing damage to or loss of a
20 weapon either placed in a locked box or left with an official during
21 the owner's visit to restricted areas of the building.

22 The local judicial authority shall designate and clearly mark those
23 areas where weapons are prohibited, and shall post notices at each
24 entrance to the building of the prohibition against weapons in the
25 restricted areas;

26 (c) The restricted access areas of a public mental health facility
27 certified by the department of social and health services for inpatient
28 hospital care and state institutions for the care of the mentally ill,
29 excluding those facilities solely for evaluation and treatment.
30 Restricted access areas do not include common areas of egress and
31 ingress open to the general public; or

32 (d) That portion of an establishment classified by the state liquor
33 control board as off-limits to persons under twenty-one years of age.

34 (2) (~~Notwithstanding RCW 9.41.290,~~) Cities, towns, counties, and
35 other municipalities may enact laws and ordinances:

36 (a) Restricting the discharge of firearms in any portion of their
37 respective jurisdictions where there is a reasonable likelihood that
38 humans, domestic animals, or property will be jeopardized. Such laws
39 and ordinances shall not abridge the right of the individual guaranteed

1 by Article I, section 24 of the state Constitution to bear arms in
2 defense of self or others; and

3 (b) Restricting the possession of firearms in any stadium or
4 convention center, operated by a city, town, county, or other
5 municipality, except that such restrictions shall not apply to:

6 (i) Any ~~((firearm))~~ pistol in the possession of a person licensed
7 under RCW 9.41.070 or exempt from the licensing requirement by RCW
8 9.41.060; or

9 (ii) Any showing, demonstration, or lecture involving the
10 exhibition of firearms.

11 (3)(a) Cities, towns, and counties may enact ordinances restricting
12 the areas in their respective jurisdictions in which firearms may be
13 sold, but, except as provided in (b) of this subsection, a business
14 selling firearms may not be treated more restrictively than other
15 businesses located within the same zone. An ordinance requiring the
16 cessation of business within a zone shall not have a shorter
17 grandfather period for businesses selling firearms than for any other
18 businesses within the zone.

19 (b) Cities, towns, and counties may restrict the location of a
20 business selling firearms to not less than five hundred feet from
21 primary or secondary school grounds, if the business has a storefront,
22 has hours during which it is open for business, and posts
23 advertisements or signs observable to passersby that firearms are
24 available for sale. A business selling firearms that exists as of the
25 date a restriction is enacted under this subsection (3)(b) shall be
26 grandfathered according to existing law.

27 (4) Violations of local ordinances adopted under subsection (2) of
28 this section must have the same penalty as provided for by state law.

29 (5) The perimeter of the premises of any specific location covered
30 by subsection (1) of this section shall be posted at reasonable
31 intervals to alert the public as to the existence of any law
32 restricting the possession of firearms on the premises.

33 ~~((+4))~~ (6) Subsection (1) of this section does not apply to:

34 (a) A person engaged in military activities sponsored by the
35 federal or state governments, while engaged in official duties;

36 (b) Law enforcement personnel; or

37 (c) Security personnel while engaged in official duties.

38 ~~((+5))~~ (7) Subsection (1)(a) of this section does not apply to a
39 person licensed pursuant to RCW 9.41.070 who, upon entering the place

1 or facility, directly and promptly proceeds to the administrator of the
2 facility or the administrator's designee and obtains written permission
3 to possess the firearm while on the premises or checks his or her
4 firearm. The person may reclaim the firearms upon leaving but must
5 immediately and directly depart from the place or facility.

6 ((+6)) (8) Subsection (1)(c) of this section does not apply to any
7 administrator or employee of the facility or to any person who, upon
8 entering the place or facility, directly and promptly proceeds to the
9 administrator of the facility or the administrator's designee and
10 obtains written permission to possess the firearm while on the
11 premises.

12 ((+7)) (9) Subsection (1)(d) of this section does not apply to the
13 proprietor of the premises or his or her employees while engaged in
14 their employment.

15 ((+8)) (10) Any person violating subsection (1) of this section is
16 guilty of a gross misdemeanor.

17 ((+9)) (11) "Weapon" as used in this section means any firearm,
18 explosive as defined in RCW 70.74.010, or instrument or weapon listed
19 in RCW 9.41.250.

20 NEW SECTION. Sec. 430. A new section is added to chapter 9.41 RCW
21 to read as follows:

22 (1) Any court when entering an order authorized under RCW
23 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
24 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
25 shall, upon a showing by clear and convincing evidence, that a party
26 has: Used, displayed, or threatened to use a firearm or other
27 dangerous weapon in a serious offense, or previously committed any
28 offense that makes him or her ineligible to possess a firearm under the
29 provisions of RCW 9.41.040:

30 (a) Require the party to surrender any firearm or other dangerous
31 weapon;

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

34 (c) Prohibit the party from obtaining or possessing a firearm or
35 other dangerous weapon;

36 (d) Prohibit the party from obtaining or possessing a concealed
37 pistol license.

1 (2) Any court when entering an order authorized under RCW
2 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
3 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
4 may, upon a showing by a preponderance of the evidence but not by clear
5 and convincing evidence, that a party has: Used, displayed, or
6 threatened to use a firearm or other dangerous weapon in a serious
7 offense, or previously committed any offense that makes him or her
8 ineligible to possess a pistol under the provisions of RCW 9.41.040:

9 (a) Require the party to surrender any firearm or other dangerous
10 weapon;

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

13 (c) Prohibit the party from obtaining or possessing a firearm or
14 other dangerous weapon;

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

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

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

28 (5) The requirements of subsections (1), (2), and (4) of this
29 section may be for a period of time less than the duration of the
30 order.

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

36 NEW SECTION. Sec. 431. A new section is added to chapter 9.41 RCW
37 to read as follows:

1 A local governmental entity as defined by RCW 4.96.010(2) may close
2 a firearm range training and practice facility only if the local
3 governmental entity replaces the closed facility with another firearm
4 range training and practice facility of at least equal capacity. A
5 local governmental entity may close more than one firearm range
6 training and practice facility and replace the closed facilities with
7 a single firearm range training and practice facility, if the capacity
8 of the replacement facility is at least as large as the combined
9 capacities of the closed facilities.

10 A replacement firearm range training and practice facility must be
11 open for use within thirty days of the closure of the replaced facility
12 or facilities. Further, a replacement firearm range training and
13 practice facility must be available for use by law enforcement
14 personnel or the general public to the same extent as the replaced
15 facility or facilities.

16 NEW SECTION. **Sec. 432.** A new section is added to chapter 9A.56
17 RCW to read as follows:

18 (1) A person is guilty of theft of a firearm if the person:

19 (a) Commits a theft of a firearm; or

20 (b) Possesses, sells, or delivers a stolen firearm.

21 (2) This section applies regardless of the stolen firearm's value.

22 (3) "Possession, sale, or delivery of a stolen firearm" as used in
23 this section has the same meaning as "possessing stolen property" in
24 RCW 9A.56.140.

25 (4) Theft of a firearm is a class C felony.

26 **Sec. 433.** RCW 9A.56.040 and 1987 c 140 s 2 are each amended to
27 read as follows:

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

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

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

36 (c) An access device; or

1 (d) A motor vehicle, of a value less than one thousand five hundred
2 dollars(~~(; or~~
3 ~~(e) A firearm, of a value less than one thousand five hundred~~
4 ~~dollars))~~).

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

6 **Sec. 434.** RCW 9A.56.160 and 1987 c 140 s 4 are each amended to
7 read as follows:

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

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

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

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

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

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

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

21 **Sec. 435.** RCW 13.40.265 and 1989 c 271 s 116 are each amended to
22 read as follows:

23 (1)(a) If a juvenile thirteen years of age or older is found by
24 juvenile court to have committed an offense while armed with a firearm
25 or an offense that is a violation of RCW 9.41.040(1)(e) or chapter
26 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the
27 department of licensing within twenty-four hours after entry of the
28 judgment.

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

35 (c) If the offense is the juvenile's first violation of chapter
36 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the
37 court for reinstatement of the juvenile's privilege to drive revoked

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

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

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

17 **Sec. 436.** RCW 13.64.060 and 1993 c 294 s 6 are each amended to
18 read as follows:

19 (1) An emancipated minor shall be considered to have the power and
20 capacity of an adult, except as provided in subsection (2) of this
21 section. A minor shall be considered emancipated for the purposes of,
22 but not limited to:

23 (a) The termination of parental obligations of financial support,
24 care, supervision, and any other obligation the parent may have by
25 virtue of the parent-child relationship, including obligations imposed
26 because of marital dissolution;

27 (b) The right to sue or be sued in his or her own name;

28 (c) The right to retain his or her own earnings;

29 (d) The right to establish a separate residence or domicile;

30 (e) The right to enter into nonvoidable contracts;

31 (f) The right to act autonomously, and with the power and capacity
32 of an adult, in all business relationships, including but not limited
33 to property transactions;

34 (g) The right to work, and earn a living, subject only to the
35 health and safety regulations designed to protect those under age of
36 majority regardless of their legal status; and

37 (h) The right to give informed consent for receiving health care
38 services.

1 (2) An emancipated minor shall not be considered an adult for: (a)
2 The purposes of the adult criminal laws of the state unless the decline
3 of jurisdiction procedures contained in RCW 13.40.110 are used or the
4 minor is tried in criminal court pursuant to RCW 13.04.030(1)(e)(iv);
5 (b) the criminal laws of the state when the emancipated minor is a
6 victim and the age of the victim is an element of the offense; or (c)
7 those specific constitutional and statutory age requirements regarding
8 voting, use of alcoholic beverages, possession of firearms, and other
9 health and safety regulations relevant to the minor because of the
10 minor's age.

11 **Sec. 437.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
12 each reenacted and amended to read as follows:

13 Every person who(~~(~~

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

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

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

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

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

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

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

1 **Sec. 438.** RCW 42.17.318 and 1988 c 219 s 2 are each amended to
2 read as follows:

3 (~~The license applications under RCW 9.41.070 are exempt from the~~
4 ~~disclosure requirements of this chapter. Copies of license~~
5 ~~applications or information on the applications may be released to law~~
6 ~~enforcement or corrections agencies.))~~

7 (1) Except as provided in subsection (3) of this section, the
8 license applications under RCW 9.41.070, alien firearm license
9 applications under RCW 9.41.170, purchase applications under RCW
10 9.41.090, and records of pistol sales under RCW 9.41.110 shall not be
11 disclosed.

12 (2) Except as provided in subsection (3) of this section,
13 information concerning mental health information received by: (a) The
14 department of licensing, under section 404 of this act or RCW 9.41.170;
15 (b) an authority that issues concealed pistol licenses, under section
16 404 of this act or RCW 9.41.070; (c) a law enforcement agency, under
17 RCW 9.41.090 or 9.41.170; or (d) a court or law enforcement agency
18 under RCW 9.41.097, shall not be disclosed.

19 (3)(a) Copies or records of applications for concealed pistol
20 licenses, alien firearm licenses, or to purchase pistols, copies or
21 records of pistol sales, and information on the applications or records
22 may be released to law enforcement or corrections agencies or to the
23 person who is the subject of the information. Information concerning
24 mental health information may be released to law enforcement or
25 corrections agencies. The person who is the subject of mental health
26 information may seek disclosure of the information from the health care
27 provider pursuant to chapter 70.02 RCW.

28 (b) Personally identifying information from applications for
29 concealed pistol licenses, applications for alien firearm licenses,
30 applications to purchase pistols, and records of pistol transfers, such
31 as names, addresses (other than zip codes), and social security
32 numbers, shall not be disclosed except as provided in (a) of this
33 subsection. Information other than personally identifying information,
34 concerning applications for concealed pistol licenses or to purchase
35 pistols, or concerning records of pistol sales, may be disclosed to any
36 person upon request.

37 **Sec. 439.** RCW 46.20.265 and 1991 c 260 s 1 are each amended to
38 read as follows:

1 (1) In addition to any other authority to revoke driving privileges
2 under this chapter, the department shall revoke all driving privileges
3 of a juvenile when the department receives notice from a court pursuant
4 to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420,
5 69.52.070, or a substantially similar municipal ordinance adopted by a
6 local legislative authority, or from a diversion unit pursuant to RCW
7 13.40.265. The revocation shall be imposed without hearing.

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

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

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

16 (c) Each offense for which the department receives notice shall
17 result in a separate period of revocation. All periods of revocation
18 imposed under this section that could otherwise overlap shall run
19 consecutively and no period of revocation imposed under this section
20 shall begin before the expiration of all other periods of revocation
21 imposed under this section or other law.

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

26 (4)(a) If the department receives notice pursuant to RCW
27 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
28 diversion agreement for which the juvenile's driving privileges were
29 revoked, the department shall reinstate any driving privileges revoked
30 under this section as provided in (b) of this subsection.

31 (b) If the diversion agreement was for the juvenile's first
32 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
33 shall not reinstate the juvenile's privilege to drive until the later
34 of ninety days after the date the juvenile turns sixteen or ninety days
35 after the juvenile entered into a diversion agreement for the offense.
36 If the diversion agreement was for the juvenile's second or subsequent
37 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
38 shall not reinstate the juvenile's privilege to drive until the later

1 of the date the juvenile turns seventeen or one year after the juvenile
2 entered into the second or subsequent diversion agreement.

3 **Sec. 440.** RCW 71.05.450 and 1973 1st ex.s. c 142 s 50 are each
4 amended to read as follows:

5 Competency shall not be determined or withdrawn by operation of, or
6 under the provisions of this chapter. Except as chapter 9.41 RCW may
7 limit the right of a person to purchase or possess a firearm or to
8 qualify for a concealed pistol license, no person shall be presumed
9 incompetent or lose any civil rights as a consequence of receiving
10 evaluation or treatment for mental disorder, either voluntarily or
11 involuntarily, or certification or commitment pursuant to this chapter
12 or any prior laws of this state dealing with mental illness. Any
13 person who leaves a public or private agency following evaluation or
14 treatment for mental disorder shall be given a written statement
15 setting forth the substance of this section.

16 **Sec. 441.** RCW 71.12.560 and 1974 ex.s. c 145 s 1 are each amended
17 to read as follows:

18 The person in charge of any private institution, hospital, or
19 sanitarium which is conducted for, or includes a department or ward
20 conducted for, the care and treatment of persons who are mentally ill
21 or deranged may receive therein as a voluntary patient any person
22 suffering from mental illness or derangement who is a suitable person
23 for care and treatment in the institution, hospital, or sanitarium, who
24 voluntarily makes a written application to the person in charge for
25 admission into the institution, hospital or sanitarium. ~~((After six~~
26 ~~months of continuous inpatient treatment as a voluntary))~~ At the
27 expiration of fourteen continuous days of treatment of a patient
28 voluntarily committed in a private institution, hospital, or
29 sanitarium, if the period of voluntary commitment is to continue, the
30 person in charge shall forward to the office of the department of
31 social and health services a record of the voluntary patient showing
32 the name, residence, ((age)) date of birth, sex, place of birth,
33 occupation, social security number, marital status, date of admission
34 to the institution, hospital, or sanitarium, and such other information
35 as may be required by rule of the department of social and health
36 services.

1 **Sec. 442.** RCW 72.23.080 and 1959 c 28 s 72.23.080 are each amended
2 to read as follows:

3 Any person received and detained in a state hospital (~~pursuant to~~
4 ~~RCW 72.23.070 shall be~~) under chapter 71.34 RCW is deemed a voluntary
5 patient and, except as chapter 9.41 RCW may limit the right of a person
6 to purchase or possess a firearm or to qualify for a concealed pistol
7 license, shall not suffer a loss of legal competency by reason of his
8 or her application and admission. Upon the admission of a voluntary
9 patient to a state hospital the superintendent shall immediately
10 forward to the department the record of such patient showing the name,
11 address, sex, (~~age~~) date of birth, place of birth, occupation, social
12 security number, date of admission, name of nearest relative, and such
13 other information as the department may from time to time require.

14 **Sec. 443.** RCW 77.12.720 and 1990 c 195 s 2 are each amended to
15 read as follows:

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

27 Grant funds shall not be used for expendable shooting supplies, or
28 normal operating expenses. Grant funds shall not supplant funds for
29 other organization programs.

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

37 Applicants for a grant from the firearms range account shall
38 provide matching funds in either cash or in-kind contributions. The

1 match must represent one dollar in value for each one dollar of the
2 grant. In-kind contributions include but are not limited to labor,
3 materials, and new property. Existing assets and existing development
4 may not apply to the match.

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

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

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

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

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

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

28 **Sec. 444.** RCW 77.16.290 and 1980 c 78 s 95 are each amended to
29 read as follows:

30 ~~((While on duty within their respective jurisdictions,))~~ Law
31 enforcement officers authorized to carry firearms are exempt from RCW
32 77.16.250 and 77.16.260.

33 **Sec. 445.** RCW 82.04.300 and 1993 sp.s. c 25 s 205 are each amended
34 to read as follows:

35 This chapter shall apply to any person engaging in any business
36 activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255,
37 82.04.260, 82.04.270, 82.04.280, and 82.04.290 other than those whose

1 value of products, gross proceeds of sales, or gross income of the
2 business is less than one thousand dollars per month: PROVIDED, That
3 where one person engages in more than one business activity and the
4 combined measures of the tax applicable to such businesses equal or
5 exceed one thousand dollars per month, no exemption or deduction from
6 the amount of tax is allowed by this section.

7 A person who is a dealer as defined by RCW 9.41.010 is required to
8 file returns even though no tax may be due. Any other person claiming
9 exemption under the provisions of this section may be required,
10 according to rules adopted by the department, to file returns even
11 though no tax may be due. The department of revenue may allow
12 exemptions, by general rule or regulation, in those instances in which
13 quarterly, semiannual, or annual returns are permitted. Exemptions for
14 such periods shall be equivalent in amount to the total of exemptions
15 for each month of a reporting period.

16 **Sec. 446.** RCW 82.32.030 and 1992 c 206 s 8 are each amended to
17 read as follows:

18 (1) Except as provided in subsection (2) of this section, if any
19 person engages in any business or performs any act upon which a tax is
20 imposed by the preceding chapters, he or she shall, under such rules as
21 the department of revenue shall prescribe, apply for and obtain from
22 the department a registration certificate upon payment of fifteen
23 dollars. Such registration certificate shall be personal and
24 nontransferable and shall be valid as long as the taxpayer continues in
25 business and pays the tax accrued to the state. In case business is
26 transacted at two or more separate places by one taxpayer, a separate
27 registration certificate for each place at which business is transacted
28 with the public shall be required, but, for such additional
29 certificates no additional payment shall be required. Each certificate
30 shall be numbered and shall show the name, residence, and place and
31 character of business of the taxpayer and such other information as the
32 department of revenue deems necessary and shall be posted in a
33 conspicuous place at the place of business for which it is issued.
34 Where a place of business of the taxpayer is changed, the taxpayer must
35 return to the department the existing certificate, and a new
36 certificate will be issued for the new place of business free of
37 charge. No person required to be registered under this section shall
38 engage in any business taxable hereunder without first being so

1 registered. The department, by rule, may provide for the issuance of
2 certificates of registration, without requiring payment, to temporary
3 places of business or to persons who are exempt from tax under RCW
4 82.04.300.

5 (2) Unless the person is a dealer as defined in RCW 9.41.010,
6 registration under this section is not required if the following
7 conditions are met:

8 (a) A person's value of products, gross proceeds of sales, or gross
9 income of the business is below the tax reporting threshold provided in
10 RCW 82.04.300;

11 (b) The person is not required to collect or pay to the department
12 of revenue any other tax which the department is authorized to collect;
13 and

14 (c) The person is not otherwise required to obtain a license
15 subject to the master application procedure provided in chapter 19.02
16 RCW.

17 **Sec. 447.** RCW 9A.46.050 and 1985 c 288 s 5 are each amended to
18 read as follows:

19 A defendant who is charged by citation, complaint, or information
20 with an offense involving harassment and not arrested shall appear in
21 court for arraignment in person as soon as practicable, but in no event
22 later than fourteen days after the next day on which court is in
23 session following the issuance of the citation or the filing of the
24 complaint or information. At that appearance, the court shall
25 determine the necessity of imposing a no-contact or no-harassment
26 order, and consider the provisions of section 430 of this act, or other
27 conditions of pretrial release according to the procedures established
28 by court rule for preliminary appearance or an arraignment.

29 **Sec. 448.** RCW 10.14.080 and 1992 c 143 s 11 are each amended to
30 read as follows:

31 (1) Upon filing a petition for a civil antiharassment protection
32 order under this chapter, the petitioner may obtain an ex parte
33 temporary antiharassment protection order. An ex parte temporary
34 antiharassment protection order may be granted with or without notice
35 upon the filing of an affidavit which, to the satisfaction of the
36 court, shows reasonable proof of unlawful harassment of the petitioner
37 by the respondent and that great or irreparable harm will result to the

1 petitioner if the temporary antiharassment protection order is not
2 granted.

3 (2) An ex parte temporary antiharassment protection order shall be
4 effective for a fixed period not to exceed fourteen days or twenty-four
5 days if the court has permitted service by publication under RCW
6 10.14.085. The ex parte order may be reissued. A full hearing, as
7 provided in this chapter, shall be set for not later than fourteen days
8 from the issuance of the temporary order or not later than twenty-four
9 days if service by publication is permitted. Except as provided in RCW
10 10.14.070 and 10.14.085, the respondent shall be personally served with
11 a copy of the ex parte order along with a copy of the petition and
12 notice of the date set for the hearing.

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

16 (4) An order issued under this chapter shall be effective for not
17 more than one year unless the court finds that the respondent is likely
18 to resume unlawful harassment of the petitioner when the order expires.
19 If so, the court may enter an order for a fixed time exceeding one year
20 or may enter a permanent antiharassment protection order. The court
21 shall not enter an order that is effective for more than one year if
22 the order restrains the respondent from contacting the respondent's
23 minor children. If the petitioner seeks relief for a period longer
24 than one year on behalf of the respondent's minor children, the court
25 shall advise the petitioner that the petitioner may apply for renewal
26 of the order as provided in this chapter or if appropriate may seek
27 relief pursuant to chapter 26.09 or 26.10 RCW.

28 (5) At any time within the three months before the expiration of
29 the order, the petitioner may apply for a renewal of the order by
30 filing a petition for renewal. The petition for renewal shall state
31 the reasons why the petitioner seeks to renew the protection order.
32 Upon receipt of the petition for renewal, the court shall order a
33 hearing which shall be not later than fourteen days from the date of
34 the order. Except as provided in RCW 10.14.085, personal service shall
35 be made upon the respondent not less than five days before the hearing.
36 If timely service cannot be made the court shall set a new hearing date
37 and shall either require additional attempts at obtaining personal
38 service or permit service by publication as provided by RCW 10.14.085.
39 If the court permits service by publication, the court shall set the

1 new hearing date not later than twenty-four days from the date of the
2 order. If the order expires because timely service cannot be made the
3 court shall grant an ex parte order of protection as provided in this
4 section. The court shall grant the petition for renewal unless the
5 respondent proves by a preponderance of the evidence that the
6 respondent will not resume harassment of the petitioner when the order
7 expires. The court may renew the protection order for another fixed
8 time period or may enter a permanent order as provided in subsection
9 (4) of this section.

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

14 (a) Restraining the respondent from making any attempts to contact
15 the petitioner;

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

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

20 (d) Considering the provisions of section 430 of this act.

21 (7) A petitioner may not obtain an ex parte temporary
22 antiharassment protection order against a respondent if the petitioner
23 has previously obtained two such ex parte orders against the same
24 respondent but has failed to obtain the issuance of a civil
25 antiharassment protection order unless good cause for such failure can
26 be shown.

27 (8) The court order shall specify the date an order issued pursuant
28 to subsections (4) and (5) of this section expires if any. The court
29 order shall also state whether the court issued the protection order
30 following personal service or service by publication and whether the
31 court has approved service by publication of an order issued under this
32 section.

33 **Sec. 449.** RCW 10.99.040 and 1992 c 86 s 2 are each amended to read
34 as follows:

35 (1) Because of the serious nature of domestic violence, the court
36 in domestic violence actions:

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

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

3 (c) Shall waive any requirement that the victim's location be
4 disclosed to any person, other than the attorney of a criminal
5 defendant, upon a showing that there is a possibility of further
6 violence: PROVIDED, That the court may order a criminal defense
7 attorney not to disclose to his or her client the victim's location;
8 and

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

11 (2) Because of the likelihood of repeated violence directed at
12 those who have been victims of domestic violence in the past, when any
13 person charged with or arrested for a crime involving domestic violence
14 is released from custody before arraignment or trial on bail or
15 personal recognizance, the court authorizing the release may prohibit
16 that person from having any contact with the victim. The jurisdiction
17 authorizing the release shall determine whether that person should be
18 prohibited from having any contact with the victim. If there is no
19 outstanding restraining or protective order prohibiting that person
20 from having contact with the victim, the court authorizing release may
21 issue, by telephone, a no-contact order prohibiting the person charged
22 or arrested from having contact with the victim. In issuing the order,
23 the court shall consider the provisions of section 430 of this act.
24 The no-contact order shall also be issued in writing as soon as
25 possible. (~~If the court has probable cause to believe that the person~~
26 ~~charged or arrested is likely to use or display or threaten to use a~~
27 ~~deadly weapon as defined in RCW 9A.04.110 in any further acts of~~
28 ~~violence, the court may also require that person to surrender any~~
29 ~~deadly weapon in that person's immediate possession or control, or~~
30 ~~subject to that person's immediate possession or control, to the~~
31 ~~sheriff of the county or chief of police of the municipality in which~~
32 ~~that person resides or to the defendant's counsel for safekeeping.))~~

33 (3) At the time of arraignment the court shall determine whether a
34 no-contact order shall be issued or extended. If a no-contact order is
35 issued or extended, the court may also include in the conditions of
36 release a requirement that the defendant submit to electronic
37 monitoring. If electronic monitoring is ordered, the court shall
38 specify who shall provide the monitoring services, and the terms under
39 which the monitoring shall be performed. Upon conviction, the court

1 may require as a condition of the sentence that the defendant reimburse
2 the providing agency for the costs of the electronic monitoring.

3 (4)(a) Willful violation of a court order issued under subsection
4 (2) or (3) of this section is a misdemeanor. Upon conviction and in
5 addition to other penalties provided by law, the court may require that
6 the defendant submit to electronic monitoring. The court shall specify
7 who shall provide the electronic monitoring services and the terms
8 under which the monitoring must be performed. The court also may
9 include a requirement that the defendant pay the costs of the
10 monitoring. The court shall consider the ability of the convicted
11 person to pay for electronic monitoring.

12 (b) Any assault that is a violation of an order issued under this
13 section and that does not amount to assault in the first or second
14 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
15 under chapter 9A.20 RCW, and any conduct in violation of a protective
16 order issued under this section that is reckless and creates a
17 substantial risk of death or serious physical injury to another person
18 is a class C felony punishable under chapter 9A.20 RCW.

19 (c) The written order releasing the person charged or arrested
20 shall contain the court's directives and shall bear the legend:
21 Violation of this order is a criminal offense under chapter 10.99 RCW
22 and will subject a violator to arrest; any assault or reckless
23 endangerment that is a violation of this order is a felony. A
24 certified copy of the order shall be provided to the victim. If a no-
25 contact order has been issued prior to charging, that order shall
26 expire at arraignment or within seventy-two hours if charges are not
27 filed. Such orders need not be entered into the computer information
28 system in this state which is used by law enforcement agencies to list
29 outstanding warrants.

30 (5) Whenever an order prohibiting contact is issued, modified, or
31 terminated under subsection (2) or (3) of this section, the clerk of
32 the court shall forward a copy of the order on or before the next
33 judicial day to the appropriate law enforcement agency specified in the
34 order. Upon receipt of the copy of the order the law enforcement
35 agency shall forthwith enter the order for one year or until the
36 expiration date specified on the order into any computer information
37 system available in this state used by law enforcement agencies to list
38 outstanding warrants. Entry into the law enforcement information
39 system constitutes notice to all law enforcement agencies of the

1 existence of the order. The order is fully enforceable in any
2 jurisdiction in the state.

3 **Sec. 450.** RCW 10.99.045 and 1984 c 263 s 23 are each amended to
4 read as follows:

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

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

14 (3) At the time of the appearances provided in subsection (1) or
15 (2) of this section, the court shall determine the necessity of
16 imposing a no contact order or other conditions of pretrial release
17 according to the procedures established by court rule for a preliminary
18 appearance or an arraignment. ~~((If the court has probable cause to
19 believe that the defendant is likely to use or display or threaten to
20 use a deadly weapon as defined in RCW 9A.04.110 in any further acts of
21 violence, as one of the conditions of pretrial release, the court may
22 require the defendant to surrender any deadly weapon in the defendant's
23 immediate possession or control, or subject to the defendant's
24 immediate possession or control, to the sheriff of the county or chief
25 of police of the municipality in which the defendant resides or to the
26 defendant's counsel for safekeeping. The decision of the judge and
27 findings of fact in support thereof shall be in writing.))~~ The court
28 may include in the order any conditions authorized under section 430 of
29 this act.

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

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

35 **Sec. 451.** RCW 26.09.050 and 1989 c 375 s 29 are each amended to
36 read as follows:

1 In entering a decree of dissolution of marriage, legal separation,
2 or declaration of invalidity, the court shall determine the marital
3 status of the parties, make provision for a parenting plan for any
4 minor child of the marriage, make provision for the support of any
5 child of the marriage entitled to support, consider or approve
6 provision for the maintenance of either spouse, make provision for the
7 disposition of property and liabilities of the parties, make provision
8 for the allocation of the children as federal tax exemptions, make
9 provision for any necessary continuing restraining orders including the
10 provisions contained in section 430 of this act, and make provision for
11 the change of name of any party.

12 **Sec. 452.** RCW 26.09.060 and 1992 c 229 s 9 are each amended to
13 read as follows:

14 (1) In a proceeding for:

15 (a) Dissolution of marriage, legal separation, or a declaration of
16 invalidity; or

17 (b) Disposition of property or liabilities, maintenance, or support
18 following dissolution of the marriage by a court which lacked personal
19 jurisdiction over the absent spouse; either party may move for
20 temporary maintenance or for temporary support of children entitled to
21 support. The motion shall be accompanied by an affidavit setting forth
22 the factual basis for the motion and the amounts requested.

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

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

33 (b) ~~Molesting or disturbing the peace of the other party or of any~~
34 ~~child ((and, upon a showing by clear and convincing evidence that the~~
35 ~~party so restrained or enjoined has used or displayed or threatened to~~
36 ~~use a deadly weapon as defined in RCW 9A.04.110 in an act of violence~~
37 ~~or has previously committed acts of domestic violence and is likely to~~
38 ~~use or display or threaten to use a deadly weapon in an act of domestic~~

1 violence, requiring the party to surrender any deadly weapon in his
2 immediate possession or control or subject to his immediate possession
3 or control to the sheriff of the county having jurisdiction of the
4 proceeding or to the restrained or enjoined party's counsel or to any
5 person designated by the court. The court may order temporary
6 surrender of deadly weapons without notice to the other party only if
7 it finds on the basis of the moving affidavit or other evidence that
8 irreparable injury could result if an order is not issued until the
9 time for response has elapsed));

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

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

13 (3) In issuing the order, the court shall consider the provisions
14 of section 430 of this act.

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

20 ((+4)) (5) The court may issue a temporary restraining order or
21 preliminary injunction and an order for temporary maintenance or
22 support in such amounts and on such terms as are just and proper in the
23 circumstances. The court may in its discretion waive the filing of the
24 bond or the posting of security.

25 ((+5)) (6) Restraining orders issued under this section
26 restraining the person from molesting or disturbing another party or
27 from entering a party's home shall bear the legend: VIOLATION OF THIS
28 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
29 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

30 ((+6)) (7) The court may order that any temporary restraining
31 order granted under this section be forwarded by the clerk of the court
32 on or before the next judicial day to the appropriate law enforcement
33 agency specified in the order. Upon receipt of the order, the law
34 enforcement agency shall forthwith enter the order for one year into
35 any computer-based criminal intelligence information system available
36 in this state used by law enforcement agencies to list outstanding
37 warrants. Entry into the law enforcement information system
38 constitutes notice to all law enforcement agencies of the existence of
39 the order. The order is fully enforceable in any county in the state.

1 (~~(7)~~) (8) A temporary order, temporary restraining order, or
2 preliminary injunction:

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

5 (b) May be revoked or modified;

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

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

12 (~~(8)~~) (9) Delinquent support payments accrued under an order for
13 temporary support remain collectible and are not extinguished when a
14 final decree is entered unless the decree contains specific language to
15 the contrary. A support debt under a temporary order owed to the state
16 for public assistance expenditures shall not be extinguished by the
17 final decree if:

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

20 (b) The temporary order directs the obligor to make support
21 payments to the office of support enforcement or the Washington state
22 support registry.

23 **Sec. 453.** RCW 26.10.040 and 1989 c 375 s 31 are each amended to
24 read as follows:

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

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

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

30 (3) Any necessary continuing restraining orders, including the
31 provisions contained in section 430 of this act.

32 **Sec. 454.** RCW 26.10.115 and 1989 c 375 s 32 are each amended to
33 read as follows:

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

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

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

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

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

23 (3) In issuing the order, the court shall consider the provisions
24 of section 430 of this act.

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

30 ~~((+4))~~ (5) The court may issue a temporary restraining order or
31 preliminary injunction and an order for temporary support in such
32 amounts and on such terms as are just and proper in the circumstances.

33 ~~((+5))~~ (6) Restraining orders issued under this section
34 restraining the person from molesting or disturbing another party or
35 from entering a party's home shall bear the legend: VIOLATION OF THIS
36 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
37 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

38 ~~((+6))~~ (7) The court may order that any temporary restraining
39 order granted under this section be forwarded by the clerk of the court

1 on or before the next judicial day to the appropriate law enforcement
2 agency specified in the order. Upon receipt of the order, the law
3 enforcement agency shall forthwith enter the order for one year into
4 any computer-based criminal intelligence information system available
5 in this state used by law enforcement agencies to list outstanding
6 warrants. Entry into the law enforcement information system
7 constitutes notice to all law enforcement agencies of the existence of
8 the order. The order is fully enforceable in any county in the state.

9 ~~((7))~~ (8) A temporary order, temporary restraining order, or
10 preliminary injunction:

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

13 (b) May be revoked or modified;

14 (c) Terminates when the final order is entered or when the motion
15 is dismissed;

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

18 ~~((8))~~ (9) A support debt owed to the state for public assistance
19 expenditures which has been charged against a party pursuant to RCW
20 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
21 extinguished by, the final decree or order, unless the office of
22 support enforcement has been given notice of the final proceeding and
23 an opportunity to present its claim for the support debt to the court
24 and has failed to file an affidavit as provided in this subsection.
25 Notice of the proceeding shall be served upon the office of support
26 enforcement personally, or by certified mail, and shall be given no
27 fewer than thirty days prior to the date of the final proceeding. An
28 original copy of the notice shall be filed with the court either before
29 service or within a reasonable time thereafter. The office of support
30 enforcement may present its claim, and thereby preserve the support
31 debt, by filing an affidavit setting forth the amount of the debt with
32 the court, and by mailing a copy of the affidavit to the parties or
33 their attorney prior to the date of the final proceeding.

34 **Sec. 455.** RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18
35 are each reenacted and amended to read as follows:

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

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

4 (3) The judgment and order shall contain other appropriate
5 provisions directed to the appropriate parties to the proceeding,
6 concerning the duty of current and future support, the extent of any
7 liability for past support furnished to the child if that issue is
8 before the court, the furnishing of bond or other security for the
9 payment of the judgment, or any other matter in the best interest of
10 the child. The judgment and order may direct the father to pay the
11 reasonable expenses of the mother's pregnancy and confinement. The
12 judgment and order may include a continuing restraining order or
13 injunction. In issuing the order, the court shall consider the
14 provisions of section 430 of this act.

15 (4) Support judgment and orders shall be for periodic payments
16 which may vary in amount. The court may limit the father's liability
17 for the past support to the child to the proportion of the expenses
18 already incurred as the court deems just. The court shall not limit or
19 affect in any manner the right of nonparties including the state of
20 Washington to seek reimbursement for support and other services
21 previously furnished to the child.

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

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

30 (7) In any dispute between the natural parents of a child and a
31 person or persons who have (a) commenced adoption proceedings or who
32 have been granted an order of adoption, and (b) pursuant to a court
33 order, or placement by the department of social and health services or
34 by a licensed agency, have had actual custody of the child for a period
35 of one year or more before court action is commenced by the natural
36 parent or parents, the court shall consider the best welfare and
37 interests of the child, including the child's need for situation
38 stability, in determining the matter of custody, and the parent or
39 person who is more fit shall have the superior right to custody.

1 **Sec. 456.** RCW 26.26.137 and 1983 1st ex.s. c 41 s 12 are each
2 amended to read as follows:

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

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

13 (a) Molesting or disturbing the peace of another party;

14 (b) Entering the home of another party; or

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

16 (3) The court may issue a temporary restraining order without
17 requiring notice to the other party only if it finds on the basis of
18 the moving affidavit or other evidence that irreparable injury could
19 result if an order is not issued until the time for responding has
20 elapsed.

21 (4) The court may issue a temporary restraining order or
22 preliminary injunction and an order for temporary support in such
23 amounts and on such terms as are just and proper in the circumstances.
24 In issuing the order, the court shall consider the provisions of
25 section 430 of this act.

26 (5) A temporary order, temporary restraining order, or preliminary
27 injunction:

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

30 (b) May be revoked or modified;

31 (c) Terminates when the final order is entered or when the petition
32 is dismissed; and

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

35 (6) A support debt owed to the state for public assistance
36 expenditures which has been charged against a party pursuant to RCW
37 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
38 extinguished by, the final decree or order, unless the office of
39 support enforcement has been given notice of the final proceeding and

1 an opportunity to present its claim for the support debt to the court
2 and has failed to file an affidavit as provided in this subsection.
3 Notice of the proceeding shall be served upon the office of support
4 enforcement personally, or by certified mail, and shall be given no
5 fewer than thirty days prior to the date of the final proceeding. An
6 original copy of the notice shall be filed with the court either before
7 service or within a reasonable time thereafter. The office of support
8 enforcement may present its claim, and thereby preserve the support
9 debt, by filing an affidavit setting forth the amount of the debt with
10 the court, and by mailing a copy of the affidavit to the parties or
11 their attorney prior to the date of the final proceeding.

12 **Sec. 457.** RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and
13 1992 c 86 s 4 are each reenacted and amended to read as follows:

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

16 (a) Restrain the respondent from committing acts of domestic
17 violence;

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

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

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

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

29 (f) Require the respondent to pay the filing fee and court costs,
30 including service fees, and to reimburse the petitioner for costs
31 incurred in bringing the action, including a reasonable attorney's fee.
32 If the petitioner has been granted leave to proceed in forma pauperis,
33 the court may require the respondent to pay the filing fee and costs,
34 including services fees, to the county or municipality incurring the
35 expense;

36 (g) Restrain the respondent from having any contact with the victim
37 of domestic violence or the victim's children or members of the
38 victim's household; ((and))

1 (h) Require the respondent to submit to electronic monitoring. The
2 order shall specify who shall provide the electronic monitoring
3 services and the terms under which the monitoring must be performed.
4 The order also may include a requirement that the respondent pay the
5 costs of the monitoring. The court shall consider the ability of the
6 respondent to pay for electronic monitoring; and

7 (i) Consider the provisions of section 430 of this act.

8 (2) Any relief granted by the order for protection, other than a
9 judgment for costs, shall be for a fixed period not to exceed one year
10 if the restraining order restrains the respondent from contacting the
11 respondent's minor children. If the petitioner has petitioned for
12 relief on his or her own behalf or on behalf of the petitioner's family
13 or household members or minor children that are not also the
14 respondent's minor children, and the court finds that the respondent is
15 likely to resume acts of domestic violence against the petitioner or
16 the petitioner's family or household members or minor children when the
17 order expires, the court may either (a) grant relief for a fixed period
18 not to exceed one year; (b) grant relief for a fixed period in excess
19 of one year; or (c) enter a permanent order of protection.

20 If the petitioner has petitioned for relief on behalf of the
21 respondent's minor children, the court shall advise the petitioner that
22 if the petitioner wants to continue protection for a period beyond one
23 year the petitioner may either petition for renewal pursuant to the
24 provisions of this chapter or may seek relief pursuant to the
25 provisions of chapter 26.09 RCW.

26 (3) If the court grants an order for a fixed time period, the
27 petitioner may apply for renewal of the order by filing a petition for
28 renewal at any time within the three months before the order expires.
29 The petition for renewal shall state the reasons why the petitioner
30 seeks to renew the protection order. Upon receipt of the petition for
31 renewal the court shall order a hearing which shall be not later than
32 fourteen days from the date of the order. Except as provided in RCW
33 26.50.085, personal service shall be made on the respondent not less
34 than five days before the hearing. If timely service cannot be made
35 the court shall set a new hearing date and shall either require
36 additional attempts at obtaining personal service or permit service by
37 publication as provided in RCW 26.50.085. If the court permits service
38 by publication, the court shall set the new hearing date not later than
39 twenty-four days from the date of the order. If the order expires

1 because timely service cannot be made the court shall grant an ex parte
2 order of protection as provided in RCW 26.50.070. The court shall
3 grant the petition for renewal unless the respondent proves by a
4 preponderance of the evidence that the respondent will not resume acts
5 of domestic violence against the petitioner or the petitioner's
6 children or family or household members when the order expires. The
7 court may renew the protection order for another fixed time period or
8 may enter a permanent order as provided in this section. The court may
9 award court costs, service fees, and reasonable attorneys' fees as
10 provided in subsection (1)(f) of this section.

11 (4) In providing relief under this chapter, the court may realign
12 the designation of the parties as "petitioner" and "respondent" where
13 the court finds that the original petitioner is the abuser and the
14 original respondent is the victim of domestic violence and may issue an
15 ex parte temporary order for protection in accordance with RCW
16 26.50.070 on behalf of the victim until the victim is able to prepare
17 a petition for an order for protection in accordance with RCW
18 26.50.030.

19 (5) Except as provided in subsection (4) of this section, no order
20 for protection shall grant relief to any party except upon notice to
21 the respondent and hearing pursuant to a petition or counter-petition
22 filed and served by the party seeking relief in accordance with RCW
23 26.50.050.

24 (6) The court order shall specify the date the order expires if
25 any. The court order shall also state whether the court issued the
26 protection order following personal service or service by publication
27 and whether the court has approved service by publication of an order
28 issued under this section.

29 **Sec. 458.** RCW 26.50.070 and 1992 c 143 s 3 are each amended to
30 read as follows:

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

37 (a) Restraining any party from committing acts of domestic
38 violence;

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

3 (c) Restraining any party from interfering with the other's custody
4 of the minor children or from removing the children from the
5 jurisdiction of the court; ((and))

6 (d) Restraining any party from having any contact with the victim
7 of domestic violence or the victim's children or members of the
8 victim's household; and

9 (e) Considering the provisions of section 430 of this act.

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

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

17 (4) An ex parte temporary order for protection shall be effective
18 for a fixed period not to exceed fourteen days or twenty-four days if
19 the court has permitted service by publication under RCW 26.50.085.
20 The ex parte order may be reissued. A full hearing, as provided in
21 this chapter, shall be set for not later than fourteen days from the
22 issuance of the temporary order or not later than twenty-four days if
23 service by publication is permitted. Except as provided in RCW
24 26.50.050 and 26.50.085, the respondent shall be personally served with
25 a copy of the ex parte order along with a copy of the petition and
26 notice of the date set for the hearing.

27 NEW SECTION. Sec. 459. (1) RCW 19.70.010 and 19.70.020 are each
28 recodified as sections in chapter 9.41 RCW.

29 (2) RCW 9.41.160 is recodified in chapter 9.41 RCW to follow RCW
30 9.41.310.

31 NEW SECTION. Sec. 460. The following acts or parts of acts are
32 each repealed:

33 (1) RCW 9.41.030 and 1935 c 172 s 3;

34 (2) RCW 9.41.093 and 1969 ex.s. c 227 s 2;

35 (3) RCW 9.41.095 and 1969 ex.s. c 227 s 3;

36 (4) RCW 9.41.130 and 1935 c 172 s 13;

1 (5) RCW 9.41.150 and 1989 c 132 s 1, 1961 c 124 s 11, & 1935 c 172
2 s 15;

3 (6) RCW 9.41.180 and 1992 c 7 s 8 & 1909 c 249 s 266;

4 (7) RCW 9.41.200 and 1982 c 231 s 2 & 1933 c 64 s 2; and

5 (8) RCW 9.41.210 and 1933 c 64 s 3.

6 **PART V. PUBLIC SAFETY**

7 NEW SECTION. **Sec. 501.** A new section is added to chapter 74.13
8 RCW to read as follows:

9 The department of social and health services shall maintain a toll-
10 free hotline to assist parents of runaway children. The hotline shall
11 provide parents with a complete description of their rights when
12 dealing with their runaway child.

13 NEW SECTION. **Sec. 502.** A new section is added to chapter 35.21
14 RCW to read as follows:

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

22 (2) The ordinance shall not contain any criminal sanctions for a
23 violation of the ordinance.

24 NEW SECTION. **Sec. 503.** A new section is added to chapter 35A.11
25 RCW to read as follows:

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

33 (2) The ordinance shall not contain any criminal sanctions for a
34 violation of the ordinance.

1 NEW SECTION. **Sec. 504.** A new section is added to chapter 36.32
2 RCW to read as follows:

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

10 (2) The ordinance shall not contain any criminal sanctions for a
11 violation of the ordinance.

12 **Sec. 505.** RCW 13.32A.050 and 1990 c 276 s 5 are each amended to
13 read as follows:

14 A law enforcement officer shall take a child into custody:

15 (1) If a law enforcement agency has been contacted by the parent of
16 the child that the child is absent from parental custody without
17 consent; or

18 (2) If a law enforcement officer reasonably believes, considering
19 the child's age, the location, and the time of day, that a child is in
20 circumstances which constitute a danger to the child's safety or that
21 a child is violating a local curfew ordinance; or

22 (3) If an agency legally charged with the supervision of a child
23 has notified a law enforcement agency that the child has run away from
24 placement; or

25 (4) If a law enforcement agency has been notified by the juvenile
26 court that the court finds probable cause exists to believe that the
27 child has violated a court placement order issued pursuant to chapter
28 13.32A RCW or that the court has issued an order for law enforcement
29 pick-up of the child under this chapter.

30 Law enforcement custody shall not extend beyond the amount of time
31 reasonably necessary to transport the child to a destination authorized
32 by law and to place the child at that destination.

33 An officer who takes a child into custody under this section and
34 places the child in a designated crisis residential center shall inform
35 the department of such placement within twenty-four hours.

36 (5) Nothing in this section affects the authority of any political
37 subdivision to make regulations concerning the conduct of minors in
38 public places by ordinance or other local law.

1 (6) If a law enforcement officer has a reasonable suspicion that a
2 child is being unlawfully harbored under RCW 13.32A.080, the officer
3 shall remove the child from the custody of the person harboring the
4 child and shall transport the child to one of the locations specified
5 in RCW 13.32A.060.

6 **Sec. 506.** RCW 13.32A.060 and 1985 c 257 s 8 are each amended to
7 read as follows:

8 (1) An officer taking a child into custody under RCW 13.32A.050 (1)
9 or (2) shall inform the child of the reason for such custody and shall
10 either:

11 (a) Transport the child to his or her home. The officer releasing
12 a child into the custody of the parent shall inform the parent of the
13 reason for the taking of the child into custody and shall inform the
14 child and the parent of the nature and location of appropriate services
15 available in their community; or

16 (b) Take the child to the home of an adult extended family member,
17 a designated crisis residential center, or the home of a responsible
18 adult after attempting to notify the parent or legal guardian:

19 (i) If the child ~~((evinces))~~ expresses fear or distress at the
20 prospect of being returned to his or her home~~((; or~~

21 ~~((ii) If the officer believes))~~ which leads the officer to believe
22 there is a possibility that the child is experiencing in the home some
23 type of child abuse or neglect, as defined in RCW 26.44.020, as now law
24 or hereafter amended; or

25 ~~((iii))~~ (ii) If it is not practical to transport the child to his
26 or her home; or

27 ~~((iv))~~ (iii) If there is no parent available to accept custody of
28 the child.

29 The officer releasing a child into the custody of an extended
30 family member or a responsible adult shall inform the child and the
31 extended family member or responsible adult of the nature and location
32 of appropriate services available in the community.

33 (2) An officer taking a child into custody under RCW 13.32A.050 (3)
34 or (4) shall inform the child of the reason for custody, and shall take
35 the child to a designated crisis residential center licensed by the
36 department and established pursuant to chapter 74.13 RCW. However, an
37 officer taking a child into custody under RCW 13.32A.050(4) may place
38 the child in a juvenile detention facility as provided in RCW

1 13.32A.065. The department shall ensure that all the enforcement
2 authorities are informed on a regular basis as to the location of the
3 designated crisis residential center or centers in their judicial
4 district, where children taken into custody under RCW 13.32A.050 may be
5 taken.

6 (3) "Extended family members" means a grandparent, brother, sister,
7 stepbrother, stepsister, uncle, aunt, or first cousin with whom the
8 child has a relationship and is comfortable, and who is willing and
9 available to care for the child.

10 **Sec. 507.** RCW 13.32A.080 and 1981 c 298 s 6 are each amended to
11 read as follows:

12 (1)(a) A person commits the crime of unlawful harboring of a minor
13 if the person provides shelter to a minor without the consent of a
14 parent of the minor and after the person knows that the minor is away
15 from the home of the parent, without the parent's permission, and if
16 the person intentionally:

17 (i) Fails to release the minor to a law enforcement officer after
18 being requested to do so by the officer; or

19 (ii) Fails to disclose the location of the minor to a law
20 enforcement officer after being requested to do so by the officer, if
21 the person knows the location of the minor and had either taken the
22 minor to that location or had assisted the minor in reaching that
23 location; or

24 (iii) Obstructs a law enforcement officer from taking the minor
25 into custody; or

26 (iv) Assists the minor in avoiding or attempting to avoid the
27 custody of the law enforcement officer.

28 (b) It is a defense to a prosecution under this section that the
29 defendant had custody of the minor pursuant to a court order.

30 (2) Harboring a minor is punishable as a gross misdemeanor (~~(if the~~
31 ~~offender has not been previously convicted under this section and a~~
32 ~~gross misdemeanor if the offender has been previously convicted under~~
33 ~~this section)).~~

34 (3) Any person who provides shelter to a child, absent from home,
35 may notify the department's local community service office of the
36 child's presence.

1 (4) An adult responsible for involving a child in the commission of
2 an offense may be prosecuted under existing criminal statutes
3 including, but not limited to:

4 (a) Distribution of a controlled substance to a minor, as defined
5 in RCW 69.50.406;

6 (b) Promoting prostitution as defined in chapter 9A.88 RCW; and

7 (c) Complicity of the adult in the crime of a minor, under RCW
8 9A.08.020.

9 **Sec. 508.** RCW 13.32A.130 and 1992 c 205 s 206 are each amended to
10 read as follows:

11 A child admitted to a crisis residential center under this chapter
12 who is not returned to the home of his or her parent or who is not
13 placed in an alternative residential placement under an agreement
14 between the parent and child, shall, except as provided for by RCW
15 13.32A.140 and 13.32A.160(2), reside in (~~such~~) the placement under
16 the rules (~~and regulations~~) established for the center for a period
17 not to exceed five consecutive days from the time of intake, except as
18 otherwise provided by this chapter. Crisis residential center staff
19 shall make a concerted effort to achieve a reconciliation of the
20 family. If a reconciliation and voluntary return of the child has not
21 been achieved within forty-eight hours from the time of intake, and if
22 the person in charge of the center does not consider it likely that
23 reconciliation will be achieved within the five-day period, then the
24 person in charge shall inform the parent and child of (1) the
25 availability of counseling services; (2) the right to file a petition
26 for an alternative residential placement, the right of a parent to file
27 an at-risk youth petition, and the right of the parent and child to
28 obtain assistance in filing the petition; and (3) the right to request
29 a review of any alternative residential placement(~~(:—PROVIDED, That)~~).
30 At no time shall information regarding a parent's or child's rights be
31 withheld if requested(~~(:—PROVIDED FURTHER, That)~~). The department
32 shall develop and distribute to all law enforcement agencies and to
33 each crisis residential center administrator a written statement
34 delineating (~~such~~) the services and rights. Every officer taking a
35 child into custody shall provide the child and his or her parent(s) or
36 responsible adult with whom the child is placed with a copy of (~~such~~)
37 the statement. In addition, the administrator of the facility or his

1 or her designee shall provide every resident and parent with a copy of
2 ((such)) the statement.

3 NEW SECTION. **Sec. 509.** A new section is added to chapter 43.101
4 RCW to read as follows:

5 The criminal justice training commission shall ensure that every
6 law enforcement agency in the state has an accurate and up-to-date
7 policy manual describing the statutes relating to juvenile runaways.

8 **Sec. 510.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are
9 each reenacted and amended to read as follows:

10 TABLE 2

11 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

12	XV	Aggravated Murder 1 (RCW 10.95.020)
13	XIV	Murder 1 (RCW 9A.32.030)
14		Homicide by abuse (RCW 9A.32.055)
15	XIII	Murder 2 (RCW 9A.32.050)
16	XII	Assault 1 (RCW 9A.36.011)
17		Assault of a Child 1 (RCW 9A.36.120)
18	XI	Rape 1 (RCW 9A.44.040)
19		Rape of a Child 1 (RCW 9A.44.073)
20	X	Kidnapping 1 (RCW 9A.40.020)
21		Rape 2 (RCW 9A.44.050)
22		Rape of a Child 2 (RCW 9A.44.076)
23		Child Molestation 1 (RCW 9A.44.083)
24		Damaging building, etc., by explosion with
25		threat to human being (RCW
26		70.74.280(1))
27		Over 18 and deliver heroin or narcotic
28		from Schedule I or II to someone
29		under 18 (RCW 69.50.406)
30		Leading Organized Crime (RCW
31		9A.82.060(1)(a))

1 IX Assault of a Child 2 (RCW 9A.36.130)
2 Robbery 1 (RCW 9A.56.200)
3 Manslaughter 1 (RCW 9A.32.060)
4 Explosive devices prohibited (RCW
5 70.74.180)
6 Indecent Liberties (with forcible
7 compulsion) (RCW 9A.44.100(1)(a))
8 Endangering life and property by
9 explosives with threat to human being
10 (RCW 70.74.270)
11 Over 18 and deliver narcotic from Schedule
12 III, IV, or V or a nonnarcotic from
13 Schedule I-V to someone under 18 and
14 3 years junior (RCW 69.50.406)
15 Controlled Substance Homicide (RCW
16 69.50.415)
17 Sexual Exploitation (RCW 9.68A.040)
18 Inciting Criminal Profiteering (RCW
19 9A.82.060(1)(b))
20 VIII Arson 1 (RCW 9A.48.020)
21 Promoting Prostitution 1 (RCW 9A.88.070)
22 Selling for profit (controlled or
23 counterfeit) any controlled substance
24 (RCW 69.50.410)
25 Manufacture, deliver, or possess with
26 intent to deliver heroin or cocaine
27 (RCW 69.50.401(a)(1)(i))
28 Manufacture, deliver, or possess with
29 intent to deliver methamphetamine
30 (RCW 69.50.401(a)(1)(ii))
31 Vehicular Homicide, by being under the
32 influence of intoxicating liquor or
33 any drug or by the operation of any
34 vehicle in a reckless manner (RCW
35 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)
2 Vehicular Homicide, by disregard for the
3 safety of others (RCW 46.61.520)
4 Introducing Contraband 1 (RCW 9A.76.140)
5 Indecent Liberties (without forcible
6 compulsion) (RCW 9A.44.100(1) (b) and
7 (c))
8 Child Molestation 2 (RCW 9A.44.086)
9 Dealing in depictions of minor engaged in
10 sexually explicit conduct (RCW
11 9.68A.050)
12 Sending, bringing into state depictions of
13 minor engaged in sexually explicit
14 conduct (RCW 9.68A.060)
15 Involving a minor in drug dealing (RCW
16 69.50.401(f))

17 VI Bribery (RCW 9A.68.010)
18 Manslaughter 2 (RCW 9A.32.070)
19 Rape of a Child 3 (RCW 9A.44.079)
20 Intimidating a Juror/Witness (RCW
21 9A.72.110, 9A.72.130)
22 Damaging building, etc., by explosion with
23 no threat to human being (RCW
24 70.74.280(2))
25 Endangering life and property by
26 explosives with no threat to human
27 being (RCW 70.74.270)
28 Incest 1 (RCW 9A.64.020(1))
29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule I or II (except heroin or
32 cocaine) (RCW 69.50.401(a)(1)(i))
33 Intimidating a Judge (RCW 9A.72.160)
34 Bail Jumping with Murder 1 (RCW
35 9A.76.170(2)(a))

1 V Criminal Mistreatment 1 (RCW 9A.42.020)
2 Theft of a Firearm (RCW 9A.56.--- (section
3 432 of this act))
4 Reckless Endangerment 1 (RCW 9A.36.045)
5 Rape 3 (RCW 9A.44.060)
6 Sexual Misconduct with a Minor 1 (RCW
7 9A.44.093)
8 Child Molestation 3 (RCW 9A.44.089)
9 Kidnapping 2 (RCW 9A.40.030)
10 Extortion 1 (RCW 9A.56.120)
11 Incest 2 (RCW 9A.64.020(2))
12 Perjury 1 (RCW 9A.72.020)
13 Extortionate Extension of Credit (RCW
14 9A.82.020)
15 Advancing money or property for
16 extortionate extension of credit (RCW
17 9A.82.030)
18 Extortionate Means to Collect Extensions
19 of Credit (RCW 9A.82.040)
20 Rendering Criminal Assistance 1 (RCW
21 9A.76.070)
22 Bail Jumping with class A Felony (RCW
23 9A.76.170(2)(b))
24 Delivery of imitation controlled substance
25 by person eighteen or over to person
26 under eighteen (RCW 69.52.030(2))

27 IV Residential Burglary (RCW 9A.52.025)
28 Theft of Livestock 1 (RCW 9A.56.080)
29 Robbery 2 (RCW 9A.56.210)
30 Assault 2 (RCW 9A.36.021)
31 Escape 1 (RCW 9A.76.110)
32 Arson 2 (RCW 9A.48.030)
33 Bribing a Witness/Bribe Received by
34 Witness (RCW 9A.72.090, 9A.72.100)
35 Malicious Harassment (RCW 9A.36.080)
36 Threats to Bomb (RCW 9.61.160)
37 Willful Failure to Return from Furlough
38 (RCW 72.66.060)

1 Hit and Run « Injury Accident (RCW
2 46.52.020(4))
3 Vehicular Assault (RCW 46.61.522)
4 Manufacture, deliver, or possess with
5 intent to deliver narcotics from
6 Schedule III, IV, or V or
7 nonnarcotics from Schedule I-V
8 (except marijuana or
9 methamphetamines) (RCW
10 69.50.401(a)(1)(ii) through (iv))
11 Influencing Outcome of Sporting Event (RCW
12 9A.82.070)
13 Use of Proceeds of Criminal Profiteering
14 (RCW 9A.82.080 (1) and (2))
15 Knowingly Trafficking in Stolen Property
16 (RCW 9A.82.050(2))

17 III Criminal Mistreatment 2 (RCW 9A.42.030)
18 Extortion 2 (RCW 9A.56.130)
19 Unlawful Imprisonment (RCW 9A.40.040)
20 Assault 3 (RCW 9A.36.031)
21 Assault of a Child 3 (RCW 9A.36.140)
22 Custodial Assault (RCW 9A.36.100)
23 Unlawful possession of firearm or pistol by felon (RCW
24 9.41.040)
25 Harassment (RCW 9A.46.020)
26 Promoting Prostitution 2 (RCW 9A.88.080)
27 Willful Failure to Return from Work
28 Release (RCW 72.65.070)
29 Burglary 2 (RCW 9A.52.030)
30 Introducing Contraband 2 (RCW 9A.76.150)
31 Communication with a Minor for Immoral
32 Purposes (RCW 9.68A.090)
33 Patronizing a Juvenile Prostitute (RCW
34 9.68A.100)
35 Escape 2 (RCW 9A.76.120)
36 Perjury 2 (RCW 9A.72.030)
37 Bail Jumping with class B or C Felony (RCW
38 9A.76.170(2)(c))

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Tampering with a Witness (RCW 9A.72.120)
4 Manufacture, deliver, or possess with
5 intent to deliver marijuana (RCW
6 69.50.401(a)(1)(ii))
7 Delivery of a material in lieu of a
8 controlled substance (RCW
9 69.50.401(c))
10 Manufacture, distribute, or possess with
11 intent to distribute an imitation
12 controlled substance (RCW
13 69.52.030(1))
14 Recklessly Trafficking in Stolen Property
15 (RCW 9A.82.050(1))
16 Theft of livestock 2 (RCW 9A.56.080)
17 Securities Act violation (RCW 21.20.400)
18 II Malicious Mischief 1 (RCW 9A.48.070)
19 Possession of Stolen Property 1 (RCW
20 9A.56.150)
21 Theft 1 (RCW 9A.56.030)
22 Possession of controlled substance that is
23 either heroin or narcotics from
24 Schedule I or II (RCW 69.50.401(d))
25 Possession of phencyclidine (PCP) (RCW
26 69.50.401(d))
27 Create, deliver, or possess a counterfeit
28 controlled substance (RCW
29 69.50.401(b))
30 Computer Trespass 1 (RCW 9A.52.110)
31 ((~~Reckless Endangerment 1~~ (RCW
32 ~~9A.36.045~~)))
33 Escape from Community Custody (RCW
34 72.09.310)
35 I Theft 2 (RCW 9A.56.040)
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)
38 Forgery (RCW 9A.60.020)

1 Taking Motor Vehicle Without Permission
2 (RCW 9A.56.070)
3 Vehicle Prowl 1 (RCW 9A.52.095)
4 Attempting to Elude a Pursuing Police
5 Vehicle (RCW 46.61.024)
6 Malicious Mischief 2 (RCW 9A.48.080)
7 Reckless Burning 1 (RCW 9A.48.040)
8 Unlawful Issuance of Checks or Drafts (RCW
9 9A.56.060)
10 Unlawful Use of Food Stamps (RCW 9.91.140
11 (2) and (3))
12 False Verification for Welfare (RCW
13 74.08.055)
14 Forged Prescription (RCW 69.41.020)
15 Forged Prescription for a Controlled
16 Substance (RCW 69.50.403)
17 Possess Controlled Substance that is a
18 Narcotic from Schedule III, IV, or V
19 or Non-narcotic from Schedule I-V
20 (except phencyclidine) (RCW
21 69.50.401(d))

22 **Sec. 511.** RCW 9A.36.045 and 1989 c 271 s 109 are each amended to
23 read as follows:

24 (1) A person is guilty of reckless endangerment in the first degree
25 when he or she recklessly discharges a firearm in a manner which
26 creates a substantial risk of death or serious physical injury to
27 another person and the discharge is either from a motor vehicle or from
28 the immediate area of a motor vehicle that was used to transport the
29 shooter or the firearm to the scene of the discharge.

30 (2) A person who unlawfully discharges a firearm from a moving
31 motor vehicle may be inferred to have engaged in reckless conduct,
32 unless the discharge is shown by evidence satisfactory to the trier of
33 fact to have been made without such recklessness.

34 (3) Reckless endangerment in the first degree is a class ((C)) B
35 felony.

1 **Sec. 512.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to
 2 read as follows:

3 (1)

TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
--	---	---	---	---	---	---	---	---	---	-----------

XV	Life Sentence without Parole/Death Penalty									
----	--	--	--	--	--	--	--	--	--	--

XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320	333	347	361	374	388	416	450	493	548

XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164	178	192	205	219	233	260	288	342	397

XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123	136	147	160	171	184	216	236	277	318

XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102	114	125	136	147	158	194	211	245	280

X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
	68	75	82	89	96	102	130	144	171	198

IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
	41	48	54	61	68	75	102	116	144	171

1	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
2		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
3		27	34	41	48	54	61	89	102	116	144
4											
5	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
6		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
7		20	27	34	41	48	54	75	89	102	116
8											
9	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
10		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
11		14	20	27	34	41	48	61	75	89	102
12											
13	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
14		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
15		12	14	17	20	29	43	54	68	82	96
16											
17	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
18		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
19		9	12	14	17	20	29	43	57	70	84
20											
21	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
22		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
23		3	8	12	12	16	22	29	43	57	68
24											
25	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
26		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
27		Days	6	9	12	14	18	22	29	43	57
28											
29	I			3m	4m	5m	8m	13m	16m	20m	2y2m
30		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
31		Days	Days	5	6	8	12	14	18	22	29
32											

33 NOTE: Numbers in the first horizontal row of each seriousness category
34 represent sentencing midpoints in years(y) and months(m). Numbers in
35 the second and third rows represent presumptive sentencing ranges in
36 months, or in days if so designated. 12+ equals one year and one day.

37 (2) For persons convicted of the anticipatory offenses of criminal
38 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the

1 presumptive sentence is determined by locating the sentencing grid
2 sentence range defined by the appropriate offender score and the
3 seriousness level of the completed crime, and multiplying the range by
4 75 percent.

5 (3) The following additional times shall be added to the
6 presumptive sentence if the offender or an accomplice was armed with a
7 deadly weapon as defined in this chapter and the offender is being
8 sentenced for one of the crimes listed in this subsection. If the
9 offender or an accomplice was armed with a deadly weapon and the
10 offender is being sentenced for an anticipatory offense under chapter
11 9A.28 RCW to commit one of the crimes listed in this subsection, the
12 following times shall be added to the presumptive range determined
13 under subsection (2) of this section:

14 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW
15 9A.56.200), or Kidnapping 1 (RCW 9A.40.020);

16 (b) 18 months for Burglary 1 (RCW 9A.52.020);

17 (c) 12 months for (~~Assault 2 (RCW 9A.36.020 or 9A.36.021),~~
18 ~~Assault of a Child 2 (RCW 9A.36.130)~~) any violent offense except as
19 provided in (a) and (b) of this subsection, Escape 1 (RCW 9A.76.110),
20 (~~Kidnapping 2 (RCW 9A.40.030),~~) Burglary 2 of a building other than
21 a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080),
22 or any drug offense.

23 (4) The following additional times shall be added to the
24 presumptive sentence if the offender or an accomplice committed the
25 offense while in a county jail or state correctional facility as that
26 term is defined in this chapter and the offender is being sentenced for
27 one of the crimes listed in this subsection. If the offender or an
28 accomplice committed one of the crimes listed in this subsection while
29 in a county jail or state correctional facility as that term is defined
30 in this chapter, and the offender is being sentenced for an
31 anticipatory offense under chapter 9A.28 RCW to commit one of the
32 crimes listed in this subsection, the following times shall be added to
33 the presumptive sentence range determined under subsection (2) of this
34 section:

35 (a) Eighteen months for offenses committed under RCW
36 69.50.401(a)(1)(i) or 69.50.410;

37 (b) Fifteen months for offenses committed under RCW
38 69.50.401(a)(1)(ii), (iii), and (iv);

39 (c) Twelve months for offenses committed under RCW 69.50.401(d).

1 For the purposes of this subsection, all of the real property of
2 a state correctional facility or county jail shall be deemed to be part
3 of that facility or county jail.

4 (5) An additional twenty-four months shall be added to the
5 presumptive sentence for any ranked offense involving a violation of
6 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

7 NEW SECTION. **Sec. 513.** A new section is added to chapter 4.24
8 RCW to read as follows:

9 No person who owns, operates, is employed by, or volunteers at a
10 program approved under RCW 77.32.155 shall be liable for any injury
11 that occurs while the person who suffered the injury is participating
12 in the course, unless the injury is the result of gross negligence.

13 NEW SECTION. **Sec. 514.** A new section is added to chapter 9.91
14 RCW to read as follows:

15 (1) It is unlawful for a person under eighteen years old, unless
16 the person is at least fourteen years old and has the permission of a
17 parent or guardian to do so, to purchase or possess a personal
18 protection spray device. A violation of this subsection is a
19 misdemeanor.

20 (2) No town, city, county, special purpose district, quasi-
21 municipal corporation or other unit of government may prohibit a person
22 eighteen years old or older, or a person fourteen years old or older
23 who has the permission of a parent or guardian to do so, from
24 purchasing or possessing a personal protection spray device or from
25 using such a device in a manner consistent with the authorized use of
26 force under RCW 9A.16.020. No town, city, county, special purpose
27 district, quasi-municipal corporation, or other unit of government may
28 prohibit a person eighteen years old or older from delivering a
29 personal protection spray device to a person authorized to possess such
30 a device.

31 (3) For purposes of this section:

32 (a) "Personal protection spray device" means a commercially
33 available dispensing device designed and intended for use in self-
34 defense and containing a nonlethal sternutator or lacrimator agent,
35 including but not limited to:

36 (i) Tear gas, the active ingredient of which is either
37 chloracetophenone (CN) or O-chlorobenzylidene malonotrile (CS); or

1 (ii) Other agent commonly known as mace, pepper mace, or pepper
2 gas.

3 (b) "Delivering" means actual, constructive, or attempted
4 transferring from one person to another.

5 (4) Nothing in this section authorizes the delivery, purchase,
6 possession, or use of any device or chemical agent that is otherwise
7 prohibited by state law.

8 **Sec. 515.** RCW 43.20A.090 and 1970 ex.s. c 18 s 7 are each amended
9 to read as follows:

10 The secretary shall appoint a deputy secretary, a department
11 personnel director and such assistant secretaries as shall be needed to
12 administer the department. The deputy secretary shall have charge and
13 general supervision of the department in the absence or disability of
14 the secretary, and in case of a vacancy in the office of secretary,
15 shall continue in charge of the department until a successor is
16 appointed and qualified, or until the governor shall appoint an acting
17 secretary. The secretary shall appoint an assistant secretary to
18 administer the juvenile rehabilitation responsibilities required of the
19 department by chapters 13.04, 13.40, and 13.50 RCW. The officers
20 appointed under this section, and exempt from the provisions of the
21 state civil service law by the terms of RCW 41.06.076, shall be paid
22 salaries to be fixed by the governor in accordance with the procedure
23 established by law for the fixing of salaries for officers exempt from
24 the operation of the state civil service law.

25 NEW SECTION. **Sec. 516.** A new section is added to chapter 13.40
26 RCW to read as follows:

27 The secretary, assistant secretary, or the secretary's designee
28 shall manage and administer the department's juvenile rehabilitation
29 responsibilities, including but not limited to the operation of all
30 state institutions or facilities used for juvenile rehabilitation.

31 The secretary or assistant secretary shall:

32 (1) Prepare a biennial budget request sufficient to meet the
33 confinement and rehabilitative needs of the juvenile rehabilitation
34 program, as forecast by the office of financial management;

35 (2) Create by rule a formal system for inmate classification.
36 This classification system shall consider:

37 (a) Public safety;

- 1 (b) Internal security and staff safety; and
2 (c) Rehabilitative resources both within and outside the
3 department;
- 4 (3) Develop agreements with local jurisdictions to develop
5 regional facilities with a variety of custody levels;
- 6 (4) Adopt rules establishing effective disciplinary policies to
7 maintain order within institutions;
- 8 (5) Develop a comprehensive diagnostic evaluation process to be
9 used at intake, including but not limited to evaluation for substance
10 addiction or abuse, literacy, learning disabilities, fetal alcohol
11 syndrome or effect, attention deficit disorder, and mental health;
- 12 (6) Develop a plan to implement, by July 1, 1995:
- 13 (a) Substance abuse treatment programs for all state juvenile
14 rehabilitation facilities and institutions;
- 15 (b) Vocational education and instruction programs at all state
16 juvenile rehabilitation facilities and institutions; and
- 17 (c) An educational program to establish self-worth and
18 responsibility in juvenile offenders. This educational program shall
19 emphasize instruction in character-building principles such as:
20 Respect for self, others, and authority; victim awareness;
21 accountability; work ethics; good citizenship; and life skills; and
- 22 (7) Study, in conjunction with the superintendent of public
23 instruction, educators, and superintendents of state facilities for
24 juvenile offenders, the feasibility and value of consolidating within
25 a single entity the provision of educational services to juvenile
26 offenders committed to state facilities. The assistant secretary shall
27 report his or her findings to the legislature by December 1, 1995.

28 NEW SECTION. **Sec. 517.** A new section is added to chapter 13.40
29 RCW to read as follows:

30 The secretary, assistant secretary, or the secretary's designee
31 shall review the vocational education curriculum, facilities, and
32 teaching personnel in all juvenile residential programs and report to
33 the appropriate committees of the legislature by December 12, 1994.
34 The report shall include an assessment of the number and types of
35 vocational programs currently available, and the status of buildings,
36 teaching personnel, and equipment currently used for vocational
37 training. The report shall also contain an action plan for
38 implementing, by July 1, 1995, a state-wide uniform prevocational and

1 vocational education program, including but not limited to, a
2 projection of the need for the programs for both female and male
3 juvenile offenders, the number of students that could benefit from the
4 programs, projected vocational trade needs, physical plant
5 modifications or building needs, equipment needs, teaching personnel
6 needs, and estimated costs. In addition, the report shall identify how
7 the department can develop vocational programs jointly with trade
8 associations, trade unions, and other state, local, and federal
9 agencies. The department shall also identify businesses and industries
10 potentially interested in working with the program.

11 NEW SECTION. **Sec. 518.** A new section is added to chapter 13.40
12 RCW to read as follows:

13 The secretary, assistant secretary, or the secretary's designee
14 shall issue arrest warrants for juveniles who escape from department
15 residential custody. These arrest warrants shall authorize any law
16 enforcement, probation and parole, or peace officer of this state, or
17 any other state where the juvenile is located, to arrest the juvenile
18 and to place the juvenile in physical custody pending the juvenile's
19 return to confinement in a state juvenile rehabilitation facility.

20 **Sec. 519.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to
21 read as follows:

22 (1) Except as provided in subsection (2) of this section, the
23 juvenile courts in the several counties of this state, shall have
24 exclusive original jurisdiction over all proceedings:

25 ~~((+1))~~ (a) Under the interstate compact on placement of children
26 as provided in chapter 26.34 RCW;

27 ~~((+2))~~ (b) Relating to children alleged or found to be dependent
28 as provided in chapter 26.44 RCW and in RCW 13.34.030 through
29 13.34.170(~~(, as now or hereafter amended)~~);

30 ~~((+3))~~ (c) Relating to the termination of a parent and child
31 relationship as provided in RCW 13.34.180 through 13.34.210(~~(, as now~~
32 ~~or hereafter amended)~~);

33 ~~((+4))~~ (d) To approve or disapprove alternative residential
34 placement as provided in RCW 13.32A.170;

35 ~~((+5))~~ (e) Relating to juveniles alleged or found to have
36 committed offenses, traffic infractions, or violations as provided in

1 RCW 13.40.020 through 13.40.230, (~~as now or hereafter amended,~~)
2 unless:

3 ~~((a))~~ (i) The juvenile court transfers jurisdiction of a
4 particular juvenile to adult criminal court pursuant to RCW
5 13.40.110(~~, as now or hereafter amended~~); or

6 ~~((b))~~ (ii) The statute of limitations applicable to adult
7 prosecution for the offense, traffic infraction, or violation has
8 expired; or

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

26 ~~((6))~~ (iv) The juvenile is sixteen or seventeen years old and
27 the alleged offense is: (A) A serious violent offense as defined in
28 RCW 9.94A.030 committed on or after the effective date of this section;
29 or (B) a violent offense as defined in RCW 9.94A.030 committed on or
30 after the effective date of this section and the juvenile has a
31 criminal history consisting of: (I) One or more prior serious violent
32 offenses; (II) two or more prior violent offenses; or (III) three or
33 more of any combination of the following offenses: Any class A felony,
34 any class B felony, vehicular assault, or manslaughter in the second
35 degree, all of which must have been committed after the juvenile's
36 thirteenth birthday and prosecuted separately. In such a case the
37 adult criminal court shall have exclusive original jurisdiction.

38 If the juvenile challenges the state's determination of the
39 juvenile's criminal history, the state may establish the offender's

1 criminal history by a preponderance of the evidence. If the criminal
2 history consists of adjudications entered upon a plea of guilty, the
3 state shall not bear a burden of establishing the knowing and
4 voluntariness of the plea;

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

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

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

16 (2) The family court shall have concurrent original jurisdiction
17 with the juvenile court over all proceedings under this section if the
18 superior court judges of a county authorize concurrent jurisdiction as
19 provided in RCW 26.12.010.

20 (3) A juvenile subject to adult superior court jurisdiction under
21 subsection (1)(e) (i) through (iv) of this section, who is detained
22 pending trial, may be detained in a county detention facility as
23 defined in RCW 13.40.020 pending sentencing or a dismissal.

24 **Sec. 520.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to
25 read as follows:

26 For the purposes of this chapter:

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

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

31 (b) Manslaughter in the first degree; or

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

1 (2) "Community service" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender as punishment for committing an offense. Community service
4 may be performed through public or private organizations or through
5 work crews;

6 (3) "Community supervision" means an order of disposition by the
7 court of an adjudicated youth not committed to the department or an
8 order granting a deferred adjudication pursuant to section 545 of this
9 act. A community supervision order for a single offense may be for a
10 period of up to two years for a sex offense as defined by RCW 9.94A.030
11 and up to one year for other offenses. As a mandatory condition of any
12 term of community supervision, the court shall order the juvenile to
13 refrain from committing new offenses. As a mandatory condition of
14 community supervision, the court shall order the juvenile to comply
15 with the mandatory school attendance provisions of chapter 28A.225 RCW
16 and to inform the school of the existence of this requirement.
17 Community supervision is an individualized program comprised of one or
18 more of the following:

19 (a) Community-based sanctions;

20 (b) Community-based rehabilitation;

21 (c) Monitoring and reporting requirements;

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

24 (a) A fine, not to exceed one hundred dollars;

25 (b) Community service not to exceed one hundred fifty hours of
26 service;

27 (5) "Community-based rehabilitation" means one or more of the
28 following: Attendance of information classes; counseling, outpatient
29 substance abuse treatment programs, outpatient mental health programs,
30 anger management classes, or other services; or attendance at school or
31 other educational programs appropriate for the juvenile as determined
32 by the school district. Placement in community-based rehabilitation
33 programs is subject to available funds;

34 (6) "Monitoring and reporting requirements" means one or more of
35 the following: Curfews; requirements to remain at home, school, work,
36 or court-ordered treatment programs during specified hours;
37 restrictions from leaving or entering specified geographical areas;
38 requirements to report to the probation officer as directed and to
39 remain under the probation officer's supervision; and other conditions

1 or limitations as the court may require which may not include
2 confinement;

3 (7) "Confinement" means physical custody by the department of
4 social and health services in a facility operated by or pursuant to a
5 contract with the state, or physical custody in a detention facility
6 operated by or pursuant to a contract with any county. The county may
7 operate or contract with vendors to operate county detention
8 facilities. The department may operate or contract to operate
9 detention facilities for juveniles committed to the department.
10 Pretrial confinement or confinement of less than thirty-one days
11 imposed as part of a disposition or modification order may be served
12 consecutively or intermittently, in the discretion of the court ((and
13 may be served in a detention group home, detention foster home, or with
14 electronic monitoring. ~~Detention group homes and detention foster
15 homes used for confinement shall not also be used for the placement of
16 dependent children. Confinement in detention group homes and detention
17 foster homes and electronic monitoring are subject to available
18 funds~~));

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

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

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

27 (b) The criminal complaint was diverted by a prosecutor pursuant
28 to the provisions of this chapter on agreement of the respondent and
29 after an advisement to the respondent that the criminal complaint would
30 be considered as part of the respondent's criminal history. A
31 successfully completed deferred adjudication shall not be considered
32 part of the respondent's criminal history;

33 (10) "Department" means the department of social and health
34 services;

35 (11) "Detention facility" means a county facility, paid for by the
36 county, for the physical confinement of a juvenile alleged to have
37 committed an offense or an adjudicated offender subject to a
38 disposition or modification order. "Detention facility" includes

1 county group homes, inpatient substance abuse programs, juvenile basic
2 training camps, and electronic monitoring;

3 (12) "Diversion unit" means any probation counselor who enters
4 into a diversion agreement with an alleged youthful offender, or any
5 other person, community accountability board, or other entity except a
6 law enforcement official or entity, with whom the juvenile court
7 administrator has contracted to arrange and supervise such agreements
8 pursuant to RCW 13.40.080, or any person, community accountability
9 board, or other entity specially funded by the legislature to arrange
10 and supervise diversion agreements in accordance with the requirements
11 of this chapter. For purposes of this subsection, "community
12 accountability board" means a board comprised of members of the local
13 community in which the juvenile offender resides. The superior court
14 shall appoint the members. The boards shall consist of at least three
15 and not more than seven members. If possible, the board should include
16 a variety of representatives from the community, such as a law
17 enforcement officer, teacher or school administrator, high school
18 student, parent, and business owner, and should represent the cultural
19 diversity of the local community;

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

22 (14) "Juvenile," "youth," and "child" mean any individual who is
23 under the chronological age of eighteen years and who has not been
24 previously transferred to adult court pursuant to RCW 13.40.110 or who
25 is otherwise under adult court jurisdiction;

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

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

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

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

38 (a) Four misdemeanors;

39 (b) Two misdemeanors and one gross misdemeanor;

1 (c) One misdemeanor and two gross misdemeanors; and
2 (d) Three gross misdemeanors(~~(+~~
3 ~~(e) One class C felony except manslaughter in the second degree~~
4 ~~and one misdemeanor or gross misdemeanor;~~
5 ~~(f) One class B felony except: Any felony which constitutes an~~
6 ~~attempt to commit a class A felony; manslaughter in the first degree;~~
7 ~~assault in the second degree; extortion in the first degree; indecent~~
8 ~~liberties; kidnapping in the second degree; robbery in the second~~
9 ~~degree; burglary in the second degree; residential burglary; vehicular~~
10 ~~homicide; or arson in the second degree)).~~

11 For purposes of this definition, current violations shall be
12 counted as misdemeanors;

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

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

19 (21) "Restitution" means financial reimbursement by the offender
20 to the victim, and shall be limited to easily ascertainable damages for
21 injury to or loss of property, actual expenses incurred for medical
22 treatment for physical injury to persons, lost wages resulting from
23 physical injury, and costs of the victim's counseling reasonably
24 related to the offense if the offense is a sex offense. Restitution
25 shall not include reimbursement for damages for mental anguish, pain
26 and suffering, or other intangible losses. Nothing in this chapter
27 shall limit or replace civil remedies or defenses available to the
28 victim or offender;

29 (22) "Secretary" means the secretary of the department of social
30 and health services. "Assistant secretary" means the assistant
31 secretary for juvenile rehabilitation for the department;

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

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

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

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

7 (27) "Violation" means an act or omission, which if committed by
8 an adult, must be proven beyond a reasonable doubt, and is punishable
9 by sanctions which do not include incarceration;

10 (28) "Violent offense" means a violent offense as defined in RCW
11 9.94A.030.

12 **Sec. 521.** RCW 13.40.0354 and 1989 c 407 s 6 are each amended to
13 read as follows:

14 The total current offense points for use in the standards range
15 matrix of schedules D-1, D-2, and D-3 are computed as follows:

16 (1) The disposition offense category is determined by the offense
17 of conviction. Offenses are divided into ten levels of seriousness,
18 ranging from low (seriousness level E) to high (seriousness level A+),
19 see schedule A, RCW 13.40.0357.

20 (2) The prior offense increase factor is summarized in schedule B,
21 RCW 13.40.0357. The increase factor is determined for each prior
22 offense by using the time span and the offense category in the prior
23 offense increase factor grid. Time span is computed from the date of
24 the prior offense to the date of the current offense. The total
25 increase factor is determined by totalling the increase factors for
26 each prior offense and adding a constant factor of 1.0.

27 (3) The current offense points are summarized in schedule C, RCW
28 13.40.0357. The current offense points are determined for each current
29 offense by locating the juvenile's age on the horizontal axis and using
30 the offense category on the vertical axis. The juvenile's age is
31 determined as of the time of the current offense and is rounded down to
32 the nearest whole number.

33 (4) The total current offense points are determined for each
34 current offense by multiplying the total increase factor by the current
35 offense points. The total current offense points are rounded down to
36 the nearest whole number.

37 (5) All current offense points calculated in schedules D-1, D-2,
38 and D-3 shall be increased by a factor of five percent if the offense

1 is committed by a juvenile who is in a program of parole under this
2 chapter.

3 **Sec. 522.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to
4 read as follows:

5 SCHEDULE A

6 DESCRIPTION AND OFFENSE CATEGORY

7			JUVENILE
8	JUVENILE		DISPOSITION
9	DISPOSITION		CATEGORY FOR ATTEMPT,
10	OFFENSE		BAILJUMP, CONSPIRACY,
11	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
12
13		Arson and Malicious Mischief	
14	A	Arson 1 (9A.48.020)	B+
15	B	Arson 2 (9A.48.030)	C
16	C	Reckless Burning 1 (9A.48.040)	D
17	D	Reckless Burning 2 (9A.48.050)	E
18	B	Malicious Mischief 1 (9A.48.070)	C
19	C	Malicious Mischief 2 (9A.48.080)	D
20	D	Malicious Mischief 3 (<\$50 is	
21		E class) (9A.48.090)	E
22	E	Tampering with Fire Alarm	
23		Apparatus (9.40.100)	E
24	A	Possession of Incendiary Device	
25		(9.40.120)	B+
26		Assault and Other Crimes	
27		Involving Physical Harm	
28	A	Assault 1 (9A.36.011)	B+
29	B+	Assault 2 (9A.36.021)	C+
30	C+	Assault 3 (9A.36.031)	D+
31	D+	Assault 4 (9A.36.041)	E
32	D+	Reckless Endangerment	
33		(9A.36.050)	E
34	C+	Promoting Suicide Attempt	
35		(9A.36.060)	D+

1	D+	Coercion (9A.36.070)	E
2	C+	Custodial Assault (9A.36.100)	D+
3		Burglary and Trespass	
4	B+	Burglary 1 (9A.52.020)	C+
5	B	Burglary 2 (9A.52.030)	C
6	D	Burglary Tools (Possession of)	
7		(9A.52.060)	E
8	D	Criminal Trespass 1 (9A.52.070)	E
9	E	Criminal Trespass 2 (9A.52.080)	E
10	D	Vehicle Prowling (9A.52.100)	E
11		Drugs	
12	E	Possession/Consumption of Alcohol	
13		(66.44.270)	E
14	C	Illegally Obtaining Legend Drug	
15		(69.41.020)	D
16	C+	Sale, Delivery, Possession of Legend	
17		Drug with Intent to Sell	
18		(69.41.030)	D+
19	E	Possession of Legend Drug	
20		(69.41.030)	E
21	B+	Violation of Uniform Controlled	
22		Substances Act - Narcotic Sale	
23		(69.50.401(a)(1)(i))	B+
24	C	Violation of Uniform Controlled	
25		Substances Act - Nonnarcotic Sale	
26		(69.50.401(a)(1)(ii))	C
27	E	Possession of Marihuana <40 grams	
28		(69.50.401(e))	E
29	C	Fraudulently Obtaining Controlled	
30		Substance (69.50.403)	C
31	C+	Sale of Controlled Substance	
32		for Profit (69.50.410)	C+
33	E	((Glue Sniffing (9.47A.050))	E
34		<u>Unlawful Inhalation (9.47A.020)</u>	
35	B	Violation of Uniform Controlled	
36		Substances Act - Narcotic	

1		Counterfeit Substances	
2		(69.50.401(b)(1)(i))	B
3	C	Violation of Uniform Controlled	
4		Substances Act - Nonnarcotic	
5		Counterfeit Substances	
6		(69.50.401(b)(1) (ii), (iii), (iv))	C
7	C	Violation of Uniform Controlled	
8		Substances Act - Possession of a	
9		Controlled Substance	
10		(69.50.401(d))	C
11	C	Violation of Uniform Controlled	
12		Substances Act - Possession of a	
13		Controlled Substance	
14		(69.50.401(c))	C
15		Firearms and Weapons	
16	((C+))	Committing Crime when Armed	
17		(9.41.025)	D+))
18	E	Carrying Loaded Pistol Without	
19		Permit (9.41.050)	E
20	((E)) C	((Use)) <u>Possession</u> of Firearms by	
21		Minor ((<14)) <u><18</u>	
22		((9.41.240)) <u>(9.41.040(1)(e))</u>	((E)) C
23	D+	Possession of Dangerous Weapon	
24		(9.41.250)	E
25	D	Intimidating Another Person by use	
26		of Weapon (9.41.270)	E
27		Homicide	
28	A+	Murder 1 (9A.32.030)	A
29	A+	Murder 2 (9A.32.050)	B+
30	B+	Manslaughter 1 (9A.32.060)	C+
31	C+	Manslaughter 2 (9A.32.070)	D+
32	B+	Vehicular Homicide (46.61.520)	C+
33		Kidnapping	
34	A	Kidnap 1 (9A.40.020)	B+
35	B+	Kidnap 2 (9A.40.030)	C+

1	C+	Unlawful Imprisonment	
2		(9A.40.040)	D+
3	((D	Custodial Interference	
4		(9A.40.050)	E))
5		Obstructing Governmental Operation	
6	E	Obstructing a Public Servant	
7		(9A.76.020)	E
8	E	Resisting Arrest (9A.76.040)	E
9	B	Introducing Contraband 1	
10		(9A.76.140)	C
11	C	Introducing Contraband 2	
12		(9A.76.150)	D
13	E	Introducing Contraband 3	
14		(9A.76.160)	E
15	B+	Intimidating a Public Servant	
16		(9A.76.180)	C+
17	B+	Intimidating a Witness	
18		(9A.72.110)	C+
19	((E	Criminal Contempt	
20		(9.23.010)	E))
21		Public Disturbance	
22	C+	Riot with Weapon (9A.84.010)	D+
23	D+	Riot Without Weapon	
24		(9A.84.010)	E
25	E	Failure to Disperse (9A.84.020)	E
26	E	Disorderly Conduct (9A.84.030)	E
27		Sex Crimes	
28	A	Rape 1 (9A.44.040)	B+
29	A-	Rape 2 (9A.44.050)	B+
30	C+	Rape 3 (9A.44.060)	D+
31	A-	Rape of a Child 1 (9A.44.073)	B+
32	B	Rape of a Child 2 (9A.44.076)	C+
33	B	Incest 1 (9A.64.020(1))	C
34	C	Incest 2 (9A.64.020(2))	D
35	D+	((Public Indecency)) <u>Indecent Exposure</u>	
36		(Victim <14) (9A.88.010)	E

1	E	((Public Indecency)) <u>Indecent Exposure</u>	
2		(Victim 14 or over) (9A.88.010)	E
3	B+	Promoting Prostitution 1	
4		(9A.88.070)	C+
5	C+	Promoting Prostitution 2	
6		(9A.88.080)	D+
7	E	O & A (Prostitution) (9A.88.030)	E
8	B+	Indecent Liberties (9A.44.100)	C+
9	B+	Child Molestation 1 (9A.44.083)	C+
10	C+	Child Molestation 2 (9A.44.086)	C
11		Theft, Robbery, Extortion, and Forgery	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock (9A.56.080)	C
16	C	Forgery ((9A.56.020)) (9A.60.020)	D
17	A	Robbery 1 (9A.56.200)	B+
18	B+	Robbery 2 (9A.56.210)	C+
19	B+	Extortion 1 (9A.56.120)	C+
20	C+	Extortion 2 (9A.56.130)	D+
21	B	Possession of Stolen Property 1	
22		(9A.56.150)	C
23	C	Possession of Stolen Property 2	
24		(9A.56.160)	D
25	D	Possession of Stolen Property 3	
26		(9A.56.170)	E
27	C	Taking Motor Vehicle Without	
28		Owner's Permission (9A.56.070)	D
29		Motor Vehicle Related Crimes	
30	E	Driving Without a License	
31		(46.20.021)	E
32	C	Hit and Run - Injury	
33		(46.52.020(4))	D
34	D	Hit and Run-Attended	
35		(46.52.020(5))	E
36	E	Hit and Run-Unattended	
37		(46.52.010)	E

1	C	Vehicular Assault (46.61.522)	D
2	C	Attempting to Elude Pursuing	
3		Police Vehicle (46.61.024)	D
4	E	Reckless Driving (46.61.500)	E
5	D	Driving While Under the Influence	
6		(46.61.515)	E
7	((B+	Negligent Homicide by Motor	
8		Vehicle (46.61.520)	C+))
9	D	Vehicle Prowling (9A.52.100)	E
10	C	Taking Motor Vehicle Without	
11		Owner's Permission (9A.56.070)	D
12		Other	
13	B	Bomb Threat (9.61.160)	C
14	C	Escape 1 (9A.76.110)	C
15	C	Escape 2 (9A.76.120)	C
16	D	Escape 3 (9A.76.130)	E
17	C	Failure to Appear in Court	
18		(10.19.130)	D
19	((E	Tampering with Fire Alarm	
20		Apparatus (9.40.100)	E))
21	E	Obscene, Harassing, Etc.,	
22		Phone Calls (9.61.230)	E
23	A	Other Offense Equivalent to an	
24		Adult Class A Felony	B+
25	B	Other Offense Equivalent to an	
26		Adult Class B Felony	C
27	C	Other Offense Equivalent to an	
28		Adult Class C Felony	D
29	D	Other Offense Equivalent to an	
30		Adult Gross Misdemeanor	E
31	E	Other Offense Equivalent to an	
32		Adult Misdemeanor	E
33	V	Violation of Order of Restitution,	
34		Community Supervision, or	
35		Confinement (13.40.200)	V

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

1 1st escape or attempted escape during 12-month period - 4 weeks
 2 confinement
 3 2nd escape or attempted escape during 12-month period - 8 weeks
 4 confinement
 5 3rd and subsequent escape or attempted escape during 12-month
 6 period - 12 weeks confinement

7 if the court finds that a respondent has violated terms of an order,
 8 it may impose a penalty of up to 30 days of confinement.

9 SCHEDULE B
 10 PRIOR OFFENSE INCREASE FACTOR

11 For use with all CURRENT OFFENSES occurring on or after July 1,
 12 1989.

13 TIME SPAN

14 OFFENSE	0-12	13-24	25 Months
15 CATEGORY	Months	Months	or More
16			
17 A+	.9	.9	.9
18 A	.9	.8	.6
19 A-	.9	.8	.5
20 B+	.9	.7	.4
21 B	.9	.6	.3
22 C+	.6	.3	.2
23 C	.5	.2	.2
24 D+	.3	.2	.1
25 D	.2	.1	.1
26 E	.1	.1	.1

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

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SCHEDULE C
CURRENT OFFENSE POINTS

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

AGE

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

JUVENILE SENTENCING STANDARDS
SCHEDULE D-1

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

1 MINOR/FIRST OFFENDER

2 OPTION A

3 STANDARD RANGE

4 Community

5 Community

Service

6 Points

Supervision

Hours

Fine

7 1-9

0-3 months

and/or 0-8

and/or 0-\$10

8 10-19

0-3 months

and/or 0-8

and/or 0-\$10

9 20-29

0-3 months

and/or 0-16

and/or 0-\$10

10 30-39

0-3 months

and/or 8-24

and/or 0-\$25

11 40-49

3-6 months

and/or 16-32

and/or 0-\$25

12 50-59

3-6 months

and/or 24-40

and/or 0-\$25

13 60-69

6-9 months

and/or 32-48

and/or 0-\$50

14 70-79

6-9 months

and/or 40-56

and/or 0-\$50

15 80-89

9-12 months

and/or 48-64

and/or 10-\$100

16 90-109

9-12 months

and/or 56-72

and/or 10-\$100

17 OR

18 OPTION B

19 STATUTORY OPTION

20 0-12 Months Community Supervision

21 0-150 Hours Community Service

22 0-100 Fine

23 A term of community supervision with a maximum of 150 hours, \$100.00

24 fine, and 12 months supervision.

25 OR

26 OPTION C

27 MANIFEST INJUSTICE

28 When a term of community supervision would effectuate a manifest
29 injustice, another disposition may be imposed. When a judge imposes a
30 sentence of confinement exceeding 30 days, the court shall sentence the
31 juvenile to a maximum term and the provisions of RCW ((13.40.030(5)), as

1 ~~now or hereafter amended,~~) 13.40.030(2) shall be used to determine the
2 range.

3 JUVENILE SENTENCING STANDARDS
4 SCHEDULE D-2

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

8 MIDDLE OFFENDER

9 OPTION A
10 STANDARD RANGE

11		Community	Service		Confinement
12	Community	Supervision	Hours	Fine	Days Weeks
13	Points				
14
15	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
16	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
17	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
18	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
19	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
20	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
21	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
22	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
23	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
24	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
25	110-129				8-12
26	130-149				13-16
27	150-199				21-28
28	200-249				30-40
29	250-299				52-65
30	300-374				80-100
31	375+				103-129

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

4 OR

5

6 OPTION B

7

STATUTORY OPTION

8 0-12 Months Community Supervision

9 0-150 Hours Community Service

10 0-100 Fine

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

15 OR

16

17 OPTION C

18

MANIFEST INJUSTICE

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

23 JUVENILE SENTENCING STANDARDS

24

SCHEDULE D-3

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

1 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
2 court's finding of manifest injustice shall be supported by clear and
3 convincing evidence.

4 A disposition outside the standard range shall be determinate and
5 shall be comprised of confinement or community supervision, or a
6 combination thereof. When a judge finds a manifest injustice and
7 imposes a sentence of confinement exceeding thirty days, the court
8 shall sentence the juvenile to a maximum term, and the provisions of
9 RCW 13.40.030(2)((~~, as now or hereafter amended,~~)) shall be used to
10 determine the range. A disposition outside the standard range is
11 appealable under RCW 13.40.230((~~, as now or hereafter amended,~~)) by the
12 state or the respondent. A disposition within the standard range is
13 not appealable under RCW 13.40.230 ((~~as now or hereafter amended~~)).

14 (2) Where the respondent is found to be a minor or first offender,
15 the court shall order that the respondent serve a term of community
16 supervision as indicated in option A or option B of schedule D-1, RCW
17 13.40.0357 except as provided in subsections (5) and (6) of this
18 section. If the court determines that a disposition of community
19 supervision would effectuate a manifest injustice the court may impose
20 another disposition under option C of schedule D-1, RCW 13.40.0357.
21 Except as provided in subsection (5) of this section, a disposition
22 other than a community supervision may be imposed only after the court
23 enters reasons upon which it bases its conclusions that imposition of
24 community supervision would effectuate a manifest injustice. When a
25 judge finds a manifest injustice and imposes a sentence of confinement
26 exceeding thirty days, the court shall sentence the juvenile to a
27 maximum term, and the provisions of RCW 13.40.030(2)((~~, as now or
28 hereafter amended,~~)) shall be used to determine the range. The court's
29 finding of manifest injustice shall be supported by clear and
30 convincing evidence.

31 Except for disposition of community supervision or a disposition
32 imposed pursuant to subsection (5) of this section, a disposition may
33 be appealed as provided in RCW 13.40.230((~~, as now or hereafter
34 amended,~~)) by the state or the respondent. A disposition of community
35 supervision or a disposition imposed pursuant to subsection (5) of this
36 section may not be appealed under RCW 13.40.230 ((~~as now or hereafter
37 amended~~)).

38 (3) Where a respondent is found to have committed an offense for
39 which the respondent declined to enter into a diversion agreement, the

1 court shall impose a term of community supervision limited to the
2 conditions allowed in a diversion agreement as provided in RCW
3 13.40.080(2) (~~as now or hereafter amended~~)).

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

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

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

22 (c) Only if the court concludes, and enters reasons for its
23 conclusions, that disposition as provided in subsection (4)(a) or (b)
24 of this section would effectuate a manifest injustice, the court shall
25 sentence the juvenile to a maximum term, and the provisions of RCW
26 13.40.030(2) (~~(, as now or hereafter amended,)~~) shall be used to
27 determine the range. The court's finding of manifest injustice shall
28 be supported by clear and convincing evidence.

29 (d) A disposition pursuant to subsection (4)(c) of this section is
30 appealable under RCW 13.40.230 (~~(, as now or hereafter amended,)~~) by the
31 state or the respondent. A disposition pursuant to subsection (4) (a)
32 or (b) of this section is not appealable under RCW 13.40.230 (~~as now~~
33 ~~or hereafter amended~~)).

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

1 The report of the examination shall include at a minimum the
2 following: The respondent's version of the facts and the official
3 version of the facts, the respondent's offense history, an assessment
4 of problems in addition to alleged deviant behaviors, the respondent's
5 social, educational, and employment situation, and other evaluation
6 measures used. The report shall set forth the sources of the
7 evaluator's information.

8 The examiner shall assess and report regarding the respondent's
9 amenability to treatment and relative risk to the community. A
10 proposed treatment plan shall be provided and shall include, at a
11 minimum:

12 (a)(i) Frequency and type of contact between the offender and
13 therapist;

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

16 (iii) Monitoring plans, including any requirements regarding
17 living conditions, lifestyle requirements, and monitoring by family
18 members, legal guardians, or others;

19 (iv) Anticipated length of treatment; and

20 (v) Recommended crime-related prohibitions.

21 The court on its own motion may order, or on a motion by the state
22 shall order, a second examination regarding the offender's amenability
23 to treatment. The evaluator shall be selected by the party making the
24 motion. The defendant shall pay the cost of any second examination
25 ordered unless the court finds the defendant to be indigent in which
26 case the state shall pay the cost.

27 After receipt of reports of the examination, the court shall then
28 consider whether the offender and the community will benefit from use
29 of this special sex offender disposition alternative and consider the
30 victim's opinion whether the offender should receive a treatment
31 disposition under this section. If the court determines that this
32 special sex offender disposition alternative is appropriate, then the
33 court shall impose a determinate disposition within the standard range
34 for the offense, and the court may suspend the execution of the
35 disposition and place the offender on community supervision for up to
36 two years. As a condition of the suspended disposition, the court may
37 impose the conditions of community supervision and other conditions,
38 including up to thirty days of confinement and requirements that the
39 offender do any one or more of the following:

1 (b)(i) Devote time to a specific education, employment, or
2 occupation;

3 (ii) Undergo available outpatient sex offender treatment for up to
4 two years, or inpatient sex offender treatment not to exceed the
5 standard range of confinement for that offense. A community mental
6 health center may not be used for such treatment unless it has an
7 appropriate program designed for sex offender treatment. The
8 respondent shall not change sex offender treatment providers or
9 treatment conditions without first notifying the prosecutor, the
10 probation counselor, and the court, and shall not change providers
11 without court approval after a hearing if the prosecutor or probation
12 counselor object to the change;

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

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

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

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

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

24 The sex offender treatment provider shall submit quarterly reports
25 on the respondent's progress in treatment to the court and the parties.
26 The reports shall reference the treatment plan and include at a minimum
27 the following: Dates of attendance, respondent's compliance with
28 requirements, treatment activities, the respondent's relative progress
29 in treatment, and any other material specified by the court at the time
30 of the disposition.

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

33 Except as provided in this subsection (5), after July 1, 1991,
34 examinations and treatment ordered pursuant to this subsection shall
35 only be conducted by sex offender treatment providers certified by the
36 department of health pursuant to chapter 18.155 RCW. A sex offender
37 therapist who examines or treats a juvenile sex offender pursuant to
38 this subsection does not have to be certified by the department of
39 health pursuant to chapter 18.155 RCW if the court finds that: (A) The

1 offender has already moved to another state or plans to move to another
2 state for reasons other than circumventing the certification
3 requirements; (B) no certified providers are available for treatment
4 within a reasonable geographical distance of the offender's home; and
5 (C) the evaluation and treatment plan comply with this subsection (5)
6 and the rules adopted by the department of health.

7 If the offender violates any condition of the disposition or the
8 court finds that the respondent is failing to make satisfactory
9 progress in treatment, the court may revoke the suspension and order
10 execution of the ~~((sentence))~~ disposition or the court may impose a
11 penalty of up to thirty days' confinement for violating conditions of
12 the disposition. The court may order both execution of the disposition
13 and up to thirty days' confinement for the violation of the conditions
14 of the disposition. The court shall give credit for any confinement
15 time previously served if that confinement was for the offense for
16 which the suspension is being revoked.

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

22 (6) Section 525 of this act shall govern the disposition of any
23 juvenile adjudicated of possessing a firearm in violation of RCW
24 9.41.040(1)(e) or any crime in which a special finding is entered that
25 the juvenile was armed with a firearm.

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

30 ~~((+7))~~ (8) Except as provided for in subsection (5) of this
31 section, the court shall not suspend or defer the imposition or the
32 execution of the disposition.

33 ~~((+8))~~ (9) In no case shall the term of confinement imposed by
34 the court at disposition exceed that to which an adult could be
35 subjected for the same offense.

36 **Sec. 524.** RCW 13.40.185 and 1981 c 299 s 15 are each amended to
37 read as follows:

1 (1) Any term of confinement imposed for an offense which exceeds
2 thirty days shall be served under the supervision of the department.
3 If the period of confinement imposed for more than one offense exceeds
4 thirty days but the term imposed for each offense is less than thirty
5 days, the confinement may, in the discretion of the court, be served in
6 a juvenile facility operated by or pursuant to a contract with the
7 state or a county.

8 (2) Whenever a juvenile is confined in a detention facility or is
9 committed to the department, the court may not directly order a
10 juvenile into a particular county or state facility. The juvenile
11 court administrator and the secretary, assistant secretary, or the
12 secretary's designee, as appropriate, has the sole discretion to
13 determine in which facility a juvenile should be confined or committed.
14 The counties may operate a variety of detention facilities as
15 determined by the county legislative authority subject to available
16 funds.

17 NEW SECTION. Sec. 525. A new section is added to chapter 13.40
18 RCW to read as follows:

19 (1) If a respondent is found to have been in possession of a
20 firearm in violation of RCW 9.41.040(1)(e), the court shall impose a
21 determinate disposition of ten days of confinement and up to twelve
22 months of community supervision. If the offender's standard range of
23 disposition for the offense as indicated in RCW 13.40.0357 is more than
24 thirty days of confinement, the court shall commit the offender to the
25 department for the standard range disposition. The offender shall not
26 be released until the offender has served a minimum of ten days in
27 confinement.

28 (2) If the court finds that the respondent or an accomplice was
29 armed with a firearm, the court shall determine the standard range
30 disposition for the offense pursuant to RCW 13.40.160. Ninety days of
31 confinement shall be added to the entire standard range disposition of
32 confinement if the offender or an accomplice was armed with a firearm
33 when the offender committed: (a) Any violent offense; or (b) escape in
34 the first degree; burglary in the second degree; theft of livestock in
35 the first or second degree; or any felony drug offense. If the
36 offender or an accomplice was armed with a firearm and the offender is
37 being adjudicated for an anticipatory felony offense under chapter
38 9A.28 RCW to commit one of the offenses listed in this subsection,

1 ninety days shall be added to the entire standard range disposition of
2 confinement. The ninety days shall be imposed regardless of the
3 offense's juvenile disposition offense category as designated in RCW
4 13.40.0357. The department shall not release the offender until the
5 offender has served a minimum of ninety days in confinement, unless the
6 juvenile is committed to and successfully completes the juvenile
7 offender basic training camp disposition option.

8 (3) Option B of schedule D-2, RCW 13.40.0357, shall not be
9 available for middle offenders who receive a disposition under this
10 section. When a disposition under this section would effectuate a
11 manifest injustice, the court may impose another disposition. When a
12 judge finds a manifest injustice and imposes a disposition of
13 confinement exceeding thirty days, the court shall commit the juvenile
14 to a maximum term, and the provisions of RCW 13.40.030(2) shall be used
15 to determine the range. When a judge finds a manifest injustice and
16 imposes a disposition of confinement less than thirty days, the
17 disposition shall be comprised of confinement or community supervision
18 or both.

19 (4) Any term of confinement ordered pursuant to this section may
20 run concurrently to any term of confinement imposed in the same
21 disposition for other offenses.

22 NEW SECTION. **Sec. 526.** A new section is added to chapter 13.40
23 RCW to read as follows:

24 A prosecutor may file a special allegation that the offender or an
25 accomplice was armed with a firearm when the offender committed the
26 alleged offense. If a special allegation has been filed and the court
27 finds that the offender committed the alleged offense, the court shall
28 also make a finding whether the offender or an accomplice was armed
29 with a firearm when the offender committed the offense.

30 **Sec. 527.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to
31 read as follows:

32 (1) The secretary shall, except in the case of a juvenile
33 committed by a court to a term of confinement in a state institution
34 outside the appropriate standard range for the offense(s) for which the
35 juvenile was found to be guilty established pursuant to RCW 13.40.030,
36 (~~as now or hereafter amended,~~) set a release or discharge date for
37 each juvenile committed to its custody (~~which~~). The release or

1 discharge date shall be within the prescribed range to which a juvenile
2 has been committed except as provided in section 532 of this act
3 concerning offenders the department determines are eligible for the
4 juvenile offender basic training camp program. Such dates shall be
5 determined prior to the expiration of sixty percent of a juvenile's
6 minimum term of confinement included within the prescribed range to
7 which the juvenile has been committed. The secretary shall release any
8 juvenile committed to the custody of the department within four
9 calendar days prior to the juvenile's release date or on the release
10 date set under this chapter(~~(:—PROVIDED, That))~~). Days spent in the
11 custody of the department shall be tolled by any period of time during
12 which a juvenile has absented himself or herself from the department's
13 supervision without the prior approval of the secretary or the
14 secretary's designee.

15 (2) The secretary shall monitor the average daily population of
16 the state's juvenile residential facilities. When the secretary
17 concludes that in-residence population of residential facilities
18 exceeds one hundred five percent of the rated bed capacity specified in
19 statute, or in absence of such specification, as specified by the
20 department in rule, the secretary may recommend reductions to the
21 governor. On certification by the governor that the recommended
22 reductions are necessary, the secretary has authority to
23 administratively release a sufficient number of offenders to reduce in-
24 residence population to one hundred percent of rated bed capacity. The
25 secretary shall release those offenders who have served the greatest
26 proportion of their sentence. However, the secretary may deny release
27 in a particular case at the request of an offender, or if the secretary
28 finds that there is no responsible custodian, as determined by the
29 department, to whom to release the offender, or if the release of the
30 offender would pose a clear danger to society. The department shall
31 notify the committing court of the release at the ~~((end of each~~
32 ~~calendar year))~~ time of release if any such early releases have
33 occurred ~~((during that year))~~ as a result of excessive in-residence
34 population. In no event shall ~~((a serious))~~ an offender~~((, as defined~~
35 ~~in RCW 13.40.020(1))~~ adjudicated of a violent offense be granted
36 release under the provisions of this subsection.

37 (3) Following the juvenile's release ~~((pursuant to))~~ under
38 subsection (1) of this section, the secretary may require the juvenile
39 to comply with a program of parole to be administered by the department

1 in his or her community which shall last no longer than eighteen
2 months, except that in the case of a juvenile sentenced for rape in the
3 first or second degree, rape of a child in the first or second degree,
4 child molestation in the first degree, or indecent liberties with
5 forcible compulsion, the period of parole shall be twenty-four months.
6 A parole program is mandatory for offenders released under subsection
7 (2) of this section. The secretary shall, for the period of parole,
8 facilitate the juvenile's reintegration into his or her community and
9 to further this goal shall require the juvenile to refrain from
10 possessing a firearm or using a deadly weapon and refrain from
11 committing new offenses and may require the juvenile to: (a) Undergo
12 available medical or psychiatric treatment; (b) report as directed to
13 a parole officer; (c) pursue a course of study or vocational training;
14 and (d) remain within prescribed geographical boundaries and notify the
15 department of any change in his or her address(~~(; and (e) refrain from~~
16 ~~committing new offenses~~)). After termination of the parole period, the
17 juvenile shall be discharged from the department's supervision.

18 (4)(a) The department may also modify parole for violation
19 thereof. If, after affording a juvenile all of the due process rights
20 to which he or she would be entitled if the juvenile were an adult, the
21 secretary finds that a juvenile has violated a condition of his or her
22 parole, the secretary shall order one of the following which is
23 reasonably likely to effectuate the purpose of the parole and to
24 protect the public: (~~(a)~~) (i) Continued supervision under the same
25 conditions previously imposed; (~~(b)~~) (ii) intensified supervision
26 with increased reporting requirements; (~~(c)~~) (iii) additional
27 conditions of supervision authorized by this chapter; (~~(d)~~) (iv)
28 except as provided in (~~(e)~~) (a)(v) of this subsection, imposition of
29 a period of confinement not to exceed thirty days in a facility
30 operated by or pursuant to a contract with the state of Washington or
31 any city or county for a portion of each day or for a certain number of
32 days each week with the balance of the days or weeks spent under
33 supervision; and (~~(e)~~) (v) the secretary may order any of the
34 conditions or may return the offender to confinement in an institution
35 for the remainder of the sentence range if the offense for which the
36 offender was sentenced is rape in the first or second degree, rape of
37 a child in the first or second degree, child molestation in the first
38 degree, indecent liberties with forcible compulsion, or a sex offense
39 that is also a serious violent offense as defined by RCW 9.94A.030.

1 (b) If the department finds that any juvenile in a program of
2 parole has possessed a firearm or used a deadly weapon during the
3 program of parole, the department shall modify the parole under (a) of
4 this subsection and confine the juvenile for at least thirty days.
5 Confinement shall be in a facility operated by or pursuant to a
6 contract with the state or any county.

7 (5) A parole officer of the department of social and health
8 services shall have the power to arrest a juvenile under his or her
9 supervision on the same grounds as a law enforcement officer would be
10 authorized to arrest ((such)) the person.

11 (6) If so requested and approved under chapter 13.06 RCW, the
12 secretary shall permit a county or group of counties to perform
13 functions under subsections (3) through (5) of this section.

14 **Sec. 528.** RCW 13.40.190 and 1987 c 281 s 5 are each amended to
15 read as follows:

16 (1) In its dispositional order, the court shall require the
17 respondent to make restitution to any persons who have suffered loss or
18 damage as a result of the offense committed by the respondent. In
19 addition, restitution may be ordered for loss or damage if the offender
20 pleads guilty to a lesser offense or fewer offenses and agrees with the
21 prosecutor's recommendation that the offender be required to pay
22 restitution to a victim of an offense or offenses which, pursuant to a
23 plea agreement, are not prosecuted. The payment of restitution shall
24 be in addition to any punishment which is imposed pursuant to the other
25 provisions of this chapter. The court may determine the amount, terms,
26 and conditions of the restitution including a payment plan extending up
27 to ten years if the court determines that the respondent does not have
28 the means to make full restitution over a shorter period. Restitution
29 may include the costs of counseling reasonably related to the offense.
30 If the respondent participated in the crime with another person or
31 other persons, all such participants shall be jointly and severally
32 responsible for the payment of restitution. For the purposes of this
33 section, the respondent shall remain under the court's jurisdiction for
34 a maximum term of ten years after the respondent's eighteenth birthday.
35 The court may not require the respondent to pay full or partial
36 restitution if the respondent reasonably satisfies the court that he or
37 she does not have the means to make full or partial restitution and
38 could not reasonably acquire the means to pay such restitution over a

1 ten-year period. In cases where an offender has been committed to the
2 department for a period of confinement exceeding fifteen weeks,
3 restitution may be waived.

4 (2) If an order includes restitution as one of the monetary
5 assessments, the county clerk shall make disbursements to victims named
6 in the order. The restitution to victims named in the order shall be
7 paid prior to any payment for other penalties or monetary assessments.

8 (3) A respondent under obligation to pay restitution may petition
9 the court for modification of the restitution order.

10 **Sec. 529.** RCW 13.40.220 and 1993 c 466 s 1 are each amended to
11 read as follows:

12 (1) Whenever legal custody of a child is vested in someone other
13 than his or her parents, under this chapter, and not vested in the
14 department of social and health services, after due notice to the
15 parents or other persons legally obligated to care for and support the
16 child, and after a hearing, the court may order and decree that the
17 parent or other legally obligated person shall pay in such a manner as
18 the court may direct a reasonable sum representing in whole or in part
19 the costs of support, treatment, and confinement of the child after the
20 decree is entered.

21 (2) If the parent or other legally obligated person willfully
22 fails or refuses to pay such sum, the court may proceed against such
23 person for contempt.

24 (3) Whenever legal custody of a child is vested in the department
25 (~~(of social and health services, after due notice to)~~) under this
26 chapter, the parents or other persons legally obligated to care for and
27 support the child(~~(, and after a hearing, the court shall order and~~
28 ~~decree that the parent or other legally obligated person shall pay~~
29 ~~for)~~) shall be liable for the costs of support, treatment, and
30 confinement of the child ((after the decree is entered, following the
31 department of social and health services)), in accordance with the
32 department's reimbursement of cost schedule. ((The department of
33 social and health services shall collect the debt in accordance with
34 chapter 43.20B RCW. The department shall exempt from payment parents
35 receiving adoption support under RCW 74.13.100 through 74.13.145, and
36 parents eligible to receive adoption support under RCW 74.13.150.

37 (3) ~~If the parent or other legally obligated person willfully~~
38 ~~fails or refuses to pay such sum, the court may proceed against such~~

1 ~~person for contempt.))~~ The department shall adopt a reimbursement of
2 cost schedule based on the costs of providing such services, and shall
3 determine an obligation based on the responsible parents' or other
4 legally obligated person's ability to pay. The department is
5 authorized to adopt additional rules as appropriate to enforce this
6 section.

7 (4) To enforce subsection (3) of this section, the department
8 shall serve on the parents or other person legally obligated to care
9 for and support the child a notice and finding of financial
10 responsibility requiring the parents or other legally obligated person
11 to appear and show cause in an adjudicative proceeding why the finding
12 of responsibility and/or the amount thereof is incorrect and should not
13 be ordered. This notice and finding shall relate to the costs of
14 support, treatment, and confinement of the child in accordance with the
15 department's reimbursement of cost schedule adopted under this section,
16 including periodic payments to be made in the future. The hearing
17 shall be held pursuant to chapter 34.05 RCW, the administrative
18 procedure act, and the rules of the department.

19 (5) The notice and finding of financial responsibility shall be
20 served in the same manner prescribed for the service of a summons in a
21 civil action or may be served on the parent or legally obligated person
22 by certified mail, return receipt requested. The receipt shall be
23 prima facie evidence of service.

24 (6) If the parents or other legally obligated person objects to
25 the notice and finding of financial responsibility, then an application
26 for an adjudicative hearing may be filed within twenty days of the date
27 of service of the notice. If an application for an adjudicative
28 proceeding is filed, the presiding or reviewing officer shall determine
29 the past liability and responsibility, if any, of the parents or other
30 legally obligated person and shall also determine the amount of
31 periodic payments to be made in the future. If the parents or other
32 legally responsible person fails to file an application within twenty
33 days, the notice and finding of financial responsibility shall become
34 a final administrative order.

35 (7) Debts determined pursuant to this section are subject to
36 collection action without further necessity of action by a presiding or
37 reviewing officer. The department may collect the debt in accordance
38 with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The
39 department shall exempt from payment parents receiving adoption support

1 under RCW 74.13.100 through 74.13.145, and parents eligible to receive
2 adoption support under RCW 74.13.150.

3 (8) An administrative order entered pursuant to this section shall
4 supersede any court order entered prior to the effective date of this
5 section.

6 (9) The department shall be subrogated to the right of the child
7 and his or her parents or other legally responsible person to receive
8 support payments for the benefit of the child from any parent or
9 legally obligated person pursuant to a support order established by a
10 superior court or pursuant to RCW 74.20A.055. The department's right
11 of subrogation under this section is limited to the liability
12 established in accordance with its cost schedule for support,
13 treatment, and confinement, except as addressed in subsection (10) of
14 this section.

15 (10) Nothing in this section precludes the department from
16 recouping such additional support payments from the child's parents or
17 other legally obligated person as required to qualify for receipt of
18 federal funds. The department may adopt such rules dealing with
19 liability for recoupment of support, treatment, or confinement costs as
20 may become necessary to entitle the state to participate in federal
21 funds unless such rules would be expressly prohibited by law. If any
22 law dealing with liability for recoupment of support, treatment, or
23 confinement costs is ruled to be in conflict with federal requirements
24 which are a prescribed condition of the allocation of federal funds,
25 such conflicting law is declared to be inoperative solely to the extent
26 of the conflict.

27 **Sec. 530.** RCW 13.40.300 and 1986 c 288 s 6 are each amended to
28 read as follows:

29 (1) In no case may a juvenile offender be committed by the
30 juvenile court to the department of social and health services for
31 placement in a juvenile correctional institution beyond the juvenile
32 offender's twenty-first birthday. A juvenile may be under the
33 jurisdiction of the juvenile court or the authority of the department
34 of social and health services beyond the juvenile's eighteenth birthday
35 only if prior to the juvenile's eighteenth birthday:

36 (a) Proceedings are pending seeking the adjudication of a juvenile
37 offense and the court by written order setting forth its reasons

1 extends jurisdiction of juvenile court over the juvenile beyond his or
2 her eighteenth birthday;

3 (b) The juvenile has been found guilty after a fact finding or
4 after a plea of guilty and an automatic extension is necessary to allow
5 for the imposition of disposition; or

6 (c) Disposition has been held and an automatic extension is
7 necessary to allow for the execution and enforcement of the court's
8 order of disposition. If an order of disposition imposes commitment to
9 the department, then jurisdiction is automatically extended to include
10 a period of up to twelve months of parole, in no case extending beyond
11 the offender's twenty-first birthday.

12 (2) If the juvenile court previously has extended jurisdiction
13 beyond the juvenile offender's eighteenth birthday and that period of
14 extension has not expired, the court may further extend jurisdiction by
15 written order setting forth its reasons.

16 (3) In no event may the juvenile court have authority to extend
17 jurisdiction over any juvenile offender beyond the juvenile offender's
18 twenty-first birthday except for the purpose of enforcing an order of
19 restitution.

20 (4) Notwithstanding any extension of jurisdiction over a person
21 pursuant to this section, the juvenile court has no jurisdiction over
22 any offenses alleged to have been committed by a person eighteen years
23 of age or older.

24 NEW SECTION. Sec. 531. The legislature finds that the number of
25 juvenile offenders and the severity of their crimes is increasing
26 rapidly state-wide. In addition, many juvenile offenders continue to
27 reoffend after they are released from the juvenile justice system
28 causing disproportionately high and expensive rates of recidivism.

29 The legislature further finds that juvenile criminal behavior is
30 often the result of a lack of self-discipline, the lack of systematic
31 work habits and ethics, the inability to deal with authority figures,
32 and an unstable or unstructured living environment. The legislature
33 further finds that the department of social and health services
34 currently operates an insufficient number of confinement beds to meet
35 the rapidly growing juvenile offender population. Together these
36 factors are combining to produce a serious public safety hazard and the
37 need to develop more effective and stringent juvenile punishment and
38 rehabilitation options.

1 The legislature intends that juvenile offenders who enter the
2 state rehabilitation system have the opportunity and are given the
3 responsibility to become more effective participants in society by
4 enhancing their personal development, work ethics, and life skills.
5 The legislature recognizes that structured incarceration programs for
6 juvenile offenders such as juvenile offender basic training camps, can
7 instill the self-discipline, accountability, self-esteem, and work
8 ethic skills that could discourage many offenders from returning to the
9 criminal justice system. Juvenile offender basic training camp
10 incarceration programs generally emphasize life skills training,
11 prevocational work skills training, anger management, dealing with
12 difficult at-home family problems and/or abuses, discipline, physical
13 training, structured and intensive work activities, and educational
14 classes. The legislature further recognizes that juvenile offenders
15 can benefit from a highly structured basic training camp environment
16 and the public can also benefit through increased public protection and
17 reduced cost due to lowered rates of recidivism.

18 NEW SECTION. **Sec. 532.** A new section is added to chapter 13.40
19 RCW to read as follows:

20 (1) The department of social and health services shall establish
21 and operate a medium security juvenile offender basic training camp
22 program. The department shall site a juvenile offender basic training
23 camp facility in the most cost-effective facility possible and shall
24 review the possibility of using an existing abandoned and/or available
25 state, federally, or military-owned site or facility.

26 (2) The department may contract under this chapter with private
27 companies, the national guard, or other federal, state, or local
28 agencies to operate the juvenile offender basic training camp,
29 notwithstanding the provisions of RCW 41.06.380. Requests for
30 proposals from possible contractors shall not call for payment on a per
31 diem basis.

32 (3) The juvenile offender basic training camp shall accommodate at
33 least seventy offenders. The beds shall count as additions to, and not
34 be used as replacements for, existing bed capacity at existing
35 department of social and health services juvenile facilities.

36 (4) The juvenile offender basic training camp shall be a
37 structured and regimented model lasting one hundred twenty days
38 emphasizing the building up of an offender's self-esteem, confidence,

1 and discipline. The juvenile offender basic training camp program
2 shall provide participants with basic education, prevocational
3 training, work-based learning, live work, work ethic skills, conflict
4 resolution counseling, substance abuse intervention, anger management
5 counseling, and structured intensive physical training. The juvenile
6 offender basic training camp program shall have a curriculum training
7 and work schedule that incorporates a balanced assignment of these or
8 other rehabilitation and training components for no less than sixteen
9 hours per day, six days a week.

10 The department shall adopt rules for the safe and effective
11 operation of the juvenile offender basic training camp program,
12 standards for an offender's successful program completion, and rules
13 for the continued after-care supervision of offenders who have
14 successfully completed the program.

15 (5) Offenders eligible for the juvenile offender basic training
16 camp option shall be those with a disposition of at least fifty-two
17 weeks but not more than seventy-eight weeks. Violent and sex offenders
18 shall not be eligible for the juvenile offender basic training camp
19 program.

20 (6) If the court determines that the offender is eligible for the
21 juvenile offender basic training camp option, the court may recommend
22 that the department place the offender in the program. The department
23 shall evaluate the offender and may place the offender in the program.
24 No juvenile who suffers from any mental or physical problems that could
25 endanger his or her health or drastically affect his or her performance
26 in the program shall be admitted to or retained in the juvenile
27 offender basic training camp program.

28 (7) All juvenile offenders eligible for the juvenile offender
29 basic training camp sentencing option shall spend the first one hundred
30 twenty days of their disposition in a juvenile offender basic training
31 camp. If the juvenile offender's activities while in the juvenile
32 offender basic training camp are so disruptive to the juvenile offender
33 basic training camp program, as determined by the secretary according
34 to rules adopted by the department, as to result in the removal of the
35 juvenile offender from the juvenile offender basic training camp
36 program, or if the offender cannot complete the juvenile offender basic
37 training camp program due to medical problems, the secretary shall
38 require that the offender be committed to a juvenile institution to
39 serve the entire remainder of his or her disposition, less the amount

1 of time already served in the juvenile offender basic training camp
2 program.

3 (8) All offenders who successfully graduate from the one hundred
4 twenty day juvenile offender basic training camp program shall spend
5 the remainder of their disposition on parole in a division of juvenile
6 rehabilitation intensive aftercare program in the local community. The
7 program shall provide for the needs of the offender based on his or her
8 progress in the aftercare program as indicated by ongoing assessment of
9 those needs and progress. The intensive aftercare program shall
10 monitor postprogram juvenile offenders and assist them to successfully
11 reintegrate into the community. In addition, the program shall develop
12 a process for closely monitoring and assessing public safety risks.
13 The intensive aftercare program shall be designed and funded by the
14 department of social and health services.

15 (9) The department shall also develop and maintain a data base to
16 measure recidivism rates specific to this incarceration program. The
17 data base shall maintain data on all juvenile offenders who complete
18 the juvenile offender basic training camp program for a period of two
19 years after they have completed the program. The data base shall also
20 maintain data on the criminal activity, educational progress, and
21 employment activities of all juvenile offenders who participated in the
22 program. The department shall produce an outcome evaluation report on
23 the progress of the juvenile offender basic training camp program to
24 the appropriate committees of the legislature no later than December
25 12, 1996.

26 NEW SECTION. **Sec. 533.** A new section is added to chapter 9.94A
27 RCW to read as follows:

28 The department is authorized to determine whether any person
29 subject to the confines of a correctional facility would substantially
30 benefit from successful participation in: (1) Literacy training, (2)
31 employment skills training, or (3) educational efforts to identify and
32 control sources of anger and, upon a determination that the person
33 would, may require such successful participation as a condition for
34 eligibility to obtain early release from the confines of a correctional
35 facility.

36 The department shall adopt rules and procedures to administer this
37 section.

1 **Sec. 534.** RCW 72.09.111 and 1993 sp.s. c 20 s 2 are each amended
2 to read as follows:

3 (1) The secretary shall deduct from the gross wages or gratuities
4 of each inmate working in ~~((class I or class II))~~ correctional
5 industries work programs, ~~((or of any inmate earning more than the
6 state minimum wage, other than an inmate under the jurisdiction of the
7 division of community corrections,))~~ taxes and legal financial
8 obligations. ~~((Following the deductions for legal financial
9 obligations and taxes, deductions from the remaining wages or
10 gratuities shall be))~~ The secretary shall develop a formula for the
11 distribution of offender wages and gratuities.

12 (a) The formula shall include the following minimum deductions
13 from class I gross wages and from all others earning at least minimum
14 wage:

15 ~~((a) Ten))~~ (i) Five percent to the public safety and education
16 account for the purpose of crime victims' compensation;

17 ~~((b))~~ (ii) Ten percent to a department personal inmate savings
18 account ~~((until such account has a balance of at least nine hundred
19 fifty dollars));~~ and

20 ~~((c) Thirty))~~ (iii) Twenty percent to the department to
21 contribute to the cost of incarceration.

22 (b) The formula shall include the following minimum deductions
23 from class II gross gratuities:

24 (i) Five percent to the public safety and education account for
25 the purpose of crime victims' compensation;

26 (ii) Ten percent to a department personal inmate savings account;
27 and

28 (iii) Fifteen percent to the department to contribute to the cost
29 of incarceration.

30 (c) The formula shall include the following minimum deduction from
31 class IV gross gratuities: Five percent to the department to
32 contribute to the cost of incarceration.

33 (d) The formula shall include the following minimum deductions
34 from class III gratuities: Five percent for the purpose of crime
35 victims' compensation.

36 Any person sentenced to life imprisonment without possibility of
37 release or parole under chapter 10.95 RCW shall be exempt from the
38 requirement under (a)(ii) or (b)(ii) of this subsection~~((, but shall
39 have a forty percent deduction taken under (c) of this subsection))~~.

1 The department personal inmate savings account, together with any
2 accrued interest, shall only be available to an inmate at the time of
3 his or her release from confinement(~~((. Once the department personal~~
4 ~~inmate savings account for an inmate has a balance of at least nine~~
5 ~~hundred fifty dollars, the ten percent deduction shall continue to be~~
6 ~~taken and be used to contribute to the cost of incarceration))~~), unless
7 the secretary determines that an emergency exists for the inmate, at
8 which time the funds can be made available to the inmate in an amount
9 determined by the secretary. The management of classes I, II, and IV
10 correctional industries may establish an incentive payment for offender
11 workers based on productivity criteria. This incentive shall be paid
12 separately from the hourly wage/gratuity rate and shall not be subject
13 to the specified deduction for cost of incarceration.

14 In the event that the offender worker's wages or gratuity is
15 subject to garnishment for support enforcement, the crime victims'
16 compensation, savings, and cost of incarceration deductions shall be
17 calculated on the net wages after taxes, legal financial obligations,
18 and garnishment.

19 (2) The department shall explore other methods of recovering a
20 portion of the cost of the inmate's incarceration and for encouraging
21 participation in work programs, including development of incentive
22 programs that offer inmates benefits and amenities paid for only from
23 wages earned while working in a correctional industries work program.

24 (3) The department shall develop the necessary administrative
25 structure to recover inmates' wages and keep records of the amount
26 inmates pay for the costs of incarceration and amenities. All funds
27 deducted from inmate wages under subsection (1) of this section for the
28 purpose of contributions to the cost of incarceration (~~(under~~
29 ~~subsection (1)(c) of this section)) shall be deposited in a dedicated
30 fund with the department and shall be used only for the purpose of
31 enhancing and maintaining correctional industries work programs until
32 December 31, 2000, and thereafter all such funds shall be deposited in
33 the general fund.~~

34 (4) The expansion of inmate employment in class I and class II
35 correctional industries shall be implemented according to the following
36 schedule:

37 (a) Not later than June 30, 1995, the secretary shall achieve a
38 net increase of at least two hundred in the number of inmates employed

1 in class I or class II correctional industries work programs above the
2 number so employed on June 30, 1994;

3 (b) Not later than June 30, 1996, the secretary shall achieve a
4 net increase of at least four hundred in the number of inmates employed
5 in class I or class II correctional industries work programs above the
6 number so employed on June 30, 1994;

7 (c) Not later than June 30, 1997, the secretary shall achieve a
8 net increase of at least six hundred in the number of inmates employed
9 in class I or class II correctional industries work programs above the
10 number so employed on June 30, 1994;

11 (d) Not later than June 30, 1998, the secretary shall achieve a
12 net increase of at least nine hundred in the number of inmates employed
13 in class I or class II correctional industries work programs above the
14 number so employed on June 30, 1994;

15 (e) Not later than June 30, 1999, the secretary shall achieve a
16 net increase of at least one thousand two hundred in the number of
17 inmates employed in class I or class II correctional industries work
18 programs above the number so employed on June 30, 1994;

19 (f) Not later than June 30, 2000, the secretary shall achieve a
20 net increase of at least one thousand five hundred in the number of
21 inmates employed in class I or class II correctional industries work
22 programs above the number so employed on June 30, 1994.

23 (5) It shall be in the discretion of the secretary to apportion
24 the inmates between class I and class II depending on available
25 contracts and resources.

26 **Sec. 535.** RCW 72.09.070 and 1993 sp.s. c 20 s 3 are each amended
27 to read as follows:

28 (1) There is created a correctional industries board of directors
29 which shall have the composition provided in RCW 72.09.080.

30 (2) Consistent with general department of corrections policies and
31 procedures pertaining to the general administration of correctional
32 facilities, the board shall establish and implement policy for
33 correctional industries programs designed to:

34 (a) Offer inmates meaningful employment, work experience, and
35 training in vocations that are specifically designed to reduce
36 recidivism and thereby enhance public safety by providing opportunities
37 for legitimate means of livelihood upon their release from custody;

1 (b) Provide industries which will reduce the tax burden of
2 corrections and save taxpayers money through production of goods and
3 services for sale and use;

4 (c) Operate correctional work programs in an effective and
5 efficient manner which are as similar as possible to those provided by
6 the private sector;

7 (d) Encourage the development of and provide for selection of,
8 contracting for, and supervision of work programs with participating
9 private enterprise firms;

10 (e) Develop and design correctional industries work programs;

11 (f) Invest available funds in correctional industries enterprises
12 and meaningful work programs that minimize the impact on in-state jobs
13 and businesses.

14 (3) The board of directors shall at least annually review the work
15 performance of the director of correctional industries division with
16 the secretary.

17 (4) The director of correctional industries division shall review
18 and evaluate the productivity, funding, and appropriateness of all
19 correctional work programs and report on their effectiveness to the
20 board and to the secretary.

21 (5) The board of directors shall have the authority to identify
22 and establish trade advisory or apprenticeship committees to advise
23 them on correctional industries work programs. The secretary shall
24 appoint the members of the committees.

25 Where a labor management trade advisory and apprenticeship
26 committee has already been established by the department pursuant to
27 RCW 72.62.050 the existing committee shall also advise the board of
28 directors.

29 (6) The board shall develop a strategic yearly marketing plan that
30 shall be consistent with and work towards achieving the goals
31 established in the six-year phased expansion of class I and class II
32 correctional industries established in RCW 72.09.111. This marketing
33 plan shall be presented to the appropriate committees of the
34 legislature by January 17 of each calendar year until the goals set
35 forth in RCW 72.09.111 are achieved.

36 NEW SECTION. Sec. 536. Section 534 of this act shall take effect
37 June 30, 1994.

1 **Sec. 537.** RCW 26.12.010 and 1991 c 367 s 11 are each amended to
2 read as follows:

3 (1) Each superior court shall exercise the jurisdiction conferred
4 by this chapter and while sitting in the exercise of such jurisdiction
5 shall be known and referred to as the "family court." A family law
6 proceeding under this chapter is any proceeding under this title or any
7 proceeding in which the family court is requested to adjudicate or
8 enforce the rights of the parties or their children regarding the
9 determination or modification of parenting plans, child custody,
10 visitation, or support, or the distribution of property or obligations.

11 (2) Superior court judges of a county may by majority vote, grant
12 to the family court the power, authority, and jurisdiction, concurrent
13 with the juvenile court, to hear and decide cases under Title 13 RCW.

14 **Sec. 538.** RCW 13.04.021 and 1988 c 232 s 3 are each amended to
15 read as follows:

16 (1) The juvenile court shall be a division of the superior court.
17 In judicial districts having more than one judge of the superior court,
18 the judges of such court shall annually assign one or more of their
19 number to the juvenile court division. In any judicial district having
20 a court commissioner, the court commissioner shall have the power,
21 authority, and jurisdiction, concurrent with a juvenile court judge, to
22 hear all cases under this chapter and to enter judgment and make orders
23 with the same power, force, and effect as any judge of the juvenile
24 court, subject to motion or demand by any party within ten days from
25 the entry of the order or judgment by the court commissioner as
26 provided in RCW 2.24.050. In any judicial district having a family law
27 commissioner appointed pursuant to chapter 26.12 RCW, the family law
28 commissioner shall have the power, authority, and jurisdiction,
29 concurrent with a juvenile court judge, to hear cases under chapter
30 13.34 RCW or any other case under Title 13 RCW as provided in RCW
31 26.12.010, and to enter judgment and make orders with the same power,
32 force, and effect as any judge of the juvenile court, subject to motion
33 or demand by any party within ten days from the entry of the order or
34 judgment by the court commissioner as provided in RCW 2.24.050.

35 (2) Cases in the juvenile court shall be tried without a jury.

36 **Sec. 539.** RCW 72.76.010 and 1989 c 177 s 3 are each amended to
37 read as follows:

1 The Washington intrastate corrections compact is enacted and
2 entered into on behalf of this state by the department with any and all
3 counties of this state legally joining in a form substantially as
4 follows:

5 WASHINGTON INTRASTATE CORRECTIONS
6 COMPACT

7 A compact is entered into by and among the contracting counties and the
8 department of corrections, signatories hereto, for the purpose of
9 maximizing the use of existing resources and to provide adequate
10 facilities and programs for the confinement, care, treatment, and
11 employment of offenders.

12 The contracting counties and the department do solemnly agree
13 that:

14 (1) As used in this compact, unless the context clearly requires
15 otherwise:

16 (a) "Department" means the Washington state department of
17 corrections.

18 (b) "Secretary" means the secretary of the department of
19 corrections or designee.

20 (c) "Compact jurisdiction" means the department of corrections or
21 any county of the state of Washington which has executed this compact.

22 (d) "Sending jurisdiction" means a county party to this agreement
23 or the department of corrections to whom the courts have committed
24 custody of the offender.

25 (e) "Receiving jurisdiction" means the department of corrections
26 or a county party to this agreement to which an offender is sent for
27 confinement.

28 (f) "Offender" means a person who has been charged with and/or
29 convicted of an offense established by applicable statute or ordinance.

30 (g) "Convicted felony offender" means a person who has been
31 convicted of a felony established by state law and is eighteen years of
32 age or older, or who is less than eighteen years of age, but whose case
33 has been transferred by the appropriate juvenile court to a criminal
34 court pursuant to RCW 13.40.110 or has been tried in a criminal court
35 pursuant to RCW 13.04.030(1)(e)(iv).

36 (h) An "offender day" includes the first day an offender is
37 delivered to the receiving jurisdiction, but ends at midnight of the

1 day immediately preceding the day of the offender's release or return
2 to the custody of the sending jurisdiction.

3 (i) "Facility" means any state correctional institution, camp, or
4 other unit established or authorized by law under the jurisdiction of
5 the department of corrections; any jail, holding, detention, special
6 detention, or correctional facility operated by the county for the
7 housing of adult offenders; or any contract facility, operated on
8 behalf of either the county or the state for the housing of adult
9 offenders.

10 (j) "Extraordinary medical expense" means any medical expense
11 beyond that which is normally provided by contract or other health care
12 providers at the facility of the receiving jurisdiction.

13 (k) "Compact" means the Washington intrastate corrections compact.

14 (2)(a) Any county may make one or more contracts with one or more
15 counties, the department, or both for the exchange or transfer of
16 offenders pursuant to this compact. Appropriate action by ordinance,
17 resolution, or otherwise in accordance with the law of the governing
18 bodies of the participating counties shall be necessary before the
19 contract may take effect. The secretary is authorized and requested to
20 execute the contracts on behalf of the department. Any such contract
21 shall provide for:

22 (i) Its duration;

23 (ii) Payments to be made to the receiving jurisdiction by the
24 sending jurisdiction for offender maintenance, extraordinary medical
25 and dental expenses, and any participation in or receipt by offenders
26 of rehabilitative or correctional services, facilities, programs, or
27 treatment not reasonably included as part of normal maintenance;

28 (iii) Participation in programs of offender employment, if any;
29 the disposition or crediting of any payments received by offenders on
30 their accounts; and the crediting of proceeds from or the disposal of
31 any products resulting from the employment;

32 (iv) Delivery and retaking of offenders;

33 (v) Such other matters as may be necessary and appropriate to fix
34 the obligations, responsibilities and rights of the sending and
35 receiving jurisdictions.

36 (b) The terms and provisions of this compact shall be a part of
37 any contract entered into by the authority of or pursuant to the
38 contract. Nothing in any contract may be inconsistent with the
39 compact.

1 (3)(a) Whenever the duly constituted authorities of any compact
2 jurisdiction decide that confinement in, or transfer of an offender to
3 a facility of another compact jurisdiction is necessary or desirable in
4 order to provide adequate housing and care or an appropriate program of
5 rehabilitation or treatment, the officials may direct that the
6 confinement be within a facility of the other compact jurisdiction, the
7 receiving jurisdiction to act in that regard solely as agent for the
8 sending jurisdiction.

9 (b) The receiving jurisdiction shall be responsible for the
10 supervision of all offenders which it accepts into its custody.

11 (c) The receiving jurisdiction shall be responsible to establish
12 screening criteria for offenders it will accept for transfer. The
13 sending jurisdiction shall be responsible for ensuring that all
14 transferred offenders meet the screening criteria of the receiving
15 jurisdiction.

16 (d) The sending jurisdiction shall notify the sentencing courts of
17 the name, charges, cause numbers, date, and place of transfer of any
18 offender, prior to the transfer, on a form to be provided by the
19 department. A copy of this form shall accompany the offender at the
20 time of transfer.

21 (e) The receiving jurisdiction shall be responsible for providing
22 an orientation to each offender who is transferred. The orientation
23 shall be provided to offenders upon arrival and shall address the
24 following conditions at the facility of the receiving jurisdiction:

- 25 (i) Requirements to work;
- 26 (ii) Facility rules and disciplinary procedures;
- 27 (iii) Medical care availability; and
- 28 (iv) Visiting.

29 (f) Delivery and retaking of inmates shall be the responsibility
30 of the sending jurisdiction. The sending jurisdiction shall deliver
31 offenders to the facility of the receiving jurisdiction where the
32 offender will be housed, at the dates and times specified by the
33 receiving jurisdiction. The receiving jurisdiction retains the right
34 to refuse or return any offender. The sending jurisdiction shall be
35 responsible to retake any transferred offender who does not meet the
36 screening criteria of the receiving jurisdiction, or who is refused by
37 the receiving jurisdiction. If the receiving jurisdiction has notified
38 the sending jurisdiction to retake an offender, but the sending
39 jurisdiction does not do so within a seven-day period, the receiving

1 jurisdiction may return the offender to the sending jurisdiction at the
2 expense of the sending jurisdiction.

3 (g) Offenders confined in a facility under the terms of this
4 compact shall at all times be subject to the jurisdiction of the
5 sending jurisdiction and may at any time be removed from the facility
6 for transfer to another facility within the sending jurisdiction, for
7 transfer to another facility in which the sending jurisdiction may have
8 a contractual or other right to confine offenders, for release or
9 discharge, or for any other purpose permitted by the laws of the state
10 of Washington.

11 (h) Unless otherwise agreed, the sending jurisdiction shall
12 provide at least one set of the offender's personal clothing at the
13 time of transfer. The sending jurisdiction shall be responsible for
14 searching the clothing to ensure that it is free of contraband. The
15 receiving jurisdiction shall be responsible for providing work clothing
16 and equipment appropriate to the offender's assignment.

17 (i) The sending jurisdiction shall remain responsible for the
18 storage of the offender's personal property, unless prior arrangements
19 are made with the receiving jurisdiction. The receiving jurisdiction
20 shall provide a list of allowable items which may be transferred with
21 the offender.

22 (j) Copies or summaries of records relating to medical needs,
23 behavior, and classification of the offender shall be transferred by
24 the sending jurisdiction to the receiving jurisdiction at the time of
25 transfer. At a minimum, such records shall include:

26 (i) A copy of the commitment order or orders legally authorizing
27 the confinement of the offender;

28 (ii) A copy of the form for the notification of the sentencing
29 courts required by subsection (3)(d) of this section;

30 (iii) A brief summary of any known criminal history, medical
31 needs, behavioral problems, and other information which may be relevant
32 to the classification of the offender; and

33 (iv) A standard identification card which includes the
34 fingerprints and at least one photograph of the offender.

35 Disclosure of public records shall be the responsibility of the sending
36 jurisdiction, except for those documents generated by the receiving
37 jurisdiction.

38 (k) The receiving jurisdiction shall be responsible for providing
39 regular medical care, including prescription medication, but

1 extraordinary medical expenses shall be the responsibility of the
2 sending jurisdiction. The costs of extraordinary medical care incurred
3 by the receiving jurisdiction for transferred offenders shall be
4 reimbursed by the sending jurisdiction. The receiving jurisdiction
5 shall notify the sending jurisdiction as far in advance as practicable
6 prior to incurring such costs. In the event emergency medical care is
7 needed, the sending jurisdiction shall be advised as soon as
8 practicable after the offender is treated. Offenders who are required
9 by the medical authority of the sending jurisdiction to take
10 prescription medication at the time of the transfer shall have at least
11 a three-day supply of the medication transferred to the receiving
12 jurisdiction with the offender, and at the expense of the sending
13 jurisdiction. Costs of prescription medication incurred after the use
14 of the supply shall be borne by the receiving jurisdiction.

15 (l) Convicted offenders transferred under this agreement may be
16 required by the receiving jurisdiction to work. Transferred offenders
17 participating in programs of offender employment shall receive the same
18 reimbursement, if any, as other offenders performing similar work. The
19 receiving jurisdiction shall be responsible for the disposition or
20 crediting of any payments received by offenders, and for crediting the
21 proceeds from or disposal of any products resulting from the
22 employment. Other programs normally provided to offenders by the
23 receiving jurisdiction such as education, mental health, or substance
24 abuse treatment shall also be available to transferred offenders,
25 provided that usual program screening criteria are met. No special or
26 additional programs will be provided except by mutual agreement of the
27 sending and receiving jurisdiction, with additional expenses, if any,
28 to be borne by the sending jurisdiction.

29 (m) The receiving jurisdiction shall notify offenders upon arrival
30 of the rules of the jurisdiction and the specific rules of the
31 facility. Offenders will be required to follow all rules of the
32 receiving jurisdiction. Disciplinary detention, if necessary, shall be
33 provided at the discretion of the receiving jurisdiction. The
34 receiving jurisdiction may require the sending jurisdiction to retake
35 any offender found guilty of a serious infraction; similarly, the
36 receiving jurisdiction may require the sending jurisdiction to retake
37 any offender whose behavior requires segregated or protective housing.

38 (n) Good-time calculations and notification of each offender's
39 release date shall be the responsibility of the sending jurisdiction.

1 The sending jurisdiction shall provide the receiving jurisdiction with
2 a formal notice of the date upon which each offender is to be released
3 from custody. If the receiving jurisdiction finds an offender guilty
4 of a violation of its disciplinary rules, it shall notify the sending
5 jurisdiction of the date and nature of the violation. If the sending
6 jurisdiction resets the release date according to its good-time
7 policies, it shall provide the receiving jurisdiction with notice of
8 the new release date.

9 (o) The sending jurisdiction shall retake the offender at the
10 receiving jurisdiction's facility on or before his or her release date,
11 unless the sending and receiving jurisdictions shall agree upon release
12 in some other place. The sending jurisdiction shall bear the
13 transportation costs of the return.

14 (p) Each receiving jurisdiction shall provide monthly reports to
15 each sending jurisdiction on the number of offenders of that sending
16 jurisdiction in its facilities pursuant to this compact.

17 (q) Each party jurisdiction shall notify the others of its
18 coordinator who is responsible for administrating the jurisdiction's
19 responsibilities under the compact. The coordinators shall arrange for
20 alternate contact persons in the event of an extended absence of the
21 coordinator.

22 (r) Upon reasonable notice, representatives of any party to this
23 compact shall be allowed to visit any facility in which another party
24 has agreed to house its offenders, for the purpose of inspecting the
25 facilities and visiting its offenders that may be confined in the
26 institution.

27 (4) This compact shall enter into force and become effective and
28 binding upon the participating parties when it has been executed by two
29 or more parties. Upon request, each party county shall provide any
30 other compact jurisdiction with a copy of a duly enacted resolution or
31 ordinance authorizing entry into this compact.

32 (5) A party participating may withdraw from the compact by formal
33 resolution and by written notice to all other parties then
34 participating. The withdrawal shall become effective, as it pertains
35 to the party wishing to withdraw, thirty days after written notice to
36 the other parties. However, such withdrawal shall not relieve the
37 withdrawing party from its obligations assumed prior to the effective
38 date of withdrawal. Before the effective date of withdrawal, a
39 withdrawing participant shall notify the other parties to retake the

1 offenders it has housed in its facilities and shall remove to its
2 facilities, at its own expense, offenders it has confined under the
3 provisions of this compact.

4 (6) Legal costs relating to defending actions brought by an
5 offender challenging his or her transfer to another jurisdiction under
6 this compact shall be borne by the sending jurisdiction. Legal costs
7 relating to defending actions arising from events which occur while the
8 offender is in the custody of a receiving jurisdiction shall be borne
9 by the receiving jurisdiction.

10 (7) The receiving jurisdiction shall not be responsible to provide
11 legal services to offenders placed under this agreement. Requests for
12 legal services shall be referred to the sending jurisdiction.

13 (8) The provisions of this compact shall be liberally construed
14 and shall be severable. If any phrase, clause, sentence, or provision
15 of this compact is declared to be contrary to the Constitution or laws
16 of the state of Washington or is held invalid, the validity of the
17 remainder of this compact and its applicability to any county or the
18 department shall not be affected.

19 (9) Nothing contained in this compact shall be construed to
20 abrogate or impair any agreement or other arrangement which a county or
21 the department may have with each other or with a nonparty county for
22 the confinement, rehabilitation, or treatment of offenders.

23 NEW SECTION. **Sec. 540.** Provisions governing exceptions to
24 juvenile court jurisdiction in the amendments to RCW 13.04.030
25 contained in section 519 of this act shall apply to serious violent and
26 violent offenses committed on or after the effective date of section
27 519 of this act. The criminal history which may result in loss of
28 juvenile court jurisdiction upon the alleged commission of a serious
29 violent or violent offense may have been acquired on, before, or after
30 the effective date of section 519 of this act.

31 **Sec. 541.** RCW 13.50.010 and 1993 c 374 s 1 are each amended to
32 read as follows:

33 (1) For purposes of this chapter:

34 (a) "Juvenile justice or care agency" means any of the following:
35 Police, diversion units, court, prosecuting attorney, defense attorney,
36 detention center, attorney general, the department of social and health
37 services and its contracting agencies, schools; and, in addition,

1 persons or public or private agencies having children committed to
2 their custody;

3 (b) "Official juvenile court file" means the legal file of the
4 juvenile court containing the petition or information, motions,
5 memorandums, briefs, findings of the court, and court orders;

6 (c) "Social file" means the juvenile court file containing the
7 records and reports of the probation counselor;

8 (d) "Records" means the official juvenile court file, the social
9 file, and records of any other juvenile justice or care agency in the
10 case.

11 (2) Each petition or information filed with the court may include
12 only one juvenile and each petition or information shall be filed under
13 a separate docket number. The social file shall be filed separately
14 from the official juvenile court file.

15 (3) It is the duty of any juvenile justice or care agency to
16 maintain accurate records. To this end:

17 (a) The agency may never knowingly record inaccurate information.
18 Any information in records maintained by the department of social and
19 health services relating to a petition filed pursuant to chapter 13.34
20 RCW that is found by the court, upon proof presented, to be false or
21 inaccurate shall be corrected or expunged from such records by the
22 agency;

23 (b) An agency shall take reasonable steps to (~~insure~~) assure the
24 security of its records and prevent tampering with them; and

25 (c) An agency shall make reasonable efforts to insure the
26 completeness of its records, including action taken by other agencies
27 with respect to matters in its files.

28 (4) Each juvenile justice or care agency shall implement
29 procedures consistent with the provisions of this chapter to facilitate
30 inquiries concerning records.

31 (5) Any person who has reasonable cause to believe information
32 concerning that person is included in the records of a juvenile justice
33 or care agency and who has been denied access to those records by the
34 agency may make a motion to the court for an order authorizing that
35 person to inspect the juvenile justice or care agency record concerning
36 that person. The court shall grant the motion to examine records
37 unless it finds that in the interests of justice or in the best
38 interests of the juvenile the records or parts of them should remain
39 confidential.

1 (6) A juvenile, or his or her parents, or any person who has
2 reasonable cause to believe information concerning that person is
3 included in the records of a juvenile justice or care agency may make
4 a motion to the court challenging the accuracy of any information
5 concerning the moving party in the record or challenging the continued
6 possession of the record by the agency. If the court grants the
7 motion, it shall order the record or information to be corrected or
8 destroyed.

9 (7) The person making a motion under subsection (5) or (6) of this
10 section shall give reasonable notice of the motion to all parties to
11 the original action and to any agency whose records will be affected by
12 the motion.

13 (8) The court may permit inspection of records by, or release of
14 information to, any clinic, hospital, or agency which has the subject
15 person under care or treatment(~~(, or to)~~). The court may also permit
16 inspection by or release to individuals or agencies, including juvenile
17 justice advisory committees of county law and justice councils, engaged
18 in legitimate research for educational, scientific, or public purposes.
19 The court may also permit inspection of, or release of information
20 from, records which have been sealed pursuant to RCW 13.50.050(11).
21 Access to records or information for research purposes shall be
22 permitted only if the anonymity of all persons mentioned in the records
23 or information will be preserved. Each person granted permission to
24 inspect juvenile justice or care agency records for research purposes
25 shall present a notarized statement to the court stating that the names
26 of juveniles and parents will remain confidential.

27 (9) Juvenile detention facilities shall release records to the
28 juvenile disposition standards commission under RCW 13.40.025 upon
29 request. The commission shall not disclose the names of any juveniles
30 or parents mentioned in the records without the named individual's
31 written permission.

32 **Sec. 542.** RCW 72.09.300 and 1993 sp.s. c 21 s 8 are each amended
33 to read as follows:

34 (1) Every county legislative authority shall by resolution or
35 ordinance establish a local law and justice council. The county
36 legislative authority shall determine the size and composition of the
37 council, which shall include the county sheriff and a representative of
38 the municipal police departments within the county, the county

1 prosecutor and a representative of the municipal prosecutors within the
2 county, a representative of the city legislative authorities within the
3 county, a representative of the county's superior, juvenile, district,
4 and municipal courts, the county jail administrator, the county clerk,
5 the county risk manager, and the secretary of corrections. Officials
6 designated may appoint representatives.

7 (2) A combination of counties may establish a local law and
8 justice council by intergovernmental agreement. The agreement shall
9 comply with the requirements of this section.

10 (3) The local law and justice council shall develop a local law
11 and justice plan for the county. The council shall design the elements
12 and scope of the plan, subject to final approval by the county
13 legislative authority. The general intent of the plan shall include
14 seeking means to maximize local resources including personnel and
15 facilities, reduce duplication of services, and share resources between
16 local and state government in order to accomplish local efficiencies
17 without diminishing effectiveness. The plan shall also include a
18 section on jail management. This section may include the following
19 elements:

20 (a) A description of current jail conditions, including whether
21 the jail is overcrowded;

22 (b) A description of potential alternatives to incarceration;

23 (c) A description of current jail resources;

24 (d) A description of the jail population as it presently exists
25 and how it is projected to change in the future;

26 (e) A description of projected future resource requirements;

27 (f) A proposed action plan, which shall include recommendations to
28 maximize resources, maximize the use of intermediate sanctions,
29 minimize overcrowding, avoid duplication of services, and effectively
30 manage the jail and the offender population;

31 (g) A list of proposed advisory jail standards and methods to
32 effect periodic quality assurance inspections of the jail;

33 (h) A proposed plan to collect, synthesize, and disseminate
34 technical information concerning local criminal justice activities,
35 facilities, and procedures;

36 (i) A description of existing and potential services for offenders
37 including employment services, substance abuse treatment, mental health
38 services, and housing referral services.

1 (4) The council may propose other elements of the plan, which
2 shall be subject to review and approval by the county legislative
3 authority, prior to their inclusion into the plan.

4 (5) The county legislative authority may request technical
5 assistance in developing or implementing the plan from other units or
6 agencies of state or local government, which shall include the
7 department, the office of financial management, and the Washington
8 association of sheriffs and police chiefs.

9 (6) Upon receiving a request for assistance from a county, the
10 department may provide the requested assistance.

11 (7) The secretary may adopt rules for the submittal, review, and
12 approval of all requests for assistance made to the department. The
13 secretary may also appoint an advisory committee of local and state
14 government officials to recommend policies and procedures relating to
15 the state and local correctional systems and to assist the department
16 in providing technical assistance to local governments. The committee
17 shall include representatives of the county sheriffs, the police
18 chiefs, the county prosecuting attorneys, the county and city
19 legislative authorities, and the jail administrators. The secretary
20 may contract with other state and local agencies and provide funding in
21 order to provide the assistance requested by counties.

22 (8) The department shall establish a base level of state
23 correctional services, which shall be determined and distributed in a
24 consistent manner state-wide. The department's contributions to any
25 local government, approved pursuant to this section, shall not operate
26 to reduce this base level of services.

27 (9) The council shall establish an advisory committee on juvenile
28 justice proportionality. The council shall appoint the county juvenile
29 court administrator and at least five citizens as advisory committee
30 members. The citizen advisory committee members shall be
31 representative of the county's ethnic and geographic diversity. The
32 advisory committee members shall serve two-year terms and may be
33 reappointed. The duties of the advisory committee include:

34 (a) Monitoring and reporting to the juvenile disposition standards
35 commission on the proportionality, effectiveness, and cultural
36 relevance of:

37 (i) The rehabilitative services offered by county and state
38 institutions to juvenile offenders; and

1 (ii) The rehabilitative services offered in conjunction with
2 diversions, deferred dispositions, community supervision, and parole;

3 (b) Reviewing citizen complaints regarding bias or
4 disproportionality in that county's juvenile justice system;

5 (c) By September 1 of each year, beginning with 1995, submit to
6 the juvenile disposition standards commission a report summarizing the
7 advisory committee's findings under (a) and (b) of this subsection.

8 **Sec. 543.** RCW 13.40.070 and 1992 c 205 s 107 are each amended to
9 read as follows:

10 (1) Complaints referred to the juvenile court alleging the
11 commission of an offense shall be referred directly to the prosecutor.
12 The prosecutor, upon receipt of a complaint, shall screen the complaint
13 to determine whether:

14 (a) The alleged facts bring the case within the jurisdiction of
15 the court; and

16 (b) On a basis of available evidence there is probable cause to
17 believe that the juvenile did commit the offense.

18 (2) If the identical alleged acts constitute an offense under both
19 the law of this state and an ordinance of any city or county of this
20 state, state law shall govern the prosecutor's screening and charging
21 decision for both filed and diverted cases.

22 (3) If the requirements of subsections (1) (a) and (b) of this
23 section are met, the prosecutor shall either file an information in
24 juvenile court or divert the case, as set forth in subsections (5),
25 (6), and (7) of this section. If the prosecutor finds that the
26 requirements of subsection (1) (a) and (b) of this section are not met,
27 the prosecutor shall maintain a record, for one year, of such decision
28 and the reasons therefor. In lieu of filing an information or
29 diverting an offense a prosecutor may file a motion to modify community
30 supervision where such offense constitutes a violation of community
31 supervision.

32 (4) An information shall be a plain, concise, and definite written
33 statement of the essential facts constituting the offense charged. It
34 shall be signed by the prosecuting attorney and conform to chapter
35 10.37 RCW.

36 (5) Where a case is legally sufficient, the prosecutor shall file
37 an information with the juvenile court if:

1 (a) An alleged offender is accused of a class A felony, a class B
2 felony, an attempt to commit a class B felony, a class C felony listed
3 in RCW 9.94A.440(2) as a crime against persons or listed in RCW
4 9A.46.060 as a crime of harassment, a class C felony that is a
5 violation of RCW 9.41.080 or 9.41.040(1)(e), or any other offense
6 listed in RCW 13.40.020(1) (b) or (c); or

7 (b) An alleged offender is accused of a felony and has a criminal
8 history of ~~((at least one class A or class B felony, or two class C~~
9 ~~felonies))~~ any felony, or at least two gross misdemeanors, or at least
10 two misdemeanors ~~((and one additional misdemeanor or gross misdemeanor,~~
11 ~~or at least one class C felony and one misdemeanor or gross~~
12 ~~misdemeanor));~~ or

13 (c) An alleged offender has previously been committed to the
14 department; or

15 (d) An alleged offender has been referred by a diversion unit for
16 prosecution or desires prosecution instead of diversion; or

17 (e) An alleged offender has ~~((three))~~ two or more diversion~~((s))~~
18 contracts on the alleged offender's criminal history; or

19 (f) A special allegation has been filed that the offender or an
20 accomplice was armed with a firearm when the offense was committed.

21 (6) Where a case is legally sufficient the prosecutor shall divert
22 the case if the alleged offense is a misdemeanor or gross misdemeanor
23 or violation and the alleged ~~((offense(s) in combination with the~~
24 ~~alleged offender's criminal history do not exceed two offenses or~~
25 ~~violations and do not include any felonies: PROVIDED, That))~~ offense
26 is the offender's first offense or violation. If the alleged offender
27 is charged with a related offense that must or may be filed under
28 subsections (5) and (7) of this section, a case under this subsection
29 may also be filed.

30 (7) Where a case is legally sufficient and falls into neither
31 subsection (5) nor (6) of this section, it may be filed or diverted.
32 In deciding whether to file or divert an offense under this section the
33 prosecutor shall be guided only by the length, seriousness, and recency
34 of the alleged offender's criminal history and the circumstances
35 surrounding the commission of the alleged offense.

36 (8) Whenever a juvenile is placed in custody or, where not placed
37 in custody, referred to a diversionary interview, the parent or legal
38 guardian of the juvenile shall be notified as soon as possible
39 concerning the allegation made against the juvenile and the current

1 status of the juvenile. Where a case involves victims of crimes
2 against persons or victims whose property has not been recovered at the
3 time a juvenile is referred to a diversionary unit, the victim shall be
4 notified of the referral and informed how to contact the unit.

5 (9) The responsibilities of the prosecutor under subsections (1)
6 through (8) of this section may be performed by a juvenile court
7 probation counselor for any complaint referred to the court alleging
8 the commission of an offense which would not be a felony if committed
9 by an adult, if the prosecutor has given sufficient written notice to
10 the juvenile court that the prosecutor will not review such complaints.

11 (10) The prosecutor, juvenile court probation counselor, or
12 diversion unit may, in exercising their authority under this section or
13 RCW 13.40.080, refer juveniles to mediation or victim offender
14 reconciliation programs. Such mediation or victim offender
15 reconciliation programs shall be voluntary for victims.

16 **Sec. 544.** RCW 13.40.080 and 1992 c 205 s 108 are each amended to
17 read as follows:

18 (1) A diversion agreement shall be a contract between a juvenile
19 accused of an offense and a diversionary unit whereby the juvenile
20 agrees to fulfill certain conditions in lieu of prosecution. Such
21 agreements may be entered into only after the prosecutor, or probation
22 counselor pursuant to this chapter, has determined that probable cause
23 exists to believe that a crime has been committed and that the juvenile
24 committed it. Such agreements shall be entered into as expeditiously
25 as possible.

26 (2) A diversion agreement shall be limited to one or more of the
27 following:

28 (a) Community service not to exceed one hundred fifty hours, not
29 to be performed during school hours if the juvenile is attending
30 school;

31 (b) Restitution limited to the amount of actual loss incurred by
32 the victim, and to an amount the juvenile has the means or potential
33 means to pay;

34 (c) Attendance at up to ten hours of counseling and/or up to
35 twenty hours of educational or informational sessions at a community
36 agency(~~(: PROVIDED, That)~~). The educational or informational sessions
37 may include sessions relating to respect for self, others, and
38 authority; victim awareness; accountability; self-worth;

1 responsibility; work ethics; good citizenship; and life skills. For
2 purposes of this section, "community agency" may also mean a community-
3 based nonprofit organization, if approved by the diversion unit. The
4 state shall not be liable for costs resulting from the diversionary
5 unit exercising the option to permit diversion agreements to mandate
6 attendance at up to ten hours of counseling and/or up to twenty hours
7 of educational or informational sessions; ((and))

8 (d) A fine, not to exceed one hundred dollars. In determining the
9 amount of the fine, the diversion unit shall consider only the
10 juvenile's financial resources and whether the juvenile has the means
11 to pay the fine. The diversion unit shall not consider the financial
12 resources of the juvenile's parents, guardian, or custodian in
13 determining the fine to be imposed; and

14 (e) Requirements to remain during specified hours at home, school,
15 or work, and restrictions on leaving or entering specified geographical
16 areas.

17 (3) In assessing periods of community service to be performed and
18 restitution to be paid by a juvenile who has entered into a diversion
19 agreement, the court officer to whom this task is assigned shall
20 consult with the juvenile's custodial parent or parents or guardian and
21 victims who have contacted the diversionary unit and, to the extent
22 possible, involve members of the community. Such members of the
23 community shall meet with the juvenile and advise the court officer as
24 to the terms of the diversion agreement and shall supervise the
25 juvenile in carrying out its terms.

26 (4) A diversion agreement may not exceed a period of six months
27 and may include a period extending beyond the eighteenth birthday of
28 the divertee. Any restitution assessed during its term may not exceed
29 an amount which the juvenile could be reasonably expected to pay during
30 this period. If additional time is necessary for the juvenile to
31 complete restitution to the victim, the time period limitations of this
32 subsection may be extended by an additional six months.

33 (5) The juvenile shall retain the right to be referred to the
34 court at any time prior to the signing of the diversion agreement.

35 (6) Divertees and potential divertees shall be afforded due
36 process in all contacts with a diversionary unit regardless of whether
37 the juveniles are accepted for diversion or whether the diversion
38 program is successfully completed. Such due process shall include, but
39 not be limited to, the following:

1 (a) A written diversion agreement shall be executed stating all
2 conditions in clearly understandable language;

3 (b) Violation of the terms of the agreement shall be the only
4 grounds for termination;

5 (c) No diverttee may be terminated from a diversion program without
6 being given a court hearing, which hearing shall be preceded by:

7 (i) Written notice of alleged violations of the conditions of the
8 diversion program; and

9 (ii) Disclosure of all evidence to be offered against the
10 diverttee;

11 (d) The hearing shall be conducted by the juvenile court and shall
12 include:

13 (i) Opportunity to be heard in person and to present evidence;

14 (ii) The right to confront and cross-examine all adverse
15 witnesses;

16 (iii) A written statement by the court as to the evidence relied
17 on and the reasons for termination, should that be the decision; and

18 (iv) Demonstration by evidence that the diverttee has substantially
19 violated the terms of his or her diversion agreement.

20 (e) The prosecutor may file an information on the offense for
21 which the diverttee was diverted:

22 (i) In juvenile court if the diverttee is under eighteen years of
23 age; or

24 (ii) In superior court or the appropriate court of limited
25 jurisdiction if the diverttee is eighteen years of age or older.

26 (7) The diversion unit shall, subject to available funds, be
27 responsible for providing interpreters when juveniles need interpreters
28 to effectively communicate during diversion unit hearings or
29 negotiations.

30 (8) The diversion unit shall be responsible for advising a
31 diverttee of his or her rights as provided in this chapter.

32 (9) The diversion unit may refer a juvenile to community-based
33 counseling or treatment programs.

34 (10) The right to counsel shall inure prior to the initial
35 interview for purposes of advising the juvenile as to whether he or she
36 desires to participate in the diversion process or to appear in the
37 juvenile court. The juvenile may be represented by counsel at any
38 critical stage of the diversion process, including intake interviews
39 and termination hearings. The juvenile shall be fully advised at the

1 intake of his or her right to an attorney and of the relevant services
2 an attorney can provide. For the purpose of this section, intake
3 interviews mean all interviews regarding the diversion agreement
4 process.

5 The juvenile shall be advised that a diversion agreement shall
6 constitute a part of the juvenile's criminal history as defined by RCW
7 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
8 of such advisement shall be obtained from the juvenile, and the
9 document shall be maintained by the diversionary unit together with the
10 diversion agreement, and a copy of both documents shall be delivered to
11 the prosecutor if requested by the prosecutor. The supreme court shall
12 promulgate rules setting forth the content of such advisement in simple
13 language.

14 (11) When a juvenile enters into a diversion agreement, the
15 juvenile court may receive only the following information for
16 dispositional purposes:

- 17 (a) The fact that a charge or charges were made;
- 18 (b) The fact that a diversion agreement was entered into;
- 19 (c) The juvenile's obligations under such agreement;
- 20 (d) Whether the alleged offender performed his or her obligations
21 under such agreement; and
- 22 (e) The facts of the alleged offense.

23 (12) A diversionary unit may refuse to enter into a diversion
24 agreement with a juvenile. When a diversionary unit refuses to enter
25 a diversion agreement with a juvenile, it shall immediately refer such
26 juvenile to the court for action and shall forward to the court the
27 criminal complaint and a detailed statement of its reasons for refusing
28 to enter into a diversion agreement. The diversionary unit shall also
29 immediately refer the case to the prosecuting attorney for action if
30 such juvenile violates the terms of the diversion agreement.

31 (13) A diversionary unit may, in instances where it determines
32 that the act or omission of an act for which a juvenile has been
33 referred to it involved no victim, or where it determines that the
34 juvenile referred to it has no prior criminal history and is alleged to
35 have committed an illegal act involving no threat of or instance of
36 actual physical harm and involving not more than fifty dollars in
37 property loss or damage and that there is no loss outstanding to the
38 person or firm suffering such damage or loss, counsel and release or
39 release such a juvenile without entering into a diversion agreement.

1 A diversion unit's authority to counsel and release a juvenile under
2 this subsection shall include the authority to refer the juvenile to
3 community-based counseling or treatment programs. Any juvenile
4 released under this subsection shall be advised that the act or
5 omission of any act for which he or she had been referred shall
6 constitute a part of the juvenile's criminal history as defined by RCW
7 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
8 of such advisement shall be obtained from the juvenile, and the
9 document shall be maintained by the unit, and a copy of the document
10 shall be delivered to the prosecutor if requested by the prosecutor.
11 The supreme court shall promulgate rules setting forth the content of
12 such advisement in simple language. A juvenile determined to be
13 eligible by a diversionary unit for release as provided in this
14 subsection shall retain the same right to counsel and right to have his
15 or her case referred to the court for formal action as any other
16 juvenile referred to the unit.

17 (14) A diversion unit may supervise the fulfillment of a diversion
18 agreement entered into before the juvenile's eighteenth birthday and
19 which includes a period extending beyond the diverttee's eighteenth
20 birthday.

21 (15) If a fine required by a diversion agreement cannot reasonably
22 be paid due to a change of circumstance, the diversion agreement may be
23 modified at the request of the diverttee and with the concurrence of the
24 diversion unit to convert an unpaid fine into community service. The
25 modification of the diversion agreement shall be in writing and signed
26 by the diverttee and the diversion unit. The number of hours of
27 community service in lieu of a monetary penalty shall be converted at
28 the rate of the prevailing state minimum wage per hour.

29 (16) Fines imposed under this section shall be collected and paid
30 into the county general fund in accordance with procedures established
31 by the juvenile court administrator under RCW 13.04.040 and may be used
32 only for juvenile services. In the expenditure of funds for juvenile
33 services, there shall be a maintenance of effort whereby counties
34 exhaust existing resources before using amounts collected under this
35 section.

36 NEW SECTION. **Sec. 545.** A new section is added to chapter 13.40
37 RCW to read as follows:

1 (1) Upon motion at least fourteen days before commencement of
2 trial, the juvenile court has the power, after consulting the
3 juvenile's custodial parent or parents or guardian and with the consent
4 of the juvenile, to continue the case for a period not to exceed one
5 year from the date of entry of the plea or finding of guilt. The court
6 may continue the case for an additional one-year period for good cause.

7 (2) Any juvenile granted a deferral of adjudication under this
8 section shall be placed under community supervision. The court may
9 impose any conditions of supervision that it deems appropriate.
10 Payment of restitution, as provided in RCW 13.40.190 shall also be a
11 condition of community supervision under this section.

12 (3) Upon full compliance with such conditions of supervision, the
13 court shall dismiss the case with prejudice.

14 (4) If the juvenile fails to comply with the terms of supervision,
15 the court shall enter an order of adjudication and proceed to
16 disposition. The juvenile's lack of compliance shall be determined by
17 the judge upon written motion by the prosecutor or the juvenile's
18 juvenile court community supervision counselor. The state shall bear
19 the burden to prove by a preponderance of the evidence that the
20 juvenile has failed to comply with the terms of community supervision.

21 (5) If the juvenile agrees to a deferral of adjudication, the
22 juvenile shall waive all rights:

23 (a) To a speedy trial and disposition;

24 (b) To call and confront witnesses; and

25 (c) To a hearing on the record. The adjudicatory hearing shall be
26 limited to a reading of the court's record.

27 (6) A juvenile is not eligible for a deferred adjudication if:

28 (a) The juvenile's current offense is a sex or violent offense;

29 (b) The juvenile's criminal history includes any felony;

30 (c) The juvenile has a prior deferred adjudication; or

31 (d) The juvenile has had more than two diversions.

32 NEW SECTION. **Sec. 546.** A new section is added to chapter 13.40
33 RCW to read as follows:

34 Prosecutors shall develop prosecutorial filing standards. The
35 standards shall be developed considering the recommendations contained
36 in the January 1993 final report concerning racial disproportionality
37 in the juvenile justice system which was conducted pursuant to section
38 2, chapter 234, Laws of 1991. The standards are intended for the

1 guidance of prosecutors in the state of Washington. They are not
2 intended to, do not, and may not be relied upon to create a right or
3 benefit, substantive or procedural, enforceable at law by a party in
4 litigation with the state.

5

PART VI. EDUCATION

6 NEW SECTION. **Sec. 601.** (1) To the extent funding is available,
7 by December 31, 1994, the superintendent of public instruction shall
8 prepare, or contract to prepare, a guide of available programs and
9 strategies pertaining to conflict resolution and other violence
10 prevention topics. The guide shall include descriptions of curricular
11 and training resources that are developmentally and culturally
12 appropriate for the school populations being served, and shall include
13 information regarding how to contact the organizations offering these
14 resources.

15 (2) The superintendent of public instruction shall provide the
16 curricular and training resources guide to those educational service
17 districts, school districts, schools, teachers, classified staff,
18 parents, and other interested parties who request it.

19 (3) In carrying out its responsibilities under this section, the
20 superintendent of public instruction shall coordinate with other
21 agencies engaged in related efforts, such as the department of
22 community, trade, and economic development, and consult with educators,
23 parents, community groups, and other interested parties.

24 NEW SECTION. **Sec. 602.** A new section is added to chapter 28A.300
25 RCW to read as follows:

26 The superintendent of public instruction shall, to the extent
27 funding is available, contract with school districts, educational
28 service districts, and approved in-service providers to conduct
29 training sessions for school certificated and classified employees in
30 conflict resolution and other violence prevention topics. The training
31 shall be developmentally and culturally appropriate for the school
32 populations being served and be research based. The training shall not
33 be based solely on providing materials, but also shall include
34 techniques on imparting these skills to students. The training
35 sessions shall be developed in coordination with school districts, the
36 superintendent of public instruction, parents, law enforcement

1 agencies, human services providers, and other interested parties. The
2 training shall be offered to school districts and school staff
3 requesting the training, and shall be made available at locations
4 throughout the state.

5 **Sec. 603.** RCW 28A.620.020 and 1985 c 344 s 2 are each amended to
6 read as follows:

7 Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or
8 any other law, rule, or regulation, any school district is authorized
9 and encouraged to provide community education programs in the form of
10 instructional, recreational and/or service programs on a noncredit and
11 nontuition basis, excluding fees for supplies, materials, or instructor
12 costs, for the purpose of stimulating the full educational potential
13 and meeting the needs of the district's residents of all ages, and
14 making the fullest use of the district's school facilities: PROVIDED,
15 That school districts are encouraged to provide programs for
16 prospective parents, prospective foster parents, and prospective
17 adoptive parents on parenting skills, violence prevention, and on the
18 problems of child abuse and methods to avoid child abuse situations:
19 PROVIDED FURTHER, That community education programs shall be consistent
20 with rules and regulations promulgated by the state superintendent of
21 public instruction governing cooperation between common schools,
22 community college districts, and other civic and governmental
23 organizations which shall have been developed in cooperation with the
24 state board for community and technical colleges ~~((education))~~ and
25 shall be programs receiving the approval of said superintendent.

26 NEW SECTION. **Sec. 604.** A new section is added to chapter 70.190
27 RCW to read as follows:

28 A community public health and safety network, based on rules
29 adopted by the department of health, may include in its comprehensive
30 community plans procedures for providing matching grants to school
31 districts to support expanded use of school facilities for after-hours
32 recreational opportunities and day care as authorized under chapter
33 28A.215 RCW and RCW 28A.620.010.

34 **Sec. 605.** 1993 sp.s. c 24 s 501 (uncodified) is amended to read
35 as follows:

36 **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

1	General Fund--State Appropriation	\$	34,414,000
2	General Fund--Federal Appropriation	\$	33,106,000
3	Public Safety and Education Account		
4	Appropriation	\$	338,000
5	<u>Violence Reduction and Drug Enforcement</u>		
6	((and Education)) Account Appropriation	\$	3,197,000
7	TOTAL APPROPRIATION	\$	71,055,000

8 The appropriations in this section are subject to the following
9 conditions and limitations:

10 (1) AGENCY OPERATIONS

11 (a) \$304,000 of the general fund--state appropriation is provided
12 solely to upgrade the student data collection capability of the
13 superintendent of public instruction.

14 (b) \$423,000 of the general fund--state appropriation is provided
15 solely for certification investigation activities of the office of
16 professional practices.

17 (c) \$770,000 of the general fund--state appropriation is provided
18 solely for the operation and expenses of the state board of education,
19 including basic education assistance activities.

20 ~~((e))~~ (d) The entire public safety and education account
21 appropriation is provided solely for administration of the traffic
22 safety education program, including in-service training related to
23 instruction in the risks of driving while under the influence of
24 alcohol and other drugs.

25 ~~((f))~~ (e) \$10,000 of the general fund--state appropriation is
26 provided solely for a contract through the Washington State Institute
27 for Public Policy at The Evergreen State College for a bilingual
28 education conference to disseminate information on best practices in
29 bilingual instruction, including model programs from other states, and
30 to develop strategies for incorporating the most effective
31 instructional methods into the state's bilingual curriculum.

32 (2) STATE-WIDE PROGRAMS

33 (a) \$100,000 of the general fund--state appropriation is provided
34 for state-wide curriculum development.

35 (b) \$62,000 of the general fund--state appropriation is provided
36 for operation of a K-2 education program at Pt. Roberts by the Blaine
37 school district.

1 (c) \$2,415,000 of the general fund--state appropriation is
2 provided for in-service training and educational programs conducted by
3 the Pacific science center.

4 (d) \$70,000 of the general fund--state appropriation is provided
5 for operation of the Cispus environmental learning center.

6 (e) \$2,949,000 of the general fund--state appropriation is
7 provided for educational clinics, including state support activities.

8 (f) \$3,437,000 of the general fund--state appropriation is
9 provided for grants for magnet schools to be distributed as recommended
10 by the superintendent of public instruction pursuant to chapter 232,
11 section 516(13), Laws of 1992.

12 (g) \$4,855,000 of the general fund--state appropriation is
13 provided for complex need grants. Grants shall be provided according
14 to funding ratios established in LEAP Document 30B as developed on May
15 4, 1993, at 11:00 a.m.

16 (h) \$3,050,000 of the violence reduction and drug enforcement
17 (~~and education~~) account appropriation is provided solely for matching
18 grants to enhance security in secondary schools. Not more than
19 seventy-five percent of a district's total expenditures for school
20 security in any school year may be paid from a grant under this
21 subsection. The grants shall be expended solely for the costs of
22 employing or contracting for building security monitors, metal
23 detectors, or other security in secondary schools during school hours
24 and school events. Of the amount provided in this subsection, at least
25 \$2,850,000 shall be spent for grants to districts that, during the
26 1988-89 school year, employed or contracted for security monitors in
27 schools during school hours. However, these grants may be used only
28 for increases in school district expenditures for school security over
29 expenditure levels for the 1988-89 school year.

30 (i) Districts receiving allocations from subsection (2) (f) and
31 (g) of this section shall submit an annual report to the superintendent
32 of public instruction on the use of all district resources to address
33 the educational needs of at-risk students in each school building.

34 **Sec. 606.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended
35 to read as follows:

36 (1) School districts may participate in the exchange of
37 information with law enforcement and juvenile court officials to the
38 extent permitted by the family educational and privacy rights act of

1 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant
2 to ((any)) a lawfully issued subpoena, a school district shall make
3 student records and information available to law enforcement officials,
4 probation officers, court personnel, and others legally entitled to the
5 information. Parents and students shall be notified by the school
6 district of all ((such)) orders or subpoenas in advance of compliance
7 with them.

8 (2) The social file, diversion record, police contact record, and
9 arrest record of a student may be made available to a school district
10 if the records are requested by the principal or school counselor. Use
11 of the records is restricted to the principal, the school counselor, or
12 a teacher or teachers identified by the principal as necessary for the
13 provision of additional services to the student. The records may only
14 be used to identify and facilitate those services offered through the
15 school district that would be of benefit to the student. The student's
16 records shall be made available only after providing seventy-two hours'
17 written notice to the parent or guardian of the subject of the record
18 and only to appropriate professional staff under the provisions of this
19 section, section 609 of this act, and chapter 13.50 RCW unless a parent
20 or guardian provides, prior to the release of the records, a statement
21 indicating which records shall remain confidential until such further
22 written release. School districts shall provide written notice of this
23 section to parents or guardians at the time of enrollment of a student.
24 Following the completed use of the records, the principal shall destroy
25 the records and not permit them to be disclosed to any other person.

26 **Sec. 607.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to
27 read as follows:

28 (1) This section governs records relating to the commission of
29 juvenile offenses, including records relating to diversions.

30 (2) The official juvenile court file of any alleged or proven
31 juvenile offender shall be open to public inspection, unless sealed
32 pursuant to subsection (11) of this section.

33 (3) All records other than the official juvenile court file are
34 confidential and may be released only as provided in this section, RCW
35 13.50.010, 13.40.215, and 4.24.550.

36 (4) Except as otherwise provided in this section and RCW
37 13.50.010, records retained or produced by any juvenile justice or care
38 agency may be released to other participants in the juvenile justice or

1 care system only when an investigation or case involving the juvenile
2 in question is being pursued by the other participant or when that
3 other participant is assigned the responsibility for supervising the
4 juvenile.

5 (5) Except as provided in RCW 4.24.550 or 28A.600.475, information
6 not in an official juvenile court file concerning a juvenile or a
7 juvenile's family may be released to the public only when that
8 information could not reasonably be expected to identify the juvenile
9 or the juvenile's family.

10 (6) Notwithstanding any other provision of this chapter, the
11 release, to the juvenile or his or her attorney, of law enforcement and
12 prosecuting attorneys' records pertaining to investigation, diversion,
13 and prosecution of juvenile offenses shall be governed by the rules of
14 discovery and other rules of law applicable in adult criminal
15 investigations and prosecutions.

16 (7) The juvenile court and the prosecutor may set up and maintain
17 a central record-keeping system which may receive information on all
18 alleged juvenile offenders against whom a complaint has been filed
19 pursuant to RCW 13.40.070 whether or not their cases are currently
20 pending before the court. The central record-keeping system may be
21 computerized. If a complaint has been referred to a diversion unit,
22 the diversion unit shall promptly report to the juvenile court or the
23 prosecuting attorney when the juvenile has agreed to diversion. An
24 offense shall not be reported as criminal history in any central
25 record-keeping system without notification by the diversion unit of the
26 date on which the offender agreed to diversion.

27 (8) Upon request of the victim of a crime or the victim's
28 immediate family, the identity of an alleged or proven juvenile
29 offender alleged or found to have committed a crime against the victim
30 and the identity of the alleged or proven juvenile offender's parent,
31 guardian, or custodian and the circumstance of the alleged or proven
32 crime shall be released to the victim of the crime or the victim's
33 immediate family.

34 (9) Subject to the rules of discovery applicable in adult criminal
35 prosecutions, the juvenile offense records of an adult criminal
36 defendant or witness in an adult criminal proceeding shall be released
37 upon request to prosecution and defense counsel after a charge has
38 actually been filed. The juvenile offense records of any adult
39 convicted of a crime and placed under the supervision of the adult

1 corrections system shall be released upon request to the adult
2 corrections system.

3 (10) In any case in which an information has been filed pursuant
4 to RCW 13.40.100 or a complaint has been filed with the prosecutor and
5 referred for diversion pursuant to RCW 13.40.070, the person the
6 subject of the information or complaint may file a motion with the
7 court to have the court vacate its order and findings, if any, and,
8 subject to subsection (24) of this section, order the sealing of the
9 official juvenile court file, the social file, and records of the court
10 and of any other agency in the case.

11 (11) The court shall grant the motion to seal records made
12 pursuant to subsection (10) of this section if it finds that:

13 (a) Two years have elapsed from the later of: (i) Final discharge
14 of the person from the supervision of any agency charged with
15 supervising juvenile offenders; or (ii) from the entry of a court order
16 relating to the commission of a juvenile offense or a criminal offense;

17 (b) No proceeding is pending against the moving party seeking the
18 conviction of a juvenile offense or a criminal offense; and

19 (c) No proceeding is pending seeking the formation of a diversion
20 agreement with that person.

21 (12) The person making a motion pursuant to subsection (10) of
22 this section shall give reasonable notice of the motion to the
23 prosecution and to any person or agency whose files are sought to be
24 sealed.

25 (13) If the court grants the motion to seal made pursuant to
26 subsection (10) of this section, it shall, subject to subsection (24)
27 of this section, order sealed the official juvenile court file, the
28 social file, and other records relating to the case as are named in the
29 order. Thereafter, the proceedings in the case shall be treated as if
30 they never occurred, and the subject of the records may reply
31 accordingly to any inquiry about the events, records of which are
32 sealed. Any agency shall reply to any inquiry concerning confidential
33 or sealed records that records are confidential, and no information can
34 be given about the existence or nonexistence of records concerning an
35 individual.

36 (14) Inspection of the files and records included in the order to
37 seal may thereafter be permitted only by order of the court upon motion
38 made by the person who is the subject of the information or complaint,

1 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of
2 this section.

3 (15) Any adjudication of a juvenile offense or a crime subsequent
4 to sealing has the effect of nullifying the sealing order. Any
5 conviction for any adult felony subsequent to the sealing has the
6 effect of nullifying the sealing order for the purposes of chapter
7 9.94A RCW for any juvenile adjudication of guilt for a class A offense
8 or a sex offense as defined in RCW 9.94A.030.

9 (16) In any case in which an information has been filed pursuant
10 to 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 who is 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 destruction of
15 the official juvenile court file, the social file, and records of the
16 court and of any other agency in the case.

17 (17) The court may grant the motion to destroy records made
18 pursuant to subsection (16) of this section if it finds:

19 (a) The person making the motion is at least twenty-three years of
20 age;

21 (b) The person has not subsequently been convicted of a felony;

22 (c) No proceeding is pending against that person seeking the
23 conviction of a criminal offense; and

24 (d) The person has never been found guilty of a serious offense.

25 (18) A person eighteen years of age or older whose criminal
26 history consists of only one referral for diversion may request that
27 the court order the records in that case destroyed. The request shall
28 be granted, subject to subsection (24) of this section, if the court
29 finds that two years have elapsed since completion of the diversion
30 agreement.

31 (19) If the court grants the motion to destroy records made
32 pursuant to subsection (16) or (18) of this section, it shall, subject
33 to subsection (24) of this section, order the official juvenile court
34 file, the social file, and any other records named in the order to be
35 destroyed.

36 (20) The person making the motion pursuant to subsection (16) or
37 (18) of this section shall give reasonable notice of the motion to the
38 prosecuting attorney and to any agency whose records are sought to be
39 destroyed.

1 (21) Any juvenile to whom the provisions of this section may apply
2 shall be given written notice of his or her rights under this section
3 at the time of his or her disposition hearing or during the diversion
4 process.

5 (22) Nothing in this section may be construed to prevent a crime
6 victim or a member of the victim's family from divulging the identity
7 of the alleged or proven juvenile offender or his or her family when
8 necessary in a civil proceeding.

9 (23) Any juvenile justice or care agency may, subject to the
10 limitations in subsection (24) of this section and subparagraphs (a)
11 and (b) of this subsection, develop procedures for the routine
12 destruction of records relating to juvenile offenses and diversions.

13 (a) Records may be routinely destroyed only when the person the
14 subject of the information or complaint has attained twenty-three years
15 of age or older, or is eighteen years of age or older and his or her
16 criminal history consists entirely of one diversion agreement and two
17 years have passed since completion of the agreement.

18 (b) The court may not routinely destroy the official juvenile
19 court file or recordings or transcripts of any proceedings.

20 (24) No identifying information held by the Washington state
21 patrol in accordance with chapter 43.43 RCW is subject to destruction
22 or sealing under this section. For the purposes of this subsection,
23 identifying information includes photographs, fingerprints, palmprints,
24 soleprints, toeprints and any other data that identifies a person by
25 physical characteristics, name, birthdate or address, but does not
26 include information regarding criminal activity, arrest, charging,
27 diversion, conviction or other information about a person's treatment
28 by the criminal justice system or about the person's behavior.

29 (25) Information identifying child victims under age eighteen who
30 are victims of sexual assaults by juvenile offenders is confidential
31 and not subject to release to the press or public without the
32 permission of the child victim or the child's legal guardian.
33 Identifying information includes the child victim's name, addresses,
34 location, photographs, and in cases in which the child victim is a
35 relative of the alleged perpetrator, identification of the relationship
36 between the child and the alleged perpetrator. Information identifying
37 a child victim of sexual assault may be released to law enforcement,
38 prosecutors, judges, defense attorneys, or private or governmental
39 agencies that provide services to the child victim of sexual assault.

1 NEW SECTION. **Sec. 608.** The Washington state school directors'
2 association shall conduct a study to identify possible incentives to
3 encourage schools to increase the space that is available for after-
4 hours community use. The association shall examine incentives for both
5 existing school facilities and for new construction. The association
6 shall report its findings and recommendations to the legislature by
7 November 15, 1994.

8 NEW SECTION. **Sec. 609.** (1) The department of social and health
9 services and the superintendent of public instruction shall review all
10 statutes and rules relative to the sharing or exchange of information
11 about children who are the subject of reports of abuse and neglect or
12 who are charged with criminal behavior. The department and the
13 superintendent shall revise or adopt rules, consistent with federal
14 guidelines, that allow educational professionals in elementary and
15 secondary schools access to information contained in department records
16 solely for purposes of improving the child's educational performance or
17 attendance.

18 (2) The department and superintendent shall also revise or adopt
19 rules, consistent with federal guidelines, that allows the department
20 access to information contained in the records of a school or school
21 district on a child who is the subject of a report of abuse or neglect
22 solely for the purpose of improving the department's ability to respond
23 to the report of abuse or neglect.

24 The department and superintendent shall report their findings and
25 actions, including the need for statutory changes, to the legislature
26 by December 31, 1994.

27 This section shall expire January 1, 1995.

28 NEW SECTION. **Sec. 610.** (1) A task force on student conduct is
29 created. The purpose of the task force is to identify laws, rules, and
30 practices that make it difficult for educators to manage their
31 classrooms and schools effectively. Based on these findings, the task
32 force shall make recommendations to the legislature, the state board of
33 education, the superintendent of public instruction, school districts,
34 institutions of higher education, and others regarding actions that
35 could be taken to reduce the problems generated by disruptive students
36 and thereby make schools more conducive to learning.

1 (2) Members of the task force and the chair shall be appointed by
2 the superintendent of public instruction, and shall include, but not be
3 limited to, representatives of parents, elementary teachers, secondary
4 teachers, middle/junior high school vice-principals, senior high school
5 vice-principals, classified employees, and special education educators.

6 (3) Staffing for the task force shall be the responsibility of the
7 superintendent of public instruction. Personnel from the office of the
8 superintendent may staff the task force, or the superintendent may
9 enter into a contract with a public or private entity.

10 (4) The findings and recommendations of the task force shall be
11 submitted to the entities identified in subsection (1) of this section
12 by November 1, 1994.

13 (5) This section shall expire December 31, 1994.

14 NEW SECTION. Sec. 611. A new section is added to chapter 28A.300
15 RCW to read as follows:

16 The superintendent of public instruction and the office of the
17 attorney general, in cooperation with the Washington state bar
18 association, shall develop a volunteer-based conflict resolution and
19 mediation program for use in community groups such as neighborhood
20 organizations and the public schools. The program shall use lawyers to
21 train students who in turn become trainers and mediators for their
22 peers in conflict resolution.

23 NEW SECTION. Sec. 612. A new section is added to chapter 28A.320
24 RCW to read as follows:

25 (1) School district boards of directors may establish schools or
26 programs which parents may choose for their children to attend in
27 which: (a) Students are required to conform to dress and grooming
28 codes, including requiring that students wear uniforms; (b) parents are
29 required to participate in the student's education; or (c) discipline
30 requirements are more stringent than in other schools in the district.

31 (2) School district boards of directors may establish schools or
32 programs in which: (a) Students are required to conform to dress and
33 grooming codes, including requiring that students wear uniforms; (b)
34 parents are regularly counseled and encouraged to participate in the
35 student's education; or (c) discipline requirements are more stringent
36 than in other schools in the district. School boards may require that
37 students who are subject to suspension or expulsion attend these

1 schools or programs as a condition of continued enrollment in the
2 school district.

3 (3) If students are required to wear uniforms in these programs or
4 schools, school districts shall accommodate students so that the
5 uniform requirement is not an unfair barrier to school attendance and
6 participation.

7 (4) Nothing in this section impairs or reduces in any manner
8 whatsoever the authority of a board under other law to impose a dress
9 and appearance code. However, if a board requires uniforms under such
10 other authority, it shall accommodate students so that the uniform
11 requirement is not an unfair barrier to school attendance and
12 participation.

13 **PART VII. EMPLOYMENT**

14 NEW SECTION. **Sec. 701.** The legislature recognizes the importance
15 of education and employment experiences for youth and the critical role
16 of school-to-work transition options to achieving job readiness.
17 Therefore, in light of these priorities, the department of labor and
18 industries is directed to accelerate its evaluation of the minor work
19 rules adopted under chapter 49.12 RCW. The department shall report to
20 the governor and the appropriate committees of the legislature on its
21 evaluation of the minor work rules prior to the start of the 1995
22 regular legislative session.

23 **Sec. 702.** RCW 43.63A.700 and 1993 sp.s. c 25 s 401 are each
24 amended to read as follows:

25 (1) The department, in cooperation with the department of revenue,
26 the employment security department, and the office of financial
27 management, shall approve applications submitted by local governments
28 for designation as a ((~~neighborhood reinvestment area~~)) community
29 empowerment zone under this section. The application shall be in the
30 form and manner and contain such information as the department may
31 prescribe, provided that the application for designation shall:

32 (a) Contain information sufficient for the director to determine
33 if the criteria established in RCW 43.63A.710 have been met.

34 (b) Be submitted on behalf of the local government by its chief
35 elected official, or, if none, by the governing body of the local
36 government.

1 (c) Contain a five-year (~~neighborhood reinvestment~~) community
2 empowerment plan that describes the proposed designated (~~neighborhood~~
3 ~~reinvestment—area's~~) community empowerment zone's community
4 development needs and present a strategy for meeting those needs. The
5 plan shall address the following categories: Housing needs; public
6 infrastructure needs, such as transportation, water, sanitation,
7 energy, and drainage/flood control; other public facilities needs, such
8 as neighborhood facilities or facilities for provision of health,
9 education, recreation, public safety, or other services; community
10 economic development needs, such as commercial/industrial
11 revitalization, job creation and retention considering the unemployment
12 and underemployment of area residents, accessibility to financial
13 resources by area residents and businesses, investment within the area,
14 or other related components of community economic development; and
15 social service needs.

16 The local government is required to provide a description of its
17 strategy for meeting the needs identified in this subsection (1)(c).
18 As part of the strategy, the local government is required to identify
19 the needs for which specific plans are currently in place and the
20 source of funds expected to be used. For the balance of the area's
21 needs, the local government must identify the source of funds expected
22 to become available during the next two-year period and actions the
23 local government will take to acquire those funds.

24 (d) Certify that neighborhood residents were given the opportunity
25 to participate in the development of the five-year (~~neighborhood~~
26 ~~reinvestment~~) community empowerment strategy required under (c) of
27 this subsection.

28 (2) No local government shall submit more than two neighborhoods
29 to the department for possible designation as a designated
30 (~~neighborhood reinvestment area~~) community empowerment zone under
31 this section.

32 (3)(a) Within ninety days after January 1, 1994, the director may
33 designate up to six designated (~~neighborhood reinvestment areas~~)
34 community empowerment zones from among the applications eligible for
35 designation as a designated (~~neighborhood reinvestment area under this~~
36 ~~section~~) community empowerment zone.

37 (b) The director shall make determinations of designated
38 (~~neighborhood reinvestment areas~~) community empowerment zones on the
39 basis of the following factors:

1 (i) The strength and quality of the local government commitments
2 to meet the needs identified in the five-year (~~neighborhood~~
3 ~~reinvestment~~) community empowerment plan required under this section.

4 (ii) The level of private commitments by private entities of
5 additional resources and contribution to the designated (~~neighborhood~~
6 ~~reinvestment area~~) community empowerment zone.

7 (iii) The potential for (~~reinvestment in~~) revitalization of the
8 area as a result of designation as a designated (~~neighborhood~~
9 ~~reinvestment area~~) community empowerment zone.

10 (iv) Other factors the director (~~of the department of community~~
11 ~~development~~) deems necessary.

12 (~~(b)~~) (c) The determination of the director as to the areas
13 designated as (~~neighborhood reinvestment areas~~) community empowerment
14 zones shall be final.

15 **Sec. 703.** RCW 43.63A.710 and 1993 sp.s. c 25 s 402 are each
16 amended to read as follows:

17 (1) The director may not designate an area as a designated
18 (~~neighborhood reinvestment area~~) community empowerment zone unless
19 that area meets the following requirements:

20 (a) The area must be designated by the legislative authority of
21 the local government as an area to receive federal, state, and local
22 assistance designed to increase economic, physical, or social activity
23 in the area;

24 (b) The area must have at least fifty-one percent of the
25 households in the area with incomes at or below eighty percent of the
26 county's median income, adjusted for household size;

27 (c) The average unemployment rate for the area, for the most
28 recent twelve-month period for which data is available must be at least
29 one hundred twenty percent of the average unemployment rate of the
30 county; and

31 (d) A five-year (~~neighborhood reinvestment~~) community
32 empowerment plan for the area that meets the requirements of RCW
33 43.63A.700(1)(c) and as further defined by the director must be
34 adopted.

35 (2) The director may establish, by rule, such other requirements
36 as the director may reasonably determine necessary and appropriate to
37 assure that the purposes of this section are satisfied.

1 (3) In determining if an area meets the requirements of this
2 section, the director may consider data provided by the United States
3 bureau of the census from the most recent census or any other reliable
4 data that the director determines to be acceptable for the purposes for
5 which the data is used.

6 **Sec. 704.** RCW 82.60.020 and 1993 sp.s. c 25 s 403 are each
7 amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Applicant" means a person applying for a tax deferral under
11 this chapter.

12 (2) "Department" means the department of revenue.

13 (3) "Eligible area" means: (a) A county in which the average
14 level of unemployment for the three years before the year in which an
15 application is filed under this chapter exceeds the average state
16 unemployment for those years by twenty percent; (b) a metropolitan
17 statistical area, as defined by the office of federal statistical
18 policy and standards, United States department of commerce, in which
19 the average level of unemployment for the calendar year immediately
20 preceding the year in which an application is filed under this chapter
21 exceeds the average state unemployment for such calendar year by twenty
22 percent; or (c) a designated ((neighborhood reinvestment area))
23 community empowerment zone approved under RCW 43.63A.700 .

24 (4)(a) "Eligible investment project" means that portion of an
25 investment project which:

26 (i) Is directly utilized to create at least one new full-time
27 qualified employment position for each three hundred thousand dollars
28 of investment on which a deferral is requested; and

29 (ii) Either initiates a new operation, or expands or diversifies
30 a current operation by expanding or renovating an existing building
31 with costs in excess of twenty-five percent of the true and fair value
32 of the plant complex prior to improvement; or

33 (iii) Acquires machinery and equipment to be used for either
34 manufacturing or research and development if the machinery and
35 equipment is housed in a new leased structure. The lessor/owner of the
36 structure is not eligible for a deferral unless the underlying
37 ownership of the buildings, machinery, and equipment vests exclusively
38 in the same person.

1 (b) "Eligible investment project" does not include any portion of
2 an investment project undertaken by a light and power business as
3 defined in RCW 82.16.010(5) or investment projects which have already
4 received deferrals under this chapter.

5 (5) "Investment project" means an investment in qualified
6 buildings and qualified machinery and equipment, including labor and
7 services rendered in the planning, installation, and construction of
8 the project.

9 (6) "Manufacturing" means all activities of a commercial or
10 industrial nature wherein labor or skill is applied, by hand or
11 machinery, to materials so that as a result thereof a new, different,
12 or useful substance or article of tangible personal property is
13 produced for sale or commercial or industrial use and shall include the
14 production or fabrication of specially made or custom made articles.
15 "Manufacturing" also includes computer programming, the production of
16 computer software, and other computer-related services, and the
17 activities performed by research and development laboratories and
18 commercial testing laboratories.

19 (7) "Person" has the meaning given in RCW 82.04.030.

20 (8) "Qualified buildings" means new structures used for
21 manufacturing and research and development activities, including plant
22 offices and warehouses or other facilities for the storage of raw
23 material or finished goods if such facilities are an essential or an
24 integral part of a factory, mill, plant, or laboratory used for
25 manufacturing or research and development. If a building is used
26 partly for manufacturing or research and development and partly for
27 other purposes, the applicable tax deferral shall be determined by
28 apportionment of the costs of construction under rules adopted by the
29 department.

30 (9) "Qualified employment position" means a permanent full-time
31 employee employed in the eligible investment project during the entire
32 tax year.

33 (10) "Qualified machinery and equipment" means all new industrial
34 and research fixtures, equipment, and support facilities that are an
35 integral and necessary part of a manufacturing or research and
36 development operation. "Qualified machinery and equipment" includes:
37 Computers; software; data processing equipment; laboratory equipment;
38 manufacturing components such as belts, pulleys, shafts, and moving

1 parts; molds, tools, and dies; operating structures; and all equipment
2 used to control or operate the machinery.

3 (11) "Recipient" means a person receiving a tax deferral under
4 this chapter.

5 (12) "Research and development" means the development, refinement,
6 testing, marketing, and commercialization of a product, service, or
7 process before commercial sales have begun. As used in this
8 subsection, "commercial sales" excludes sales of prototypes or sales
9 for market testing if the total gross receipts from such sales of the
10 product, service, or process do not exceed one million dollars.

11 **Sec. 705.** RCW 82.62.010 and 1993 sp.s. c 25 s 410 are each
12 amended to read as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Applicant" means a person applying for a tax credit under
16 this chapter.

17 (2) "Department" means the department of revenue.

18 (3) "Eligible area" means: (a) A county in which the average
19 level of unemployment for the three years before the year in which an
20 application is filed under this chapter exceeds the average state
21 unemployment for those years by twenty percent; (b) a metropolitan
22 statistical area, as defined by the office of federal statistical
23 policy and standards, United States department of commerce, in which
24 the average level of unemployment for the calendar year immediately
25 preceding the year in which an application is filed under this chapter
26 exceeds the average state unemployment for such calendar year by twenty
27 percent; (c) a designated (~~neighborhood reinvestment area~~) community
28 empowerment zone approved under RCW 43.63A.700; or (d) subcounty areas
29 in those counties that are not covered under (a) of this subsection
30 that are timber impact areas as defined in RCW 43.31.601.

31 (4)(a) "Eligible business project" means manufacturing or research
32 and development activities which are conducted by an applicant in an
33 eligible area at a specific facility, provided the applicant's average
34 full-time qualified employment positions at the specific facility will
35 be at least fifteen percent greater in the year for which the credit is
36 being sought than the applicant's average full-time qualified
37 employment positions at the same facility in the immediately preceding
38 year.

1 (b) "Eligible business project" does not include any portion of a
2 business project undertaken by a light and power business as defined in
3 RCW 82.16.010(5) or that portion of a business project creating
4 qualified full-time employment positions outside an eligible area or
5 those recipients of a sales tax deferral under chapter 82.61 RCW.

6 (5) "Manufacturing" means all activities of a commercial or
7 industrial nature wherein labor or skill is applied, by hand or
8 machinery, to materials so that as a result thereof a new, different,
9 or useful substance or article of tangible personal property is
10 produced for sale or commercial or industrial use and shall include the
11 production or fabrication of specially made or custom made articles.
12 "Manufacturing" also includes computer programming, the production of
13 computer software, and other computer-related services, and the
14 activities performed by research and development laboratories and
15 commercial testing laboratories.

16 (6) "Person" has the meaning given in RCW 82.04.030.

17 (7) "Qualified employment position" means a permanent full-time
18 employee employed in the eligible business project during the entire
19 tax year.

20 (8) "Tax year" means the calendar year in which taxes are due.

21 (9) "Recipient" means a person receiving tax credits under this
22 chapter.

23 (10) "Research and development" means the development, refinement,
24 testing, marketing, and commercialization of a product, service, or
25 process before commercial sales have begun. As used in this
26 subsection, "commercial sales" excludes sales of prototypes or sales
27 for market testing if the total gross receipts from such sales of the
28 product, service, or process do not exceed one million dollars.

29 **PART VIII. MEDIA**

30 NEW SECTION. **Sec. 801.** The legislature finds that, to the extent
31 that electronic media, including television, motion pictures, video
32 games, and entertainment uses of virtual reality are conducive to
33 increased violent behaviors, especially in children, the state has a
34 duty to protect the public health and safety.

35 Many parents, educators, and others are concerned about protecting
36 children and youth from the negative influences of the media, and want

1 more information about media content and more control over media
2 contact with their children.

3 NEW SECTION. **Sec. 802.** Unless the context clearly requires
4 otherwise, the definitions in this section apply throughout this
5 chapter.

6 (1) "Time/channel lock" is electronic circuitry designed to enable
7 television owners to block display of selected times and channels from
8 viewing.

9 (2) "Video" means any motion picture, television or other
10 electronically delivered programming, or other presentation on film,
11 video tape, or other medium designed to produce, reproduce, or project
12 images on a screen.

13 (3) "Violence" means any deliberate and hostile use of overt
14 force, or the immediate threat thereof, by an individual against
15 another individual.

16 (4) "Virtual reality" means any computer or other electronic
17 artificial-intelligence-based technology that creates an enhanced
18 simulation or illusion of three-dimensional, real-time or near-real-
19 time interactive reality through the use of software, specialized
20 hardware, holograms, gloves, masks, glasses, pods, goggles, helmets,
21 computer guns, or other items capable of producing visual, audio,
22 tactile, or sensory effects of verisimilitude beyond those available
23 with a personal computer.

24 NEW SECTION. **Sec. 803.** All new televisions sold in this state
25 after January 1, 1995, shall be equipped with a time/channel lock or
26 shall be sold with an offer to the customer to purchase a channel
27 blocking device, or other device that enables a person to regulate a
28 child's access to unwanted television programming. All cable
29 television companies shall make available to all customers at the
30 company's cost the opportunity to purchase a channel blocking device,
31 or other device that enables a person to regulate a child's access to
32 unwanted television programming. The commercial television sellers and
33 cable television companies shall offer time/channel locks to their
34 customers, when these devices are available. Notice of this
35 availability shall be clearly made to all existing customers and to all
36 new customers at the time of their signing up for service.

1 NEW SECTION. **Sec. 804.** All videos, video games, and virtual
2 reality games sold or rented in this state shall clearly and
3 prominently display a realistic age rating for appropriateness of use
4 by end-users of the video or game. The age rating shall be researched,
5 developed, and provided to the purchaser or renter of the video, video
6 game, or virtual reality game, by the originator of the video or game.
7 The originator, as used in this section, includes the manufacturer or
8 software developer or copyright holder of the video or game.

9 The originator may develop the age rating in any reasonable
10 manner, as determined by the originator, who may consult child
11 psychologists, educators, child development specialists, pediatricians,
12 or others as appropriate in the determination of realistic age rating.
13 The age-rating determination shall include an objective evaluation and
14 estimate of the number of violent incidents represented in the media
15 material being rated.

16 If the originator is a member of an industry or trade association
17 and the association develops age-rating standards that meet the
18 provisions of this section, the originator may adopt such standards.

19 The age-rating information may be presented to the consumer in any
20 readily understandable format, whether by label, code, or information
21 sheet.

22 NEW SECTION. **Sec. 805.** Television and radio broadcast stations
23 including cable stations, video rental companies, and print media are
24 encouraged, as a matter of public health and safety, to broadcast
25 public health-based, generic antiviolenace public service messages. The
26 content, style, and format of the messages shall be developed by the
27 family policy council created under RCW 70.190.010, in coordination
28 with its violence-reduction efforts. The messages may be produced with
29 grant funds from the council or may be produced voluntarily by the
30 media working with the council.

31 NEW SECTION. **Sec. 806.** The legislature finds that, as a matter
32 of public health and safety, access by minors to violent videos and
33 violent video games is the responsibility of parents and guardians.

34 Public libraries, with the exception of university, college, and
35 community college libraries, shall establish policies on minors' access
36 to violent videos and violent video games. Libraries shall make their
37 policies known to the public in their communities.

1 Each library system shall formulate its own policies, and may, in
2 its discretion, include public hearings, consultation with community
3 networks as defined under chapter 70.190 RCW, or consultation with the
4 Washington library association in the development of its policies.

5 NEW SECTION. **Sec. 807.** A new section is added to chapter 13.16
6 RCW to read as follows:

7 Motion pictures unrated after November 1968 or rated R, X, or NC-
8 17 by the motion picture association of America shall not be shown in
9 juvenile detention facilities or facilities operated by the division of
10 juvenile rehabilitation in the department of social and health
11 services.

12 NEW SECTION. **Sec. 808.** A new section is added to chapter 72.02
13 RCW to read as follows:

14 Motion pictures unrated after November 1968 or rated X or NC-17 by
15 the motion picture association of America shall not be shown in adult
16 correctional facilities.

17 NEW SECTION. **Sec. 809.** A new section is added to chapter 43.19
18 RCW to read as follows:

19 Notwithstanding any other provision of law, the department of
20 general administration shall adopt a policy of refusing to purchase
21 goods and services for the state from businesses or corporations,
22 including parent corporations, profiting from violence-related products
23 or services. Nothing in this section requires the department to adopt
24 a policy that results in a refusal to purchase goods and services from
25 a corporation that is primarily engaged in the business of producing
26 materials intended to be used in formal educational settings. A
27 business or corporation whose violence-related products or services are
28 for the main purpose of national defense is exempt from this policy.
29 Definitions and guidelines shall be developed by the department of
30 general administration in consultation with the department of health.

31 NEW SECTION. **Sec. 810.** A new section is added to chapter 43.33A
32 RCW to read as follows:

33 The state investment board shall study and examine the extent to
34 which it maintains investments in businesses or corporations, including

1 parent corporations, profiting from violence-related products or
2 services.

3 The study shall be directed at the equities or bonds of individual
4 companies registered with the securities and exchange commission under
5 the investment company act of 1940 and the securities act of 1933, and
6 shall not include stock and bond index and open or closed-end mutual
7 funds, or forms of securitized investment other than individual
8 corporations.

9 As used in this section, businesses or corporations profiting from
10 violence-related products or services include, without limitation,
11 companies that produce or sell weapons, ammunition, or violent toys,
12 and corporations engaged in electronic media violence, including
13 network and cable television, motion pictures, videos and video games,
14 entertainment virtual reality, and the recorded music industry.
15 Criteria for determining whether a toy or electronic media is violent
16 or not shall be established by the board in consultation with the
17 department of health.

18 The study shall not include investments in a corporation that is
19 primarily engaged in the business of producing materials intended to be
20 used in formal educational settings. A business or corporation whose
21 violence-related products or services are primarily for the purpose of
22 national defense are also exempt from this study.

23 The board shall report to the legislature regarding the results of
24 its violence investment study by December 1, 1995.

25 NEW SECTION. **Sec. 811.** Sections 801 through 806 of this act
26 shall constitute a new chapter in Title 19 RCW.

27 NEW SECTION. **Sec. 812.** Section 804 of this act shall take effect
28 July 1, 1995.

29 **PART IX. MISCELLANEOUS**

30 **Sec. 901.** RCW 66.24.210 and 1993 c 160 s 2 are each amended to
31 read as follows:

32 (1) There is hereby imposed upon all wines sold to wine
33 wholesalers and the Washington state liquor control board, within the
34 state a tax at the rate of twenty and one-fourth cents per liter:
35 PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to

1 another winery shall not be subject to such tax. The tax provided for
2 in this section may, if so prescribed by the board, be collected by
3 means of stamps to be furnished by the board, or by direct payments
4 based on wine purchased by wine wholesalers. Every person purchasing
5 wine under the provisions of this section shall on or before the
6 twentieth day of each month report to the board all purchases during
7 the preceding calendar month in such manner and upon such forms as may
8 be prescribed by the board, and with such report shall pay the tax due
9 from the purchases covered by such report unless the same has
10 previously been paid. Any such purchaser of wine whose applicable tax
11 payment is not postmarked by the twentieth day following the month of
12 purchase will be assessed a penalty at the rate of two percent a month
13 or fraction thereof. If this tax be collected by means of stamps,
14 every such person shall procure from the board revenue stamps
15 representing the tax in such form as the board shall prescribe and
16 shall affix the same to the package or container in such manner and in
17 such denomination as required by the board and shall cancel the same
18 prior to the delivery of the package or container containing the wine
19 to the purchaser. If the tax is not collected by means of stamps, the
20 board may require that every such person shall execute to and file with
21 the board a bond to be approved by the board, in such amount as the
22 board may fix, securing the payment of the tax. If any such person
23 fails to pay the tax when due, the board may forthwith suspend or
24 cancel the license until all taxes are paid.

25 (2) An additional tax is imposed equal to the rate specified in
26 RCW 82.02.030 multiplied by the tax payable under subsection (1) of
27 this section. All revenues collected during any month from this
28 additional tax shall be transferred to the state general fund by the
29 twenty-fifth day of the following month.

30 (3) An additional tax is imposed on wines subject to tax under
31 subsection (1) of this section, at the rate of one-fourth of one cent
32 per liter for wine sold after June 30, 1987. Such additional tax shall
33 cease to be imposed on July 1, 2001. All revenues collected under this
34 subsection (3) shall be disbursed quarterly to the Washington wine
35 commission for use in carrying out the purposes of chapter 15.88 RCW.

36 (4) (~~Until July 1, 1995,~~) An additional tax is imposed on all
37 wine subject to tax under subsection (1) of this section. The
38 additional tax is equal to twenty-three and forty-four one-hundredths
39 cents per liter on fortified wine as defined in RCW 66.04.010(34) when

1 bottled or packaged by the manufacturer and one cent per liter on all
2 other wine. All revenues collected during any month from this
3 additional tax shall be deposited in the violence reduction and drug
4 enforcement ~~((and education))~~ account under RCW 69.50.520 by the
5 twenty-fifth day of the following month.

6 **Sec. 902.** RCW 66.24.290 and 1993 c 492 s 311 are each amended to
7 read as follows:

8 (1) Any brewer or beer wholesaler licensed under this title may
9 sell and deliver beer to holders of authorized licenses direct, but to
10 no other person, other than the board; and every such brewer or beer
11 wholesaler shall report all sales to the board monthly, pursuant to the
12 regulations, and shall pay to the board as an added tax for the
13 privilege of manufacturing and selling the beer within the state a tax
14 of two dollars and sixty cents per barrel of thirty-one gallons on
15 sales to licensees within the state and on sales to licensees within
16 the state of bottled and canned beer shall pay a tax computed in
17 gallons at the rate of two dollars and sixty cents per barrel of
18 thirty-one gallons. Any brewer or beer wholesaler whose applicable tax
19 payment is not postmarked by the twentieth day following the month of
20 sale will be assessed a penalty at the rate of two percent per month or
21 fraction thereof. Each such brewer or wholesaler shall procure from
22 the board revenue stamps representing such tax in form prescribed by
23 the board and shall affix the same to the barrel or package in such
24 manner and in such denominations as required by the board, and shall
25 cancel the same prior to commencing delivery from his or her place of
26 business or warehouse of such barrels or packages. Beer shall be sold
27 by brewers and wholesalers in sealed barrels or packages. The revenue
28 stamps provided under this section need not be affixed and canceled in
29 the making of resales of barrels or packages already taxed by the
30 affixation and cancellation of stamps as provided in this section.

31 (2) An additional tax is imposed equal to seven percent multiplied
32 by the tax payable under subsection (1) of this section. All revenues
33 collected during any month from this additional tax shall be
34 transferred to the state general fund by the twenty-fifth day of the
35 following month.

36 (3) ~~((Until July 1, 1995,))~~ An additional tax is imposed on all
37 beer subject to tax under subsection (1) of this section. The
38 additional tax is equal to two dollars per barrel of thirty-one

1 gallons. All revenues collected during any month from this additional
2 tax shall be deposited in the violence reduction and drug enforcement
3 (~~and education~~) account under RCW 69.50.520 by the twenty-fifth day
4 of the following month.

5 (4)(a) An additional tax is imposed on all beer subject to tax
6 under subsection (1) of this section. The additional tax is equal to
7 ninety-six cents per barrel of thirty-one gallons through June 30,
8 1995, two dollars and thirty-nine cents per barrel of thirty-one
9 gallons for the period July 1, 1995, through June 30, 1997, and four
10 dollars and seventy-eight cents per barrel of thirty-one gallons
11 thereafter.

12 (b) The additional tax imposed under this subsection does not
13 apply to the sale of the first sixty thousand barrels of beer each year
14 by breweries that are entitled to a reduced rate of tax under 26 U.S.C.
15 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may
16 be provided by the board by rule consistent with the purposes of this
17 exemption.

18 (c) All revenues collected from the additional tax imposed under
19 this subsection (4) shall be deposited in the health services account
20 under RCW 43.72.900.

21 (5) The tax imposed under this section shall not apply to "strong
22 beer" as defined in this title.

23 **Sec. 903.** RCW 82.08.150 and 1993 c 492 s 310 are each amended to
24 read as follows:

25 (1) There is levied and shall be collected a tax upon each retail
26 sale of spirits, or strong beer in the original package at the rate of
27 fifteen percent of the selling price. The tax imposed in this
28 subsection shall apply to all such sales including sales by the
29 Washington state liquor stores and agencies, but excluding sales to
30 class H licensees.

31 (2) There is levied and shall be collected a tax upon each sale of
32 spirits, or strong beer in the original package at the rate of ten
33 percent of the selling price on sales by Washington state liquor stores
34 and agencies to class H licensees.

35 (3) There is levied and shall be collected an additional tax upon
36 each retail sale of spirits in the original package at the rate of one
37 dollar and seventy-two cents per liter. The additional tax imposed in
38 this subsection shall apply to all such sales including sales by

1 Washington state liquor stores and agencies, and including sales to
2 class H licensees.

3 (4) An additional tax is imposed equal to fourteen percent
4 multiplied by the taxes payable under subsections (1), (2), and (3) of
5 this section.

6 (5) (~~Until July 1, 1995,~~) An additional tax is imposed upon each
7 retail sale of spirits in the original package at the rate of seven
8 cents per liter. The additional tax imposed in this subsection shall
9 apply to all such sales including sales by Washington state liquor
10 stores and agencies, and including sales to class H licensees. All
11 revenues collected during any month from this additional tax shall be
12 deposited in the violence reduction and drug enforcement (~~and~~
13 ~~education~~) account under RCW 69.50.520 by the twenty-fifth day of the
14 following month.

15 (6)(a) An additional tax is imposed upon retail sale of spirits in
16 the original package at the rate of one and seven-tenths percent of the
17 selling price through June 30, 1995, two and six-tenths percent of the
18 selling price for the period July 1, 1995, through June 30, 1997, and
19 three and four-tenths of the selling price thereafter. This additional
20 tax applies to all such sales including sales by Washington state
21 liquor stores and agencies, but excluding sales to class H licensees.

22 (b) An additional tax is imposed upon retail sale of spirits in
23 the original package at the rate of one and one-tenth percent of the
24 selling price through June 30, 1995, one and seven-tenths percent of
25 the selling price for the period July 1, 1995, through June 30, 1997,
26 and two and three-tenths of the selling price thereafter. This
27 additional tax applies to all such sales to class H licensees.

28 (c) An additional tax is imposed upon each retail sale of spirits
29 in the original package at the rate of twenty cents per liter through
30 June 30, 1995, thirty cents per liter for the period July 1, 1995,
31 through June 30, 1997, and forty-one cents per liter thereafter. This
32 additional tax applies to all such sales including sales by Washington
33 state liquor stores and agencies, and including sales to class H
34 licensees.

35 (d) All revenues collected during any month from additional taxes
36 under this subsection shall be deposited in the health services account
37 created under RCW 43.72.900 by the twenty-fifth day of the following
38 month.

1 (7) The tax imposed in RCW 82.08.020 shall not apply to sales of
2 spirits or strong beer in the original package.

3 (8) The taxes imposed in this section shall be paid by the buyer
4 to the seller, and each seller shall collect from the buyer the full
5 amount of the tax payable in respect to each taxable sale under this
6 section. The taxes required by this section to be collected by the
7 seller shall be stated separately from the selling price and for
8 purposes of determining the tax due from the buyer to the seller, it
9 shall be conclusively presumed that the selling price quoted in any
10 price list does not include the taxes imposed by this section.

11 (9) As used in this section, the terms, "spirits," "strong beer,"
12 and "package" shall have the meaning ascribed to them in chapter 66.04
13 RCW.

14 **Sec. 904.** RCW 82.24.020 and 1993 c 492 s 307 are each amended to
15 read as follows:

16 (1) There is levied and there shall be collected as provided in
17 this chapter, a tax upon the sale, use, consumption, handling,
18 possession or distribution of all cigarettes, in an amount equal to the
19 rate of eleven and one-half mills per cigarette.

20 (2) (~~Until July 1, 1995,~~) An additional tax is imposed upon the
21 sale, use, consumption, handling, possession, or distribution of all
22 cigarettes, in an amount equal to the rate of (~~one and one-half~~) five
23 and one-fourth mills per cigarette. All revenues collected during any
24 month from this additional tax shall be deposited in the violence
25 reduction and drug enforcement (~~and education~~) account under RCW
26 69.50.520 by the twenty-fifth day of the following month.

27 (3) An additional tax is imposed upon the sale, use, consumption,
28 handling, possession, or distribution of all cigarettes, in an amount
29 equal to the rate of ten mills per cigarette through June 30, 1994,
30 eleven and one-fourth mills per cigarette for the period July 1, 1994,
31 through June 30, 1995, twenty mills per cigarette for the period July
32 1, 1995, through June 30, 1996, and twenty and one-half mills per
33 cigarette thereafter. All revenues collected during any month from
34 this additional tax shall be deposited in the health services account
35 created under RCW 43.72.900 by the twenty-fifth day of the following
36 month.

37 (4) Wholesalers and retailers subject to the payment of this tax
38 may, if they wish, absorb one-half mill per cigarette of the tax and

1 not pass it on to purchasers without being in violation of this section
2 or any other act relating to the sale or taxation of cigarettes.

3 (5) For purposes of this chapter, "possession" shall mean both (a)
4 physical possession by the purchaser and, (b) when cigarettes are being
5 transported to or held for the purchaser or his or her designee by a
6 person other than the purchaser, constructive possession by the
7 purchaser or his or her designee, which constructive possession shall
8 be deemed to occur at the location of the cigarettes being so
9 transported or held.

10 **Sec. 905.** RCW 82.64.010 and 1991 c 80 s 1 are each amended to
11 read as follows:

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

14 (1) "Carbonated beverage" has its ordinary meaning and includes
15 any nonalcoholic liquid intended for human consumption which contains
16 carbon dioxide, whether carbonation is obtained by natural or
17 artificial means.

18 (2) "Previously taxed (~~carbonated beverage or~~) syrup" means ((a
19 ~~carbonated beverage or~~) syrup in respect to which a tax has been paid
20 under this chapter. ((A ~~"previously taxed carbonated beverage"~~
21 ~~includes carbonated beverages in respect to which a tax has been paid~~
22 ~~under this chapter on the carbonated beverage or on the syrup in the~~
23 ~~carbonated beverage.~~))

24 (3) "Syrup" means a concentrated liquid which is added to
25 carbonated water to produce a carbonated beverage.

26 (4) Except for terms defined in this section, the definitions in
27 chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

28 **Sec. 906.** RCW 82.64.020 and 1991 c 80 s 2 are each amended to
29 read as follows:

30 (1) A tax is imposed on each sale at wholesale of ((a ~~carbonated~~
31 ~~beverage or~~) syrup in this state. The rate of the tax shall be equal
32 to ((~~eighty four one thousandths of a cent per ounce for carbonated~~
33 ~~beverages and seventy five cents~~)) one dollar per gallon ((for
34 ~~syrups~~)). Fractional amounts shall be taxed proportionally.

35 (2) A tax is imposed on each sale at retail of ((a ~~carbonated~~
36 ~~beverage or~~) syrup in this state. The rate of the tax shall be equal
37 to the rate imposed under subsection (1) of this section.

1 (3) Moneys collected under this chapter shall be deposited in the
2 violence reduction and drug enforcement (~~(and education)~~) account under
3 RCW 69.50.520.

4 (4) Chapter 82.32 RCW applies to the taxes imposed in this
5 chapter. The tax due dates, reporting periods, and return requirements
6 applicable to chapter 82.04 RCW apply equally to the taxes imposed in
7 this chapter.

8 **Sec. 907.** RCW 82.64.030 and 1991 c 80 s 3 are each amended to
9 read as follows:

10 The following are exempt from the taxes imposed in this chapter:

11 (1) Any successive sale of a previously taxed (~~(carbonated~~
12 ~~beverage or)~~) syrup.

13 (2) Any (~~(carbonated beverage or)~~) syrup that is transferred to a
14 point outside the state for use outside the state. The department
15 shall provide by rule appropriate procedures and exemption certificates
16 for the administration of this exemption.

17 (3) Any sale at wholesale of a trademarked (~~(carbonated beverage~~
18 ~~or)~~) syrup by any person to a person commonly known as a bottler who is
19 appointed by the owner of the trademark to manufacture, distribute, and
20 sell such trademarked (~~(carbonated beverage or)~~) syrup within a
21 specified geographic territory.

22 (4) Any sale of (~~(carbonated beverage or)~~) syrup in respect to
23 which a tax on the privilege of possession was paid under this chapter
24 before June 1, 1991.

25 **Sec. 908.** RCW 82.64.040 and 1991 c 80 s 7 are each amended to
26 read as follows:

27 (1) Credit shall be allowed, in accordance with rules of the
28 department, against the taxes imposed in this chapter for any
29 (~~(carbonated beverage or)~~) syrup tax paid to another state with respect
30 to the same (~~(carbonated beverage or)~~) syrup. The amount of the credit
31 shall not exceed the tax liability arising under this chapter with
32 respect to that (~~(carbonated beverage or)~~) syrup.

33 (2) For the purpose of this section:

34 (a) "~~(Carbonated beverage or)~~ Syrup tax" means a tax:

35 (i) That is imposed on the sale at wholesale of (~~(carbonated~~
36 ~~beverages or)~~) syrup and that is not generally imposed on other
37 activities or privileges; and

1 (ii) That is measured by the volume of the (~~carbonated beverage~~
2 ~~or~~) syrup.

3 (b) "State" means (i) a state of the United States other than
4 Washington, or any political subdivision of such other state, (ii) the
5 District of Columbia, and (iii) any foreign country or political
6 subdivision thereof.

7 NEW SECTION. Sec. 909. The following acts or parts of acts are
8 each repealed:

9 (1) RCW 82.64.060 and 1991 c 80 s 5; and

10 (2) RCW 82.64.900 and 1989 c 271 s 509.

11 **Sec. 910.** RCW 69.50.520 and 1989 c 271 s 401 are each amended to
12 read as follows:

13 The violence reduction and drug enforcement (~~and education~~)
14 account is created in the state treasury. All designated receipts from
15 RCW 9.41.110(5), 66.24.210(4), 66.24.290(3), 69.50.505(~~(f)(2)(i)(C)~~)
16 (h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter
17 271, Laws of 1989 shall be deposited into the account. Expenditures
18 from the account may be used only for funding services and programs
19 under (~~this act~~) chapter 271, Laws of 1989 and chapter . . . , Laws of
20 1994 (this act), including state incarceration costs. At least seven
21 and one-half percent of expenditures from the account shall be used for
22 providing grants to community networks under chapter 70.190 RCW by the
23 family policy council.

24 NEW SECTION. Sec. 911. Sections 901 through 909 of this act
25 shall be submitted as a single ballot measure to the people for their
26 adoption and ratification, or rejection, at the next succeeding general
27 election to be held in this state, in accordance with Article II,
28 section 1 of the state Constitution, as amended, and the laws adopted
29 to facilitate the operation thereof unless section 13, chapter 2, Laws
30 of 1994, has been declared invalid or otherwise enjoined or stayed by
31 a court of competent jurisdiction.

32 NEW SECTION. Sec. 912. Sections 905 through 908 of this act
33 shall not be construed as affecting any existing right acquired or
34 liability or obligation incurred, nor as affecting any proceeding

1 instituted under those sections, before the effective date of sections
2 905 through 908 of this act.

3 NEW SECTION. **Sec. 913.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 914.** Part headings and the table of contents
8 as used in this act do not constitute any part of the law.

9 NEW SECTION. **Sec. 915.** (1) Sections 201 through 204, 302, 323,
10 411, 412, 417, and 418 of this act are necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and shall take
13 effect immediately.

14 (2) Sections 904 through 908 of this act shall take effect July 1,
15 1995.

16 (3) Notwithstanding other provisions of this section, if sections
17 901 through 909 of this act are referred to the voters at the next
18 succeeding general election and sections 901 through 909 of this act
19 are rejected by the voters, then the amendments by sections 510 through
20 512, 519, 521, 525, and 527 of this act shall expire on July 1, 1995.

21 NEW SECTION. **Sec. 916.** Sections 401 through 410, 413 through
22 416, 418 through 437, and 439 through 460 of this act shall take effect
23 July 1, 1994.

24 NEW SECTION. **Sec. 917.** Sections 540 through 545 of this act
25 shall apply to offenses committed on or after July 1, 1994.

26 NEW SECTION. **Sec. 918.** (1) The legislature finds that the
27 juvenile justice act of 1977, chapter 13.40 RCW, requires substantial
28 revision. The legislature reaffirms the goals of the act, including
29 the dual goals of punishment and rehabilitation of juvenile offenders.
30 The legislature finds, however, that the substantive provisions of the
31 act are too structured to achieve fully the act's goals.

32 The framework created by the act has diminishing relevance to
33 today's violent and chronic offenders. Juveniles are committing

1 increasingly violent crimes, and they are committing these violent
2 crimes at an increasingly younger age. Simultaneously, juveniles
3 repeatedly commit minor offenses. Dispositions prescribed by the act
4 are not long enough to permit substantial rehabilitation of violent
5 offenders, and minor offenders receive no meaningful intervention. The
6 fixed system established by the act restricts the judiciary's efforts
7 to tailor punishment and rehabilitation to the juvenile's individual
8 needs. Additionally, substantial delays occur before the juvenile
9 offender is held accountable for criminal acts.

10 (2) These problems with the juvenile justice system require
11 substantial review. To this end, the legislature affirmatively
12 declares its intent to undertake significant revisions to the juvenile
13 justice act during the 1995 regular legislative session.

14 (3) Therefore, effective July 1, 1994, a special legislative task
15 force is created to examine the effectiveness of the juvenile justice
16 act of 1977, to survey alternatives to the act, and to recommend to the
17 legislature by December 15, 1994, appropriate revisions to the juvenile
18 justice laws.

19 (4) This task force shall recommend changes to the juvenile
20 justice laws based upon and embodying the following principles:

21 (a) Juvenile dispositions should be based primarily on the
22 juvenile's current offense, and the length and intensity of the
23 disposition should increase with the severity of the offense;

24 (b) The juvenile justice system should hold juveniles accountable
25 for their actions and should employ early intervention methods to
26 prevent minor offenders from continuing their criminal conduct.
27 Families should become more involved in the juvenile justice system;

28 (c) A juvenile justice system should promote positive behavioral
29 change, and dispositions should emphasize effective, practical
30 rehabilitation, because meaningful change is essential to preventing
31 recidivism and consequent public harm; and

32 (d) Judges should have broadened discretion to tailor punishment
33 and rehabilitation to the juvenile offender's needs. The statutes
34 should permit use of alternative disposition options not included in
35 current law.

36 (5) In formulating its recommendations, the task force shall:

37 (a) Evaluate the fiscal and capital planning impact of the
38 recommended revisions to juvenile justice laws;

1 (b) Consult with the department of social and health services, the
2 capital budget committee of the house of representatives, and the ways
3 and means committee of the senate regarding the development of a master
4 capital plan for juvenile offender confinement facilities; and

5 (c) Examine local resources and the implications of the
6 recommendations on juvenile dispositions and rehabilitation at the
7 local level.

8 (6) The task force established under this section shall consist
9 of two members, who shall not be members of the same caucus, from each
10 of the following: The house of representatives committees on
11 corrections, judiciary, appropriations, human services, and capital
12 budget; and the senate committees on education, law and justice, and
13 health and human services; and four members, no more than two of whom
14 shall be members of the same caucus, from the senate ways and means
15 committee. The speaker of the house of representatives shall appoint
16 the members from the house of representatives, and the president of the
17 senate shall appoint the members from the senate. This task force
18 shall meet and conduct hearings as often as is necessary to carry out
19 its responsibilities under this section. The office of program
20 research and senate committee services shall provide support staff to
21 the task force.

22 (7) The task force shall receive access to all relevant
23 information necessary to carry out its responsibilities under this
24 section. All confidential information received by the task force under
25 this section shall be kept confidential by members of the task force
26 and shall not be further disseminated unless specifically authorized by
27 state or federal law.

28 (8) The special task force, unless recreated by the legislature,
29 shall cease to exist after submitting the report required under this
30 section.

31 **Sec. 919.** 1993 sp.s. c 24 s 202 (uncodified) is amended to read
32 as follows:

33 **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY**
34 **SERVICES PROGRAM**

35	General Fund--State Appropriation	\$	((292,004,000))
36			<u>283,352,000</u>
37	General Fund--Federal Appropriation	\$	(193,407,000))
38			<u>216,172,000</u>

1	Drug Enforcement and Education Account		
2	Appropriation	\$	3,722,000
3	TOTAL APPROPRIATION	\$	((489,133,000))
4			<u>503,246,000</u>

5 The appropriations in this section are subject to the following
6 conditions and limitations:

7 (1) \$854,000 of the drug enforcement and education account
8 appropriation and \$300,000 of the general fund--state appropriation are
9 provided solely to contract for the operation of one pediatric interim
10 care facility. The facility shall provide residential care for up to
11 twelve children through two years of age. Seventy-five percent of the
12 children served by the facility must be in need of special care as a
13 result of substance abuse by their mothers. The facility also shall
14 provide on-site training to biological, adoptive, or foster parents.
15 The facility shall provide at least three months of consultation and
16 support to parents accepting placement of children from the facility.
17 The facility may recruit new and current foster and adoptive parents
18 for infants served by the facility. The department shall not require
19 case management as a condition of the contract.

20 (2) \$700,000 of the general fund--state appropriation and \$262,000
21 of the drug enforcement and education account appropriation are
22 provided solely for up to three nonfacility based programs for the
23 training, consultation, support, and recruitment of biological, foster,
24 and adoptive parents of children through age three in need of special
25 care as a result of substance abuse by their mothers, except that each
26 program may serve up to three medically fragile nonsubstance-abuse-
27 affected children. In selecting nonfacility based programs, preference
28 shall be given to programs whose federal or private funding sources
29 have expired or have successfully performed under the existing
30 pediatric interim care program.

31 (3) In the event that the department consolidates children's
32 services offices, the department shall ensure that services continue to
33 be accessible to isolated communities.

34 (4) ~~((\$14,984,000 of the general fund--state appropriation and~~
35 ~~\$14,632,000 of the general fund--federal appropriation are provided to~~
36 ~~establish a state child care block grant by July 1, 1994. The~~
37 ~~department shall develop a plan for administering the block grant which~~
38 ~~shall include: (a) A state-wide distribution formula; (b) a block~~
39 ~~grant application process that encourages the cooperative efforts of~~

1 local governments, resource and referral agencies, and other not-for-
2 profit organizations involved with child care; (c) recommendations
3 about cost-effective ways to administer child care subsidies in rural
4 areas of the state; and (d) recommendations for the percentage of the
5 grant to be used for local administration. The plan shall be presented
6 to the appropriate legislative committees by January 1, 1994.)) The
7 department shall develop and implement a plan for removing categorical
8 barriers to access for families needing departmental child care
9 services. The plan shall be developed in consultation with the child
10 care coordinating committee, and shall include strategies such as: (a)
11 Co-location of child care eligibility workers with other relevant
12 service providers such as resource and referral agencies; (b)
13 development of a uniform application form and process across programs;
14 (c) cross-training of departmental and resource and referral agency
15 child care staff; (d) development of parent brochures; and (e)
16 increased coordination at the local level with child care and early
17 childhood programs operated by other agencies and governmental
18 jurisdictions. The department shall report to appropriate committees
19 of the legislature on the plan and its implementation status by
20 December 1, 1994.

21 (5) The department shall coordinate funding totaling \$400,000 from
22 all available sources to initiate a residential teen welfare protection
23 program in an urban county with a population over 550,000. The program
24 shall be designed to improve employment and parenting skills of teenage
25 mothers to reduce long-term welfare dependence. The department shall
26 select a provider with experience in providing residential services to
27 adolescent mothers and their infants.

28 (6) The family policy council under chapter 70.190 RCW shall
29 establish procedures for locating appropriate counseling staff of
30 participating agencies in public schools.

31 ~~((8) \$8,792,000 of the general fund state appropriation is~~
32 ~~provided solely to implement the following programs: \$385,000 of this~~
33 ~~amount is provided for the medical training project on the evaluation~~
34 ~~and care of child sexual abuse, \$4,784,000 of this amount is provided~~
35 ~~for contracts for domestic violence shelters and comprehensive domestic~~
36 ~~violence service planning, \$2,841,000 of this amount is provided for~~
37 ~~early identification and treatment of child sexual abuse, and \$782,000~~
38 ~~of this amount is provided for sexual assault centers.))~~

1 (7) \$900,000 of the general fund--state appropriation, and
2 \$225,000 of the general fund--federal appropriation, are provided
3 solely to implement Engrossed Second Substitute Senate Bill No. 6255
4 (permanency planning for children). The department may transfer a
5 portion of this amount to the legal services revolving fund for costs
6 associated with implementation of this bill.

7 (8) \$4,142,000 of the general fund--state appropriation and
8 \$1,858,000 of the general fund--federal appropriation are provided
9 solely to fund prevention programs designed to address risk factors
10 related to violent criminal acts by juveniles, child abuse and neglect,
11 domestic violence, teen pregnancy and male parentage, suicide attempts,
12 substance abuse, and dropping out of school. The legislature intends,
13 through the appropriation of these funds, to address the underlying
14 causes of violence and other at-risk behaviors of children and create
15 an environment which promotes healthy behaviors and safe communities
16 for children and their families.

17 The family policy council shall disburse funds under this
18 subsection to community public health and safety networks who are in
19 substantial compliance with chapter . . . , Laws of 1994 (this act) as
20 determined by the council by rule. Funds provided under this
21 subsection shall only be available upon application of a network to the
22 council. The application and plan shall demonstrate the effectiveness
23 of the program in terms of reaching its goals, specify the risk factors
24 to be addressed and ameliorated, and provide clear and substantial
25 evidence that additional funds will substantially improve the ability
26 of the program to increase its effectiveness. In considering requests
27 for funding under this section, the council may approve requests to:

28 (a) Provide technical assistance, planning grants, and grants of
29 flexible funds to community public health and safety networks;

30 (b) Fund healthy family programs;

31 (c) Fund before- and after-school child care and therapeutic child
32 care programs;

33 (d) Fund domestic violence programs;

34 (e) Fund safe schools/community programs; and

35 (f) Fund other services targeted at the risk factors specified in
36 chapter . . . , Laws of 1994 (this act).

1 NEW SECTION. **Sec. 920.** Section 201, chapter . . . (section 201
2 of Engrossed Substitute Senate Bill No. 6244), Laws of 1994
3 (uncodified) is repealed.

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