

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2319

Chapter 7, Laws of 1994
CHAPTER NO. CORRECTED
(partial veto)

53rd Legislature
1994 1st Special Session

VIOLENCE REDUCTION PROGRAMS

EFFECTIVE DATE: 6/13/94 - Except Sections 201-204, 411, 412, 417, and 418 which take effect on 4/6/94; Section 534 which takes effect on 6/30/94; Sections 401-410, 413-416, 419-430, 432-437, and 439-460 which take effect on 7/1/94, except for items partially vetoed by the Governor; Section 325 which takes effect on 7/1/95; and those Sections vetoed by the Governor.

NOTE: Sections 901-909, 911, 912 and 915(2) have been designated as REFERENDUM BILL 43 and may be submitted to the voters at the November 8, 1994, state general election as provided in section 911.

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

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.

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

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

JOEL PRITCHARD

President of the Senate

MARILYN SHOWALTER

Chief Clerk

Approved April 6, 1994, with the exception of sections 302; 313; 323; 402(1)(d); 402(6), page 31, lines 11 through 26; 404(1)(b); 404(4)(a)(i); 431; 438; 606; 607; 802; 804; 805; 809; 810; and 919(8), which are vetoed.

FILED

April 6, 1994 - 9:50 a.m.

MIKE LOWRY

Governor of the State of Washington

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

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

6 (~~(f)~~) (vi) Improve planning, budgeting, and communication among
7 all units of the department (~~(serving)~~) and among all agencies that
8 serve children and families; and

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

11 (b) In developing services under this subsection, local communities
12 must be involved in planning and developing community networks that are
13 tailored to their unique needs.

14 **PART II. PUBLIC HEALTH**

15 NEW SECTION. Sec. 201. The legislature recognizes that the state
16 patrol, the office of the administrator for the courts, the sheriffs'
17 and police chiefs' association, the department of social and health
18 services, the department of community development, the sentencing
19 guidelines commission, the department of corrections, and the
20 superintendent of public instruction each have comprehensive data and
21 analysis capabilities that have contributed greatly to our current
22 understanding of crime and violence, and their causes.

23 The legislature finds, however, that a single health-oriented
24 agency must be designated to provide consistent guidelines to all these
25 groups regarding the way in which their data systems collect this
26 important data. It is not the intent of the legislature by section 202
27 of this act to transfer data collection requirements from existing
28 agencies or to require the addition of major new data systems. It is
29 rather the intent to make only the minimum required changes in existing
30 data systems to increase compatibility and comparability, reduce
31 duplication, and to increase the usefulness of data collected by these
32 agencies in developing more accurate descriptions of violence.

33 NEW SECTION. Sec. 202. A new section is added to chapter 43.70
34 RCW to read as follows:

35 (1) The department of health shall develop, based on
36 recommendations in the public health services improvement plan and in

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))~~;
32 one legislator from each caucus of the senate and house of
33 representatives~~((7—and))~~;
34 one representative of the governor;
35 one representative each appointed by the governor for cities or towns,
36 counties, federally recognized Indian tribes, school districts, the
37 children's commission, law enforcement agencies, superior courts,
38 public parks and recreation programs, and private agency service
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 *Sec. 302 was vetoed, see message at end of chapter.

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

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

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

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

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

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

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

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

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

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

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

8 The community public health and safety networks shall:

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

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

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

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

21 (5) Comply with outcome-based standards;

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

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

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

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

35 (2) The community network's plan may also include funding of
36 community-based home visitor programs which are designed to reduce the
37 incidence of child abuse and neglect with the network. Parents shall

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

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

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

11 (c) Parenting education and skills development;

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

13 (e) Parent support groups; and

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

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

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

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

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

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

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

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

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

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

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

38 (b) Employment assistance, including job development, school-to-
39 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 *Sec. 313 was vetoed, see message at end of chapter.

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

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

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

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

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

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

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

30 ~~(b)~~) community networks;

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

33 ~~(c)~~) (3) An interagency agreement has been prepared by the
34 (~~family policy~~) council and the participating local service and
35 support agencies that governs the use of funds, specifies the

1 relationship of the project to the principles listed in RCW 74.14A.025,
2 and identifies specific outcomes and indicators; and

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

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

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

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

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

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

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

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

33 The office of financial management shall review the administration
34 of funds for programs identified under section 308 of this act and
35 propose legislation to complete interdepartmental transfers of funds or
36 programs as necessary. The office of financial management shall review
37 statutes that authorize the programs identified under section 308 of

1 this act and suggest legislation to eliminate statutory requirements
2 that may interfere with the administration of that policy.

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

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

10 (a) The number of arrests and convictions for juvenile violent
11 offenses;

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

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

15 (d) The number of child and teenage suicides and attempted
16 suicides; and

17 (e) The high school graduation rate.

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

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

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

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

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

1 and RCW 74.14A.020, for the purpose of integrating the programs and
2 services.

3 NEW SECTION. **Sec. 321.** The secretary of social and health
4 services and the insurance commissioner shall conduct a study regarding
5 liability issues and insurance rates for private nonprofit group homes
6 that contract with the department for client placement. The secretary
7 and commissioner shall report their findings and recommendations to the
8 legislature by November 15, 1994.

9 NEW SECTION. **Sec. 322.** A new section is added to chapter 43.20A
10 RCW to read as follows:

11 The secretary of social and health services shall make all of the
12 department's evaluation and research materials and data on private
13 nonprofit group homes available to group home contractors. The
14 department may delete any information from the materials that
15 identifies a specific client or contractor, other than the contractor
16 requesting the materials.

17 ****NEW SECTION. Sec. 323. The governor shall appoint the initial***
18 ***members of the family policy council by May 1, 1994.***

19 ****Sec. 323 was vetoed, see message at end of chapter.***

20 NEW SECTION. **Sec. 324.** Any funds appropriated to the violence
21 reduction and drug enforcement account in the 1993-95 supplemental
22 budget for purposes of community networks shall only be available upon
23 application of a network to the council. The application shall
24 identify the programs and a plan for expenditure of the funds. The
25 application and plan shall demonstrate the effectiveness of the program
26 in terms of reaching its goals and provide clear and substantial
27 evidence that additional funds will substantially improve the ability
28 of the program to increase its effectiveness. Upon approval of this
29 plan, each network shall be eligible to receive a minimum dollar amount
30 as determined by the office of financial management.

31 This section shall expire June 30, 1995.

32 NEW SECTION. **Sec. 325.** RCW 70.190.900 and 1994 c . . . s 317
33 (section 317 of this act) & 1992 c 198 s 11 are each repealed.

1 NEW SECTION. Sec. 326. Section 325 of this act shall take effect
2 July 1, 1995.

3 **PART IV. FIREARMS AND OTHER WEAPONS**

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

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

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

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

13 (~~((2))~~) (3) "Rifle" means a weapon designed or redesigned, made or
14 remade, and intended to be fired from the shoulder and designed or
15 redesigned, made or remade, and intended to use the energy of the
16 explosive in a fixed metallic cartridge to fire only a single
17 projectile through a rifled bore for each single pull of the trigger.

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

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

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

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

1 the firearm, mechanism, or instrument, and fired therefrom at the rate
2 of five or more shots per second.

3 (8) "Antique firearm" means a firearm or replica of a firearm not
4 designed or redesigned for using rim fire or conventional center fire
5 ignition with fixed ammunition and manufactured in or before 1898,
6 including any matchlock, flintlock, percussion cap, or similar type of
7 ignition system and also any firearm using fixed ammunition
8 manufactured in or before 1898, for which ammunition is no longer
9 manufactured in the United States and is not readily available in the
10 ordinary channels of commercial trade.

11 (9) "Loaded" means:

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

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

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

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

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

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

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

37 (b) Any conviction ((or adjudication)) for a felony offense in
38 effect at any time prior to July 1, 1976, which is comparable to a

1 felony classified as a crime of violence in (~~subsection (2)~~)(a) of
2 this (~~section~~) subsection; and

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

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

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

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

13 (a) Any crime of violence;

14 (b) Child molestation in the second degree;

15 (c) Controlled substance homicide;

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

17 (e) Indecent liberties;

18 (f) Leading organized crime;

19 (g) Promoting prostitution in the first degree;

20 (h) Rape in the third degree;

21 (i) Sexual exploitation;

22 (j) Vehicular assault;

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

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

29 (m) Any other felony with a deadly weapon verdict under RCW
30 9.94A.125; or

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

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

37 (1) A person, whether an adult or juvenile, is guilty of the crime
38 of unlawful possession of a (~~short~~) firearm (~~or pistol,~~) if(~~(~~

1 ~~having previously been convicted or, as a juvenile, adjudicated in this~~
2 ~~state or elsewhere of a crime of violence or of a felony in which a~~
3 ~~firearm was used or displayed,))~~ the person owns ((~~or~~)), has in his or
4 her possession, or has in his or her control any ((~~short~~)) firearm ((~~or~~
5 pistol)));

6 (a) After having previously been convicted in this state or
7 elsewhere of a serious offense, a domestic violence offense enumerated
8 in RCW 10.99.020(2), a harassment offense enumerated in RCW 9A.46.060,
9 or of a felony in which a firearm was used or displayed, except as
10 otherwise provided in subsection (3) or (4) of this section;

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

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

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

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

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

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

1 a pardon, annulment, or other equivalent procedure based on a finding
2 of innocence.

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

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

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

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

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

34 (5) In addition to any other penalty provided for by law, if a
35 person under the age of eighteen years is found by a court to have
36 possessed a firearm in a vehicle in violation of subsection (1) of this
37 section or to have committed an offense while armed with a firearm
38 during which offense a motor vehicle served an integral function, the
39 court shall notify the department of licensing within twenty-four hours

1 and the person's privilege to drive shall be revoked under RCW
2 46.20.265.

3 *Sec. 402 was partially vetoed, see message at end of chapter.

4 NEW SECTION. **Sec. 403.** A new section is added to chapter 9.41 RCW
5 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

1 (1)(a) At the time a person is convicted of an offense making the
2 person ineligible to possess a firearm, or at the time a person is
3 committed by court order under RCW 71.05.320, 71.34.090, or chapter
4 10.77 RCW for mental health treatment, the convicting or committing
5 court shall notify the person, orally and in writing, that the person
6 may not possess a firearm unless his or her right to do so is restored
7 by a court of record.

8 The convicting or committing court also shall forward a copy of the
9 person's driver's license or identicard, or comparable information, to
10 the department of licensing, along with the date of conviction or
11 commitment.

12 *(b) Upon the expiration of fourteen days of treatment of a person*
13 *voluntarily committed, if the period of voluntary commitment is to*
14 *continue, the institution, hospital, or sanitarium shall notify the*
15 *person, orally and in writing, that the person may not possess a*
16 *firearm unless his or her right to do so is restored by a court of*
17 *record.*

18 *Following fourteen continuous days of treatment, the institution,*
19 *hospital, or sanitarium also shall forward a copy of the person's*
20 *driver's license or identicard, or comparable information, to the*
21 *department of licensing, along with the date of voluntary commitment.*

22 (2) Upon receipt of the information provided for by subsection (1)
23 of this section, the department of licensing shall determine if the
24 convicted or committed person has a concealed pistol license. If the
25 person does have a concealed pistol license, the department of
26 licensing shall immediately notify the license-issuing authority.

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

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

35 *(i) Voluntarily committed for mental health treatment for a period*
36 *exceeding fourteen continuous days; or*

37 *(ii) Involuntarily committed for mental health treatment under RCW*
38 *71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of*
39 *another jurisdiction,*

1 may, upon discharge, petition a court of record to have his or her
2 right to possess a firearm restored.

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

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

6 (ii) The place of treatment;

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

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

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

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

19 *Sec. 404 was partially vetoed, see message at end of chapter.

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

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

25 ~~((A person who is in possession of an unloaded pistol shall not
26 leave the unloaded pistol in a vehicle unless the unloaded pistol is
27 locked within the vehicle and concealed from view from outside the
28 vehicle.~~

29 ~~(3))~~ A person shall not carry or place a loaded pistol in any
30 vehicle unless the person has a license to carry a concealed ~~((weapon))~~
31 pistol and: (a) The pistol is on the licensee's person, (b) the
32 licensee is within the vehicle at all times that the pistol is there,
33 or (c) the licensee is away from the vehicle and the pistol is locked
34 within the vehicle and concealed from view from outside the vehicle.

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

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

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

5 (b) In attendance at a hunter's safety course or a firearms safety
6 course;

7 (c) Engaging in practice in the use of a firearm or target shooting
8 at an established range authorized by the governing body of the
9 jurisdiction in which such range is located or any other area where the
10 discharge of a firearm is not prohibited;

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

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

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

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

21 (h) Traveling in a motor vehicle with a firearm, other than a
22 pistol, that is unloaded and locked in the trunk or other compartment
23 of the vehicle, secured in a gun rack, or otherwise secured in place in
24 a vehicle;

25 (i) On real property under the control of the person or a relative
26 of the person;

27 (j) At his or her residence;

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

30 (l) Is a law enforcement officer; or

31 (m) Carrying a firearm from or to a vehicle for the purpose of
32 taking or removing the firearm to or from a place of business for
33 repair.

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

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

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

3 The provisions of RCW 9.41.050 shall not apply to:

4 (1) Marshals, sheriffs, prison or jail wardens or their deputies,
5 ((policemen)) or other law enforcement officers(~~(, or to))~~;

6 (2) Members of the ((~~army, navy or marine corps~~)) armed forces of
7 the United States or of the national guard or organized reserves, when
8 on duty(~~(, or to))~~;

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

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

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

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

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

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

34 (9) Any person while carrying a pistol unloaded and in a closed
35 opaque case or secure wrapper ((~~from the place of purchase to his home~~
36 or place of business or to a place of repair or back to his home or
37 place of business or in moving from one place of abode or business to
38 another)).

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

3 (1) The judge of a court of record, the chief of police of a
4 municipality, or the sheriff of a county, shall within thirty days
5 after the filing of an application of any person issue a license to
6 such person to carry a pistol concealed on his or her person within
7 this state for four years from date of issue, for the purposes of
8 protection or while engaged in business, sport, or while traveling.
9 However, if the applicant does not have a valid permanent Washington
10 driver's license or Washington state identification card or has not
11 been a resident of the state for the previous consecutive ninety days,
12 the issuing authority shall have up to sixty days after the filing of
13 the application to issue a license. The issuing authority shall not
14 refuse to accept completed applications for concealed pistol licenses
15 during regular business hours.

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

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

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

21 (c) Is subject to a court order or injunction regarding firearms
22 pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, (~~or~~)
23 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137,
24 26.50.060, or 26.50.070; (~~or~~)

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

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

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

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

37 (ii) Except as provided in (g)(iii) of this subsection, any person
38 who becomes ineligible for a concealed pistol (~~permit~~) license as a
39 result of a conviction for a crime listed in (~~this subsection~~

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

10 (iii) No person convicted of a serious offense as defined in RCW
11 9.41.010 may have his or her right to possess firearms restored, unless
12 the person has been granted relief from disabilities by the secretary
13 of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4)
14 applies.

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

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

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

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

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

37 (b) ~~On the second forfeiture, revoke the license for two years;~~

38 (c) ~~On the third or subsequent forfeiture, revoke the license for~~
39 ~~five years.~~

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

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

18 The license application shall contain a warning substantially as
19 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. A state license is not a
24 defense to a federal prosecution.

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

1 ~~false statement regarding citizenship on the application is guilty of~~
2 ~~a misdemeanor.))~~ A person who is not a citizen of the United States(~~(7~~
3 ~~or has not declared his or her intention to become a citizen))~~ shall
4 meet the additional requirements of RCW 9.41.170.

5 The original thereof shall be delivered to the licensee, the
6 duplicate shall within seven days be sent by registered mail to the
7 director of licensing and the triplicate shall be preserved for six
8 years, by the authority issuing (~~said~~) the license.

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

12 (~~(6)~~) (5) The fee for the original issuance of a four-year
13 license shall be (~~twenty-three~~) fifty dollars(~~(: PROVIDED, That)~~).
14 No other (~~additional charges by any~~) branch or unit of government
15 (~~shall be borne by~~) may impose any additional charges on the
16 applicant for the issuance of the license(~~(: PROVIDED FURTHER, That)~~).

17 The fee shall be distributed as follows:

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

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

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

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

26 (~~(7)~~) (6) The fee for the renewal of such license shall be
27 (~~fifteen~~) fifty dollars(~~(: PROVIDED, That)~~). No other (~~additional~~
28 ~~charges by any~~) branch or unit of government (~~shall be borne by~~) may
29 impose any additional charges on the applicant for the renewal of the
30 license(~~(: PROVIDED FURTHER, That)~~).

31 The renewal fee shall be distributed as follows:

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

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

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

1 ~~((+8))~~ (7) Payment shall be by cash, check, or money order at the
2 option of the applicant. Additional methods of payment may be allowed
3 at the option of the issuing authority.

4 ~~((+9))~~ (8) A licensee may renew a license if the licensee applies
5 for renewal within ninety days before or after the expiration date of
6 the license. A license so renewed shall take effect on the expiration
7 date of the prior license. A licensee renewing after the expiration
8 date of the license must pay a late renewal penalty of ~~((ten))~~ twenty
9 dollars in addition to the renewal fee specified in subsection ~~((+7))~~
10 (6) of this section. The fee shall be distributed as follows:

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

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

18 ~~((+10))~~ (9) Notwithstanding the requirements of subsections (1)
19 through ~~((+9))~~ (8) of this section, the chief of police of the
20 municipality or the sheriff of the county of the applicant's residence
21 may issue a temporary emergency license for good cause pending review
22 under subsection (1) of this section.

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

34 (11) A person who knowingly makes a false statement regarding
35 citizenship or identity on an application for a concealed pistol
36 license is guilty of false swearing under RCW 9A.72.040. In addition
37 to any other penalty provided for by law, the concealed pistol license
38 of a person who knowingly makes a false statement shall be revoked, and

1 the person shall be permanently ineligible for a concealed pistol
2 license.

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

4 (a) To the municipality or to the county in which the applicant
5 resides if the applicant resides in a municipality;

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

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

9 NEW SECTION. Sec. 408. A new section is added to chapter 9.41 RCW
10 to read as follows:

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

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

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

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

21 (d) An order that the licensee forfeit a firearm under RCW
22 9.41.098(1)(d).

23 (2)(a) Unless the person may lawfully possess a pistol without a
24 concealed pistol license, an ineligible person to whom a concealed
25 pistol license was issued shall, within fourteen days of license
26 revocation, lawfully transfer ownership of any pistol acquired while
27 the person was in possession of the license.

28 (b) Upon discovering a person issued a concealed pistol license was
29 ineligible for the license, the issuing authority shall contact the
30 department of licensing to determine whether the person purchased a
31 pistol while in possession of the license. If the person did purchase
32 a pistol while in possession of the concealed pistol license, if the
33 person may not lawfully possess a pistol without a concealed pistol
34 license, the issuing authority shall require the person to present
35 satisfactory evidence of having lawfully transferred ownership of the
36 pistol. The issuing authority shall require the person to produce the
37 evidence within fifteen days of the revocation of the license.

1 (3) When a licensee is ordered to forfeit a firearm under RCW
2 9.41.098(1)(d), the issuing authority shall:

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

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

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

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

10 (4) The issuing authority shall notify, in writing, the department
11 of licensing of the revocation of a license. The department of
12 licensing shall record the revocation.

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

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

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

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

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

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

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

11 (2)(a) Except as provided in (b) of this subsection, in determining
12 whether the purchaser meets the requirements of RCW 9.41.040, the chief
13 of police or sheriff, or the designee of either, shall check with the
14 national crime information center, the Washington state patrol
15 electronic data base, the department of social and health services
16 electronic data base, and with other agencies or resources as
17 appropriate, to determine whether the applicant is ineligible under RCW
18 9.41.040 to possess a firearm.

19 (b) Once the system is established, a dealer shall use the national
20 instant criminal background check system, provided for by the Brady
21 Handgun Control Act (H.R. 1025, 103rd Cong., 1st Sess. (1993)), to make
22 criminal background checks of applicants to purchase firearms.
23 However, a chief of police or sheriff, or a designee of either, shall
24 continue to check the department of social and health services'
25 electronic data base and with other agencies or resources as
26 appropriate, to determine whether applicants are ineligible under RCW
27 9.41.040 to possess a firearm.

28 (3) In any case under subsection (1)(c) of this section where the
29 applicant has an outstanding warrant for his or her arrest from any
30 court of competent jurisdiction for a felony or misdemeanor, the
31 (~~seller~~) dealer shall hold the delivery of the pistol until the
32 warrant for arrest is served and satisfied by appropriate court
33 appearance. The local jurisdiction for purposes of the sale shall
34 confirm the existence of outstanding warrants within seventy-two hours
35 after notification of the application to purchase a pistol is received.
36 The local jurisdiction shall also immediately confirm the satisfaction
37 of the warrant on request of the (~~seller~~) dealer so that the hold may
38 be released if the warrant was for (~~a crime other than a crime of~~

1 ~~violence))~~ an offense other than an offense making a person ineligible
2 under RCW 9.41.040 to possess a pistol.

3 ~~((3))~~ (4) In any case where the chief or sheriff of the local
4 jurisdiction has reasonable grounds based on the following
5 circumstances: (a) Open criminal charges, (b) pending criminal
6 proceedings, (c) pending commitment proceedings, (d) an outstanding
7 warrant for ~~((a crime of violence, or (e) an arrest for a crime of~~
8 ~~violence))~~ an offense making a person ineligible under RCW 9.41.040 to
9 possess a pistol, or (e) an arrest for an offense making a person
10 ineligible under RCW 9.41.040 to possess a pistol, if the records of
11 disposition have not yet been reported or entered sufficiently to
12 determine eligibility to purchase a pistol, the local jurisdiction may
13 hold the sale and delivery of the pistol beyond five days up to thirty
14 days in order to confirm existing records in this state or elsewhere.
15 After thirty days, the hold will be lifted unless an extension of the
16 thirty days is approved by a local district court or municipal court
17 for good cause shown. An applicant shall be notified of each hold
18 placed on the sale by local law enforcement and of any application to
19 the court for additional hold period to confirm records or confirm the
20 identity of the applicant.

21 ~~((4))~~ (5) At the time of applying for the purchase of a pistol,
22 the purchaser shall sign in triplicate and deliver to the ~~((seller))~~
23 dealer an application containing his or her full name, street address,
24 date and place of birth, ~~((and))~~ race, and gender; the date and hour of
25 the application; the applicant's driver's license number or state
26 identification card number; ~~((and))~~ a description of the ~~((weapon))~~
27 pistol including~~((7))~~ the make, model, caliber and manufacturer's
28 number; and a statement that the purchaser is eligible to ~~((own))~~
29 possess a pistol under RCW 9.41.040.

30 The application shall contain a warning substantially as follows:

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

36 The purchaser shall be given a copy of the department of fish and
37 wildlife pamphlet on the legal limits of the use of firearms, firearms

1 safety, and the fact that local laws and ordinances on firearms are
2 preempted by state law and must be consistent with state law.

3 The ~~((seller))~~ dealer shall, by the end of the business day, sign
4 and attach his or her address and deliver the original of the
5 application and such other documentation as required under subsection
6 (1) of this section to the chief of police of the municipality or the
7 sheriff of the county of which the ~~((seller))~~ purchaser is a resident.
8 The ~~((seller))~~ dealer shall deliver the pistol to the purchaser
9 following the period of time specified in this section unless the
10 ~~((seller))~~ dealer is notified in writing by the chief of police of the
11 municipality or the sheriff of the county, whichever is applicable,
12 denying the purchaser's application to purchase and the grounds
13 thereof. The application shall not be denied unless the purchaser
14 ~~((fails to meet the requirements specified in))~~ is not eligible to
15 possess a pistol under RCW 9.41.040. ~~((The chief of police of the~~
16 ~~municipality or the county sheriff shall maintain a file containing the~~
17 ~~original of the application to purchase a pistol.))~~

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

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

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

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

28 A signed application to purchase a pistol shall constitute a waiver
29 of confidentiality and written request that the department of social
30 and health services, mental health institutions, and other health care
31 facilities release, to an inquiring court or law enforcement agency,
32 information relevant to the applicant's eligibility to purchase a
33 pistol to an inquiring court or law enforcement agency.

34 Sec. 412. RCW 9.41.097 and 1983 c 232 s 5 are each amended to read
35 as follows:

36 (1) The department of social and health services, mental health
37 institutions, and other health care facilities shall, upon request of

1 a court or law enforcement agency, supply such relevant information as
2 is necessary to determine the eligibility of a person to possess a
3 pistol or to be issued a concealed pistol license under RCW 9.41.070 or
4 to purchase a pistol under RCW 9.41.090. (~~Such information shall be
5 used exclusively for the purposes specified in this section and shall
6 not be made available for public inspection except by the person who is
7 the subject of the information.~~)

8 (2) Mental health information received by: (a) The department of
9 licensing pursuant to section 404 of this act or RCW 9.41.170; (b) an
10 issuing authority pursuant to section 404 of this act or RCW 9.41.070;
11 (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.170;
12 (d) a court or law enforcement agency pursuant to subsection (1) of
13 this section, shall not be disclosed except as provided in RCW
14 42.17.318.

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

17 (1) The state, local governmental entities, any public or private
18 agency, and the employees of any state or local governmental entity or
19 public or private agency, acting in good faith, are immune from
20 liability:

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

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

25 (c) For issuing a concealed pistol license to a person ineligible
26 for such a license;

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

29 (e) For revoking or failing to revoke an issued concealed pistol
30 license; or

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

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

36 (a) Directing an issuing agency to issue a concealed pistol license
37 wrongfully refused;

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

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

6 The application for the writ may be made in the county in which the
7 application for a concealed pistol license or to purchase a pistol was
8 made, or in Thurston county, at the discretion of the petitioner. A
9 court shall provide an expedited hearing for an application brought
10 under this subsection (2) for a writ of mandamus. A person granted a
11 writ of mandamus under this subsection (2) shall be awarded reasonable
12 attorneys' fees and costs.

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

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

17 (a) Found concealed on a person not authorized by RCW 9.41.060 or
18 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
19 defense to forfeiture if the person possessed a valid Washington
20 concealed pistol license within the preceding two years and has not
21 become ineligible for a concealed pistol license in the interim.
22 Before the firearm may be returned, the person must pay the past due
23 renewal fee and the current renewal fee;

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

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

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

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

1 blood, as shown by analysis of the person's breath, blood, or other
2 bodily substance)) as defined in chapter 46.61 RCW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (4) The duly constituted licensing authorities of any city, town,
32 or political subdivision of this state shall grant licenses in forms
33 prescribed by the director of licensing effective for not more than one
34 year from the date of issue permitting the licensee to sell ((pistols))
35 firearms within this state subject to the following conditions, for
36 breach of any of which the license shall be forfeited and the licensee
37 subject to punishment as provided in RCW 9.41.010 through 9.41.160 (as

1 recodified by this act). A licensing authority shall forward a copy of
2 each license granted to the department of licensing. The department of
3 licensing shall notify the department of revenue of the name and
4 address of each dealer licensed under this section.

5 (5)(a) A licensing authority shall, within thirty days after the
6 filing of an application of any person for a dealer's license,
7 determine whether to grant the license. However, if the applicant does
8 not have a valid permanent Washington driver's license or Washington
9 state identification card, or has not been a resident of the state for
10 the previous consecutive ninety days, the licensing authority shall
11 have up to sixty days to determine whether to issue a license. No
12 person shall qualify for a license under this section without first
13 receiving a federal firearms license and undergoing fingerprinting and
14 a background check. In addition, no person ineligible to possess a
15 firearm under RCW 9.41.040 or ineligible for a concealed pistol license
16 under RCW 9.41.070 shall qualify for a dealer's license.

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

25 ((+1)) (6)(a) Except as otherwise provided in (b) of this
26 subsection, the business shall be carried on only in the building
27 designated in the license. For the purpose of this section,
28 advertising firearms for sale shall not be considered the carrying on
29 of business.

30 ((+2)) (b) A dealer may conduct business temporarily at a location
31 other than the building designated in the license, if the temporary
32 location is within Washington state and is the location of a gun show
33 sponsored by a national, state, or local organization, or an affiliate
34 of any such organization, devoted to the collection, competitive use,
35 or other sporting use of firearms in the community. Nothing in this
36 subsection (6)(b) authorizes a dealer to conduct business in or from a
37 motorized or towed vehicle.

38 In conducting business temporarily at a location other than the
39 building designated in the license, the dealer shall comply with all

1 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
2 9.41.110. The license of a dealer who fails to comply with the
3 requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this
4 section while conducting business at a temporary location shall be
5 revoked, and the dealer shall be permanently ineligible for a dealer's
6 license.

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

11 ~~((3))~~ (8)(a) No pistol ~~((shall))~~ may be sold ~~((a))~~: (i) In
12 violation of any provisions of RCW 9.41.010 through 9.41.160~~((7))~~ (as
13 recodified by this act); nor ~~((b) shall))~~ (ii) may a pistol be sold
14 under any circumstances unless the purchaser is personally known to the
15 ~~((seller))~~ dealer or shall present clear evidence of his or her
16 identity.

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

22 (c) The license fee for pistols shall be one hundred twenty-five
23 dollars. The license fee for firearms other than pistols shall be one
24 hundred twenty-five dollars. The license fee for ammunition shall be
25 one hundred twenty-five dollars. Any dealer who obtains any license
26 under subsection (1), (2), or (3) of this section may also obtain the
27 remaining licenses without payment of any fee. The fees received under
28 this section shall be deposited in the account under RCW 69.50.520.

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

1 **(b)** One copy shall within six hours be sent by ~~((registered))~~
2 certified mail to the chief of police of the municipality or the
3 sheriff of the county of which the ~~((dealer))~~ purchaser is a resident;
4 the duplicate the dealer shall within seven days send to the director
5 of licensing; the triplicate the dealer shall retain for six years.

6 ~~((+5))~~ (10) Subsections (2) through (9) of this section shall not
7 apply to sales at wholesale.

8 ~~((+6))~~ (11) The dealer's licenses authorized to be issued by this
9 section are general licenses covering all sales by the licensee within
10 the effective period of the licenses. The department shall provide a
11 single application form for dealer's licenses and a single license form
12 which shall indicate the type or types of licenses granted.

13 ~~((+7))~~ (12) Except as provided in RCW 9.41.090 ~~((as now or~~
14 ~~hereinafter amended))~~, every city, town, and political subdivision of
15 this state is prohibited from requiring the purchaser to secure a
16 permit to purchase or from requiring the dealer to secure an individual
17 permit for each sale.

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

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

22 The department of licensing may keep copies or records of
23 applications for concealed pistol licenses provided for in RCW
24 9.41.070, copies or records of applications for alien firearm licenses,
25 copies or records of applications to purchase pistols provided for in
26 RCW 9.41.090, and copies or records of pistol transfers provided for in
27 RCW 9.41.110. The copies and records shall not be disclosed except as
28 provided in RCW 42.17.318.

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

31 (1) At least once every twelve months, the department of licensing
32 shall obtain a list of dealers licensed under 18 U.S.C. Sec. 923(a)
33 with business premises in the state of Washington from the United
34 States bureau of alcohol, tobacco, and firearms. The department of
35 licensing shall verify that all dealers on the list provided by the
36 bureau of alcohol, tobacco, and firearms are licensed and registered as
37 required by RCW 9.41.100.

1 (2) At least once every twelve months, the department of licensing
2 shall obtain from the department of revenue and the department of
3 revenue shall transmit to the department of licensing a list of dealers
4 registered with the department of revenue whose gross proceeds of sales
5 are below the reporting threshold provided in RCW 82.04.300, and a list
6 of dealers whose names and addresses were forwarded to the department
7 of revenue by the department of licensing under RCW 9.41.110, who
8 failed to register with the department of revenue as required by RCW
9 9.41.100.

10 (3) At least once every twelve months, the department of licensing
11 shall notify the bureau of alcohol, tobacco, and firearms of all
12 dealers licensed under 18 U.S.C. Sec. 923(a) with business premises in
13 the state of Washington who have not complied with the licensing or
14 registration requirements of RCW 9.41.100, or whose gross proceeds of
15 sales are below the reporting threshold provided in RCW 82.04.300. In
16 notifying the bureau of alcohol, tobacco, and firearms, the department
17 of licensing shall not specify whether a particular dealer has failed
18 to comply with licensing requirements, has failed to comply with
19 registration requirements, or has gross proceeds of sales below the
20 reporting threshold.

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

23 No person (~~((shall))~~) may change, alter, remove, or obliterate the
24 name of the maker, model, manufacturer's number, or other mark of
25 identification on any (~~((pistol))~~) firearm. Possession of any (~~((pistol))~~)
26 firearm upon which any such mark shall have been changed, altered,
27 removed, or obliterated, shall be prima facie evidence that the
28 possessor has changed, altered, removed, or obliterated the same. This
29 section shall not apply to replacement barrels in old (~~((revolvers))~~)
30 firearms, which barrels are produced by current manufacturers and
31 therefor do not have the markings on the barrels of the original
32 manufacturers who are no longer in business. This section also shall
33 not apply if the changes do not make the firearm illegal for the person
34 to possess under state or federal law.

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

1 (1) It is unlawful for any person to manufacture, own, buy, sell,
2 loan, furnish, transport, or have in possession or under control, any
3 machine gun, short-barreled shotgun, or short-barreled rifle; or any
4 part (~~((thereof capable of use))~~) designed and intended solely and
5 exclusively for use in a machine gun, short-barreled shotgun, or short-
6 barreled rifle, or in converting a weapon into a machine gun, short-
7 barreled shotgun, or short-barreled rifle; or ((assembling)) to
8 assemble or ((repairing)) repair any machine gun(~~(: PROVIDED, HOWEVER,~~
9 That such limitation)), short-barreled shotgun, or short-barreled
10 rifle.

11 (2) This section shall not apply to:

12 (a) Any peace officer in the discharge of official duty or
13 traveling to or from official duty, or to any officer or member of the
14 armed forces of the United States or the state of Washington(~~(: PROVIDED FURTHER, That this section does not apply to))~~ in the
15 discharge of official duty or traveling to or from official duty; or

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

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

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

28 (iii) For exportation in compliance with all applicable federal
29 laws and regulations.

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

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

36
37 **Sec. 421.** RCW 9.41.220 and 1933 c 64 s 4 are each amended to read
38 as follows:

1 All machine guns, short-barreled shotguns, or short-barreled
2 rifles, or ~~((parts thereof))~~ any part designed and intended solely and
3 exclusively for use in a machine gun, short-barreled shotgun, or short-
4 barreled rifle, or in converting a weapon into a machine gun, short-
5 barreled shotgun, or short-barreled rifle, illegally held or illegally
6 possessed are hereby declared to be contraband, and it shall be the
7 duty of all peace officers, and/or any officer or member of the armed
8 forces of the United States or the state of Washington, to seize said
9 machine gun, short-barreled shotgun, or short-barreled rifle, or parts
10 thereof, wherever and whenever found.

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

13 ~~((Every))~~ (1) For conduct not amounting to a violation of chapter
14 9A.36 RCW, any person who ~~((shall))~~:

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

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

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

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

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

31 ~~((No minor under the age of fourteen years shall handle or have in~~
32 ~~his possession or under his control, except while accompanied by or~~
33 ~~under the immediate charge of his parent or guardian or other adult~~
34 ~~approved for the purpose of this section by the parent or guardian, or~~
35 ~~while under the supervision of a certified safety instructor at an~~
36 ~~established gun range or firearm training class, any firearm of any~~
37 ~~kind for hunting or target practice or for other purposes. Every~~

1 person violating any of the foregoing provisions, or aiding or
2 knowingly permitting any such minor to violate the same, shall be
3 guilty of a misdemeanor.))

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

- 7 (1) In the person's place of abode;
8 (2) At the person's fixed place of business; or
9 (3) On real property under his or her control.

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

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

13 (1) Manufactures, sells, or disposes of or ~~((have in his~~
14 possession)) possesses any instrument or weapon of the kind usually
15 known as slung shot, sand club, or metal knuckles, or spring blade
16 knife, or any knife the blade of which is automatically released by a
17 spring mechanism or other mechanical device, or any knife having a
18 blade which opens, or falls, or is ejected into position by the force
19 of gravity, or by an outward, downward, or centrifugal thrust or
20 movement; ~~((who shall))~~

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

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

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

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

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

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

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

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

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

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

21 (c) Any person acting for the purpose of protecting himself or
22 herself against the use of presently threatened unlawful force by
23 another, or for the purpose of protecting another against the use of
24 such unlawful force by a third person;

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

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

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

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

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

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

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

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

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

10 (2) Any such person violating subsection (1) of this section is
11 guilty of a gross misdemeanor. If any person is convicted of a
12 violation of subsection (1)(a) of this section, the person shall lose
13 his or her concealed pistol license, if any. The court shall send
14 notice of the revocation to the department of licensing, and the city,
15 town, or county which issued the license.

16 Any violation of subsection (1) of this section by elementary or
17 secondary school students constitutes grounds for expulsion from the
18 state's public schools in accordance with RCW 28A.600.010. However,
19 any violation of subsection (1)(a) of this section by an elementary or
20 secondary school student shall result in expulsion for an indefinite
21 period of time in accordance with RCW 28A.600.010. An appropriate
22 school authority shall promptly notify law enforcement and the
23 student's parent or guardian regarding any allegation or indication of
24 such violation.

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

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

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

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

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

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

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

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

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

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

15 (4) Subsections (1) (c) and (d) of this section do not apply to any
16 person who possesses nun-chu-ka sticks, throwing stars, or other
17 dangerous weapons to be used in martial arts classes authorized to be
18 conducted on the school premises.

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

22 (~~(5)~~) (6) "GUN-FREE ZONE" signs shall be posted around school
23 facilities giving warning of the prohibition of the possession of
24 firearms on school grounds.

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

27 The state of Washington hereby fully occupies and preempts the
28 entire field of firearms regulation within the boundaries of the state,
29 including the registration, licensing, possession, purchase, sale,
30 acquisition, transfer, discharge, and transportation of firearms, or
31 any other element relating to firearms or parts thereof, including
32 ammunition and reloader components. Cities, towns, and counties or
33 other municipalities may enact only those laws and ordinances relating
34 to firearms that are specifically authorized by state law, as in RCW
35 9.41.300, and are consistent with this chapter. Such local ordinances
36 shall have the same (~~(or lesser)~~) penalty as provided for by state law.
37 Local laws and ordinances that are inconsistent with, more restrictive
38 than, or exceed the requirements of state law shall not be enacted and

1 are preempted and repealed, regardless of the nature of the code,
2 charter, or home rule status of such city, town, county, or
3 municipality.

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

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

9 (a) The restricted access areas of a jail, or of a law enforcement
10 facility, or any place used for the confinement of a person (i)
11 arrested for, charged with, or convicted of an offense, (ii) (~~charged~~
12 ~~with being or adjudicated to be a juvenile offender as defined in RCW~~
13 ~~13.40.020, (iii)) held for extradition or as a material witness, or~~
14 ~~((iv)) (iii) otherwise confined pursuant to an order of a court,~~
15 except an order under chapter 13.32A or 13.34 RCW. Restricted access
16 areas do not include common areas of egress or ingress open to the
17 general public;

18 (b) Those areas in any building which are used in connection with
19 court proceedings, including courtrooms, jury rooms, judge's chambers,
20 offices and areas used to conduct court business, waiting areas, and
21 corridors adjacent to areas used in connection with court proceedings.
22 The restricted areas do not include common areas of ingress and egress
23 to the building that is used in connection with court proceedings, when
24 it is possible to protect court areas without restricting ingress and
25 egress to the building. The restricted areas shall be the minimum
26 necessary to fulfill the objective of this subsection (1)(b).

27 In addition, the local legislative authority shall provide either
28 a stationary locked box sufficient in size for (~~short firearms~~)
29 pistols and key to a weapon owner for weapon storage, or shall
30 designate an official to receive weapons for safekeeping, during the
31 owner's visit to restricted areas of the building. The locked box or
32 designated official shall be located within the same building used in
33 connection with court proceedings. The local legislative authority
34 shall be liable for any negligence causing damage to or loss of a
35 weapon either placed in a locked box or left with an official during
36 the owner's visit to restricted areas of the building.

37 The local judicial authority shall designate and clearly mark those
38 areas where weapons are prohibited, and shall post notices at each

1 entrance to the building of the prohibition against weapons in the
2 restricted areas;

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

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

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

13 (a) Restricting the discharge of firearms in any portion of their
14 respective jurisdictions where there is a reasonable likelihood that
15 humans, domestic animals, or property will be jeopardized. Such laws
16 and ordinances shall not abridge the right of the individual guaranteed
17 by Article I, section 24 of the state Constitution to bear arms in
18 defense of self or others; and

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

22 (i) Any (~~firearm~~) pistol in the possession of a person licensed
23 under RCW 9.41.070 or exempt from the licensing requirement by RCW
24 9.41.060; or

25 (ii) Any showing, demonstration, or lecture involving the
26 exhibition of firearms.

27 (3)(a) Cities, towns, and counties may enact ordinances restricting
28 the areas in their respective jurisdictions in which firearms may be
29 sold, but, except as provided in (b) of this subsection, a business
30 selling firearms may not be treated more restrictively than other
31 businesses located within the same zone. An ordinance requiring the
32 cessation of business within a zone shall not have a shorter
33 grandfather period for businesses selling firearms than for any other
34 businesses within the zone.

35 (b) Cities, towns, and counties may restrict the location of a
36 business selling firearms to not less than five hundred feet from
37 primary or secondary school grounds, if the business has a storefront,
38 has hours during which it is open for business, and posts
39 advertisements or signs observable to passersby that firearms are

1 available for sale. A business selling firearms that exists as of the
2 date a restriction is enacted under this subsection (3)(b) shall be
3 grandfathered according to existing law.

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

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

10 ~~((+4))~~ (6) Subsection (1) of this section does not apply to:

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

13 (b) Law enforcement personnel; or

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

15 ~~((+5))~~ (7) Subsection (1)(a) of this section does not apply to a
16 person licensed pursuant to RCW 9.41.070 who, upon entering the place
17 or facility, directly and promptly proceeds to the administrator of the
18 facility or the administrator's designee and obtains written permission
19 to possess the firearm while on the premises or checks his or her
20 firearm. The person may reclaim the firearms upon leaving but must
21 immediately and directly depart from the place or facility.

22 ~~((+6))~~ (8) Subsection (1)(c) of this section does not apply to any
23 administrator or employee of the facility or to any person who, upon
24 entering the place or facility, directly and promptly proceeds to the
25 administrator of the facility or the administrator's designee and
26 obtains written permission to possess the firearm while on the
27 premises.

28 ~~((+7))~~ (9) Subsection (1)(d) of this section does not apply to the
29 proprietor of the premises or his or her employees while engaged in
30 their employment.

31 ~~((+8))~~ (10) Any person violating subsection (1) of this section is
32 guilty of a gross misdemeanor.

33 ~~((+9))~~ (11) "Weapon" as used in this section means any firearm,
34 explosive as defined in RCW 70.74.010, or instrument or weapon listed
35 in RCW 9.41.250.

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

1 (1) 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 shall, upon a showing by clear and convincing evidence, that a party
5 has: Used, displayed, or threatened to use a firearm or other
6 dangerous weapon in a serious offense, or previously committed any
7 offense that makes him or her ineligible to possess a firearm under the
8 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 any 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 (2) Any court when entering an order authorized under RCW
18 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
19 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
20 may, upon a showing by a preponderance of the evidence but not by clear
21 and convincing evidence, that a party has: Used, displayed, or
22 threatened to use a firearm or other dangerous weapon in a serious
23 offense, or previously committed any offense that makes him or her
24 ineligible to possess a pistol under the provisions of RCW 9.41.040:

25 (a) Require the party to surrender any firearm or other dangerous
26 weapon;

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

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

31 (d) Prohibit the party from obtaining or possessing a concealed
32 pistol license.

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

38 (4) In addition to the provisions of subsections (1), (2), and (3)
39 of this section, the court may enter an order requiring a party to

1 comply with the provisions in subsection (1) of this section if it
2 finds that the possession of a firearm or other dangerous weapon by any
3 party presents a serious and imminent threat to public health or
4 safety, or to the health or safety of any individual.

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

8 (6) The court may require the party to surrender any firearm or
9 other dangerous weapon in his or her immediate possession or control or
10 subject to his or her immediate possession or control to the sheriff of
11 the county having jurisdiction of the proceeding or to the restrained
12 or enjoined party's counsel or to any person designated by the court.

13 ***NEW SECTION.** *Sec. 431. A new section is added to chapter 9.41*
14 *RCW to read as follows:*

15 *A local governmental entity as defined by RCW 4.96.010(2) may close*
16 *a firearm range training and practice facility only if the local*
17 *governmental entity replaces the closed facility with another firearm*
18 *range training and practice facility of at least equal capacity. A*
19 *local governmental entity may close more than one firearm range*
20 *training and practice facility and replace the closed facilities with*
21 *a single firearm range training and practice facility, if the capacity*
22 *of the replacement facility is at least as large as the combined*
23 *capacities of the closed facilities.*

24 *A replacement firearm range training and practice facility must be*
25 *open for use within thirty days of the closure of the replaced facility*
26 *or facilities. Further, a replacement firearm range training and*
27 *practice facility must be available for use by law enforcement*
28 *personnel or the general public to the same extent as the replaced*
29 *facility or facilities.*

30 **Sec. 431 was vetoed, see message at end of chapter.*

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

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

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

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

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

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

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

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

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

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

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

15 (c) An access device; or

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

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

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

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

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

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

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

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

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

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

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

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

3 (1)(a) If a juvenile thirteen years of age or older is found by
4 juvenile court to have committed an offense while armed with a firearm
5 or an offense that is a violation of RCW 9.41.040(1)(e) or chapter
6 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the
7 department of licensing within twenty-four hours after entry of the
8 judgment.

9 (b) Except as otherwise provided in (c) of this subsection, upon
10 petition of a juvenile who has been found by the court to have
11 committed an offense that is a violation of chapter 66.44, 69.41,
12 69.50, or 69.52 RCW, the court may at any time the court deems
13 appropriate notify the department of licensing that the juvenile's
14 driving privileges should be reinstated.

15 (c) If the offense is the juvenile's first violation of chapter
16 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the
17 court for reinstatement of the juvenile's privilege to drive revoked
18 pursuant to RCW 46.20.265 until ninety days after the date the juvenile
19 turns sixteen or ninety days after the judgment was entered, whichever
20 is later. If the offense is the juvenile's second or subsequent
21 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile
22 may not petition the court for reinstatement of the juvenile's
23 privilege to drive revoked pursuant to RCW 46.20.265 until the date the
24 juvenile turns seventeen or one year after the date judgment was
25 entered, whichever is later.

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

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

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

36 (1) An emancipated minor shall be considered to have the power and
37 capacity of an adult, except as provided in subsection (2) of this

1 section. A minor shall be considered emancipated for the purposes of,
2 but not limited to:

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

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

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

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

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

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

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

17 (h) The right to give informed consent for receiving health care
18 services.

19 (2) An emancipated minor shall not be considered an adult for: (a)
20 The purposes of the adult criminal laws of the state unless the decline
21 of jurisdiction procedures contained in RCW 13.40.110 are used or the
22 minor is tried in criminal court pursuant to RCW 13.04.030(1)(e)(iv);

23 (b) the criminal laws of the state when the emancipated minor is a
24 victim and the age of the victim is an element of the offense; or (c)
25 those specific constitutional and statutory age requirements regarding
26 voting, use of alcoholic beverages, possession of firearms, and other
27 health and safety regulations relevant to the minor because of the
28 minor's age.

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

31 Every person who(÷

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

36 ~~(2) Shall admit to, or allow to remain in any public pool or~~
37 ~~billiard hall, or in any place of entertainment injurious to health or~~

1 morals, owned, kept or managed by him or her, any person under the age
2 of eighteen years; or,

3 (3) Shall suffer or permit any such person to play any game of
4 skill or chance, in any such place, or in any place adjacent thereto,
5 or to be or remain therein, or admit or allow to remain in any reputed
6 house of prostitution or assignation, or in any place where opium or
7 any preparation thereof, is smoked, or where any narcotic drug is used,
8 any persons under the age of eighteen years; or,

9 (4) Shall)) sells or gives, or permits to be sold or given to any
10 person under the age of eighteen years any cigar, cigarette, cigarette
11 paper or wrapper, or tobacco in any form((; or

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

14 Shall be)) is guilty of a gross misdemeanor.

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

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

20 ((The license applications under RCW 9.41.070 are exempt from the
21 disclosure requirements of this chapter. Copies of license
22 applications or information on the applications may be released to law
23 enforcement or corrections agencies.))

24 (1) Except as provided in subsection (3) of this section, the
25 license applications under RCW 9.41.070, alien firearm license
26 applications under RCW 9.41.170, purchase applications under RCW
27 9.41.090, and records of pistol sales under RCW 9.41.110 shall not be
28 disclosed.

29 (2) Except as provided in subsection (3) of this section,
30 information concerning mental health information received by: (a) The
31 department of licensing, under section 404 of this act or RCW 9.41.170;
32 (b) an authority that issues concealed pistol licenses, under section
33 404 of this act or RCW 9.41.070; (c) a law enforcement agency, under
34 RCW 9.41.090 or 9.41.170; or (d) a court or law enforcement agency
35 under RCW 9.41.097, shall not be disclosed.

36 (3)(a) Copies or records of applications for concealed pistol
37 licenses, alien firearm licenses, or to purchase pistols, copies or
38 records of pistol sales, and information on the applications or records

1 may be released to law enforcement or corrections agencies or to the
2 person who is the subject of the information. Information concerning
3 mental health information may be released to law enforcement or
4 corrections agencies. The person who is the subject of mental health
5 information may seek disclosure of the information from the health care
6 provider pursuant to chapter 70.02 RCW.

7 (b) Personally identifying information from applications for
8 concealed pistol licenses, applications for alien firearm licenses,
9 applications to purchase pistols, and records of pistol transfers, such
10 as names, addresses (other than zip codes), and social security
11 numbers, shall not be disclosed except as provided in (a) of this
12 subsection. Information other than personally identifying information,
13 concerning applications for concealed pistol licenses or to purchase
14 pistols, or concerning records of pistol sales, may be disclosed to any
15 person upon request.

16 *Sec. 438 was vetoed, see message at end of chapter.

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

19 (1) In addition to any other authority to revoke driving privileges
20 under this chapter, the department shall revoke all driving privileges
21 of a juvenile when the department receives notice from a court pursuant
22 to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420,
23 69.52.070, or a substantially similar municipal ordinance adopted by a
24 local legislative authority, or from a diversion unit pursuant to RCW
25 13.40.265. The revocation shall be imposed without hearing.

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

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

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

34 (c) Each offense for which the department receives notice shall
35 result in a separate period of revocation. All periods of revocation
36 imposed under this section that could otherwise overlap shall run
37 consecutively and no period of revocation imposed under this section

1 shall begin before the expiration of all other periods of revocation
2 imposed under this section or other law.

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

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

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

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

24 Competency shall not be determined or withdrawn by operation of, or
25 under the provisions of this chapter. Except as chapter 9.41 RCW may
26 limit the right of a person to purchase or possess a firearm or to
27 qualify for a concealed pistol license, no person shall be presumed
28 incompetent or lose any civil rights as a consequence of receiving
29 evaluation or treatment for mental disorder, either voluntarily or
30 involuntarily, or certification or commitment pursuant to this chapter
31 or any prior laws of this state dealing with mental illness. Any
32 person who leaves a public or private agency following evaluation or
33 treatment for mental disorder shall be given a written statement
34 setting forth the substance of this section.

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

1 The person in charge of any private institution, hospital, or
2 sanitarium which is conducted for, or includes a department or ward
3 conducted for, the care and treatment of persons who are mentally ill
4 or deranged may receive therein as a voluntary patient any person
5 suffering from mental illness or derangement who is a suitable person
6 for care and treatment in the institution, hospital, or sanitarium, who
7 voluntarily makes a written application to the person in charge for
8 admission into the institution, hospital or sanitarium. (~~After six~~
9 ~~months of continuous inpatient treatment as a voluntary~~) At the
10 expiration of fourteen continuous days of treatment of a patient
11 voluntarily committed in a private institution, hospital, or
12 sanitarium, if the period of voluntary commitment is to continue, the
13 person in charge shall forward to the office of the department of
14 social and health services a record of the voluntary patient showing
15 the name, residence, ((age)) date of birth, sex, place of birth,
16 occupation, social security number, marital status, date of admission
17 to the institution, hospital, or sanitarium, and such other information
18 as may be required by rule of the department of social and health
19 services.

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

22 Any person received and detained in a state hospital (~~pursuant to~~
23 ~~RCW 72.23.070 shall be~~) under chapter 71.34 RCW is deemed a voluntary
24 patient and, except as chapter 9.41 RCW may limit the right of a person
25 to purchase or possess a firearm or to qualify for a concealed pistol
26 license, shall not suffer a loss of legal competency by reason of his
27 or her application and admission. Upon the admission of a voluntary
28 patient to a state hospital the superintendent shall immediately
29 forward to the department the record of such patient showing the name,
30 address, sex, ((age)) date of birth, place of birth, occupation, social
31 security number, date of admission, name of nearest relative, and such
32 other information as the department may from time to time require.

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

35 The firearms range account is hereby created in the state general
36 fund. (~~Any funds remaining in the firearm range account established~~
37 ~~by RCW 77.12.195, at the time of its repeal by section 7, chapter 195,~~

1 ~~Laws of 1990, shall be transferred to the firearms range account~~
2 ~~established in this section.))~~ Moneys in the account shall be subject
3 to legislative appropriation and shall be used for purchase and
4 development of land, construction or improvement of range facilities,
5 including fixed structure construction or remodeling, equipment
6 purchase, safety or environmental improvements, noise abatement, and
7 liability protection for public and nonprofit firearm range training
8 and practice facilities.

9 Grant funds shall not be used for expendable shooting supplies, or
10 normal operating expenses. Grant funds shall not supplant funds for
11 other organization programs.

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

19 Applicants for a grant from the firearms range account shall
20 provide matching funds in either cash or in-kind contributions. The
21 match must represent one dollar in value for each one dollar of the
22 grant. In-kind contributions include but are not limited to labor,
23 materials, and new property. Existing assets and existing development
24 may not apply to the match.

25 Applicants other than school districts or local or state government
26 must be registered as a nonprofit or not-for-profit organization with
27 the Washington secretary of state and the United States internal
28 revenue service. The organization's articles of incorporation must
29 contain provisions for the organization's structure, officers, legal
30 address, and registered agent.

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

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

38 ~~((Facilities))~~ Entities receiving grants must ~~((be))~~ make the
39 facilities for which grant funding is received open for hunter safety

1 education classes and firearm safety classes on a regular basis for no
2 fee.

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

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

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

11 (~~(While on duty within their respective jurisdictions,~~) Law
12 enforcement officers authorized to carry firearms are exempt from RCW
13 77.16.250 and 77.16.260.

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

16 This chapter shall apply to any person engaging in any business
17 activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255,
18 82.04.260, 82.04.270, 82.04.280, and 82.04.290 other than those whose
19 value of products, gross proceeds of sales, or gross income of the
20 business is less than one thousand dollars per month: PROVIDED, That
21 where one person engages in more than one business activity and the
22 combined measures of the tax applicable to such businesses equal or
23 exceed one thousand dollars per month, no exemption or deduction from
24 the amount of tax is allowed by this section.

25 A person who is a dealer as defined by RCW 9.41.010 is required to
26 file returns even though no tax may be due. Any other person claiming
27 exemption under the provisions of this section may be required,
28 according to rules adopted by the department, to file returns even
29 though no tax may be due. The department of revenue may allow
30 exemptions, by general rule or regulation, in those instances in which
31 quarterly, semiannual, or annual returns are permitted. Exemptions for
32 such periods shall be equivalent in amount to the total of exemptions
33 for each month of a reporting period.

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

1 (1) Except as provided in subsection (2) of this section, if any
2 person engages in any business or performs any act upon which a tax is
3 imposed by the preceding chapters, he or she shall, under such rules as
4 the department of revenue shall prescribe, apply for and obtain from
5 the department a registration certificate upon payment of fifteen
6 dollars. Such registration certificate shall be personal and
7 nontransferable and shall be valid as long as the taxpayer continues in
8 business and pays the tax accrued to the state. In case business is
9 transacted at two or more separate places by one taxpayer, a separate
10 registration certificate for each place at which business is transacted
11 with the public shall be required, but, for such additional
12 certificates no additional payment shall be required. Each certificate
13 shall be numbered and shall show the name, residence, and place and
14 character of business of the taxpayer and such other information as the
15 department of revenue deems necessary and shall be posted in a
16 conspicuous place at the place of business for which it is issued.
17 Where a place of business of the taxpayer is changed, the taxpayer must
18 return to the department the existing certificate, and a new
19 certificate will be issued for the new place of business free of
20 charge. No person required to be registered under this section shall
21 engage in any business taxable hereunder without first being so
22 registered. The department, by rule, may provide for the issuance of
23 certificates of registration, without requiring payment, to temporary
24 places of business or to persons who are exempt from tax under RCW
25 82.04.300.

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

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

32 (b) The person is not required to collect or pay to the department
33 of revenue any other tax which the department is authorized to collect;
34 and

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

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

3 A defendant who is charged by citation, complaint, or information
4 with an offense involving harassment and not arrested shall appear in
5 court for arraignment in person as soon as practicable, but in no event
6 later than fourteen days after the next day on which court is in
7 session following the issuance of the citation or the filing of the
8 complaint or information. At that appearance, the court shall
9 determine the necessity of imposing a no-contact or no-harassment
10 order, and consider the provisions of section 430 of this act, or other
11 conditions of pretrial release according to the procedures established
12 by court rule for preliminary appearance or an arraignment.

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

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

24 (2) An ex parte temporary antiharassment protection order shall be
25 effective for a fixed period not to exceed fourteen days or twenty-four
26 days if the court has permitted service by publication under RCW
27 10.14.085. The ex parte order may be reissued. A full hearing, as
28 provided in this chapter, shall be set for not later than fourteen days
29 from the issuance of the temporary order or not later than twenty-four
30 days if service by publication is permitted. Except as provided in RCW
31 10.14.070 and 10.14.085, the respondent shall be personally served with
32 a copy of the ex parte order along with a copy of the petition and
33 notice of the date set for the hearing.

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

37 (4) An order issued under this chapter shall be effective for not
38 more than one year unless the court finds that the respondent is likely

1 to resume unlawful harassment of the petitioner when the order expires.
2 If so, the court may enter an order for a fixed time exceeding one year
3 or may enter a permanent antiharassment protection order. The court
4 shall not enter an order that is effective for more than one year if
5 the order restrains the respondent from contacting the respondent's
6 minor children. If the petitioner seeks relief for a period longer
7 than one year on behalf of the respondent's minor children, the court
8 shall advise the petitioner that the petitioner may apply for renewal
9 of the order as provided in this chapter or if appropriate may seek
10 relief pursuant to chapter 26.09 or 26.10 RCW.

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

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

36 (a) Restraining the respondent from making any attempts to contact
37 the petitioner;

38 (b) Restraining the respondent from making any attempts to keep the
39 petitioner under surveillance; ((and))

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

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

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

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

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

18 (1) Because of the serious nature of domestic violence, the court
19 in domestic violence actions:

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

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

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

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

32 (2) Because of the likelihood of repeated violence directed at
33 those who have been victims of domestic violence in the past, when any
34 person charged with or arrested for a crime involving domestic violence
35 is released from custody before arraignment or trial on bail or
36 personal recognizance, the court authorizing the release may prohibit
37 that person from having any contact with the victim. The jurisdiction
38 authorizing the release shall determine whether that person should be

1 prohibited from having any contact with the victim. If there is no
2 outstanding restraining or protective order prohibiting that person
3 from having contact with the victim, the court authorizing release may
4 issue, by telephone, a no-contact order prohibiting the person charged
5 or arrested from having contact with the victim. In issuing the order,
6 the court shall consider the provisions of section 430 of this act.
7 The no-contact order shall also be issued in writing as soon as
8 possible. (~~If the court has probable cause to believe that the person~~
9 ~~charged or arrested is likely to use or display or threaten to use a~~
10 ~~deadly weapon as defined in RCW 9A.04.110 in any further acts of~~
11 ~~violence, the court may also require that person to surrender any~~
12 ~~deadly weapon in that person's immediate possession or control, or~~
13 ~~subject to that person's immediate possession or control, to the~~
14 ~~sheriff of the county or chief of police of the municipality in which~~
15 ~~that person resides or to the defendant's counsel for safekeeping.))~~

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

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

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

1 substantial risk of death or serious physical injury to another person
2 is a class C felony punishable under chapter 9A.20 RCW.

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

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

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

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

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

37 (3) At the time of the appearances provided in subsection (1) or
38 (2) of this section, the court shall determine the necessity of

1 imposing a no contact order or other conditions of pretrial release
2 according to the procedures established by court rule for a preliminary
3 appearance or an arraignment. (~~If the court has probable cause to~~
4 ~~believe that the defendant is likely to use or display or threaten to~~
5 ~~use a deadly weapon as defined in RCW 9A.04.110 in any further acts of~~
6 ~~violence, as one of the conditions of pretrial release, the court may~~
7 ~~require the defendant to surrender any deadly weapon in the defendant's~~
8 ~~immediate possession or control, or subject to the defendant's~~
9 ~~immediate possession or control, to the sheriff of the county or chief~~
10 ~~of police of the municipality in which the defendant resides or to the~~
11 ~~defendant's counsel for safekeeping. The decision of the judge and~~
12 ~~findings of fact in support thereof shall be in writing.)) The court
13 may include in the order any conditions authorized under section 430 of
14 this act.~~

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

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

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

22 In entering a decree of dissolution of marriage, legal separation,
23 or declaration of invalidity, the court shall determine the marital
24 status of the parties, make provision for a parenting plan for any
25 minor child of the marriage, make provision for the support of any
26 child of the marriage entitled to support, consider or approve
27 provision for the maintenance of either spouse, make provision for the
28 disposition of property and liabilities of the parties, make provision
29 for the allocation of the children as federal tax exemptions, make
30 provision for any necessary continuing restraining orders including the
31 provisions contained in section 430 of this act, and make provision for
32 the change of name of any party.

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

35 (1) In a proceeding for:

36 (a) Dissolution of marriage, legal separation, or a declaration of
37 invalidity; or

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

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

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

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

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

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

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

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

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

3 ~~((+4))~~ (5) The court may issue a temporary restraining order or
4 preliminary injunction and an order for temporary maintenance or
5 support in such amounts and on such terms as are just and proper in the
6 circumstances. The court may in its discretion waive the filing of the
7 bond or the posting of security.

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

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

23 ~~((+7))~~ (8) A temporary order, temporary restraining order, or
24 preliminary injunction:

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

27 (b) May be revoked or modified;

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (a) ~~Molesting or disturbing the peace of the other party or of any~~
26 ~~child ((and, upon a showing by clear and convincing evidence that the~~
27 ~~party so restrained or enjoined has used or displayed or threatened to~~
28 ~~use a deadly weapon as defined in RCW 9A.04.110 in an act of violence~~
29 ~~or has previously committed acts of domestic violence and is likely to~~
30 ~~use or display or threaten to use a deadly weapon in an act of domestic~~
31 ~~violence, requiring the party to surrender any deadly weapon in his~~
32 ~~immediate possession or control or subject to his immediate possession~~
33 ~~or control to the sheriff of the county having jurisdiction of the~~
34 ~~proceeding or to the restrained or enjoined party's counsel or to any~~
35 ~~person designated by the court. The court may order temporary~~
36 ~~surrender of deadly weapons without notice to the other party only if~~
37 ~~it finds on the basis of the moving affidavit or other evidence that~~

1 irreparable injury could result if an order is not issued until the
2 time for response has elapsed));

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

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

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

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

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

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

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

31 ((+7)) (8) A temporary order, temporary restraining order, or
32 preliminary injunction:

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

35 (b) May be revoked or modified;

36 (c) Terminates when the final order is entered or when the motion
37 is dismissed;

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

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

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

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

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

25 (3) The judgment and order shall contain other appropriate
26 provisions directed to the appropriate parties to the proceeding,
27 concerning the duty of current and future support, the extent of any
28 liability for past support furnished to the child if that issue is
29 before the court, the furnishing of bond or other security for the
30 payment of the judgment, or any other matter in the best interest of
31 the child. The judgment and order may direct the father to pay the
32 reasonable expenses of the mother's pregnancy and confinement. The
33 judgment and order may include a continuing restraining order or
34 injunction. In issuing the order, the court shall consider the
35 provisions of section 430 of this act.

36 (4) Support judgment and orders shall be for periodic payments
37 which may vary in amount. The court may limit the father's liability
38 for the past support to the child to the proportion of the expenses

1 already incurred as the court deems just. The court shall not limit or
2 affect in any manner the right of nonparties including the state of
3 Washington to seek reimbursement for support and other services
4 previously furnished to the child.

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

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

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

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

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

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

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

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

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

11 (5) A temporary order, temporary restraining order, or preliminary
12 injunction:

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

15 (b) May be revoked or modified;

16 (c) Terminates when the final order is entered or when the petition
17 is dismissed; and

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

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

36 **Sec. 457.** RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and
37 1992 c 86 s 4 are each reenacted and amended to read as follows:

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

3 (a) Restrain the respondent from committing acts of domestic
4 violence;

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

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

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

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

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

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

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

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

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

1 likely to resume acts of domestic violence against the petitioner or
2 the petitioner's family or household members or minor children when the
3 order expires, the court may either (a) grant relief for a fixed period
4 not to exceed one year; (b) grant relief for a fixed period in excess
5 of one year; or (c) enter a permanent order of protection.

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

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

36 (4) In providing relief under this chapter, the court may realign
37 the designation of the parties as "petitioner" and "respondent" where
38 the court finds that the original petitioner is the abuser and the
39 original respondent is the victim of domestic violence and may issue an

1 ex parte temporary order for protection in accordance with RCW
2 26.50.070 on behalf of the victim until the victim is able to prepare
3 a petition for an order for protection in accordance with RCW
4 26.50.030.

5 (5) Except as provided in subsection (4) of this section, no order
6 for protection shall grant relief to any party except upon notice to
7 the respondent and hearing pursuant to a petition or counter-petition
8 filed and served by the party seeking relief in accordance with RCW
9 26.50.050.

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

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

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

23 (a) Restraining any party from committing acts of domestic
24 violence;

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

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

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

33 (e) Considering the provisions of section 430 of this act.

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

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

4 (4) An ex parte temporary order for protection shall be effective
5 for a fixed period not to exceed fourteen days or twenty-four days if
6 the court has permitted service by publication under RCW 26.50.085.
7 The ex parte order may be reissued. A full hearing, as provided in
8 this chapter, shall be set for not later than fourteen days from the
9 issuance of the temporary order or not later than twenty-four days if
10 service by publication is permitted. Except as provided in RCW
11 26.50.050 and 26.50.085, the respondent shall be personally served with
12 a copy of the ex parte order along with a copy of the petition and
13 notice of the date set for the hearing.

14 NEW SECTION. **Sec. 459.** (1) RCW 19.70.010 and 19.70.020 are each
15 recodified as sections in chapter 9.41 RCW.

16 (2) RCW 9.41.160 is recodified in chapter 9.41 RCW to follow RCW
17 9.41.310.

18 NEW SECTION. **Sec. 460.** The following acts or parts of acts are
19 each repealed:

- 20 (1) RCW 9.41.030 and 1935 c 172 s 3;
21 (2) RCW 9.41.093 and 1969 ex.s. c 227 s 2;
22 (3) RCW 9.41.095 and 1969 ex.s. c 227 s 3;
23 (4) RCW 9.41.130 and 1935 c 172 s 13;
24 (5) RCW 9.41.150 and 1989 c 132 s 1, 1961 c 124 s 11, & 1935 c 172
25 s 15;
26 (6) RCW 9.41.180 and 1992 c 7 s 8 & 1909 c 249 s 266;
27 (7) RCW 9.41.200 and 1982 c 231 s 2 & 1933 c 64 s 2; and
28 (8) RCW 9.41.210 and 1933 c 64 s 3.

29 **PART V. PUBLIC SAFETY**

30 NEW SECTION. **Sec. 501.** A new section is added to chapter 74.13
31 RCW to read as follows:

32 The department of social and health services shall maintain a toll-
33 free hotline to assist parents of runaway children. The hotline shall
34 provide parents with a complete description of their rights when
35 dealing with their runaway child.

1 NEW SECTION. **Sec. 502.** A new section is added to chapter 35.21
2 RCW to read as follows:

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

10 (2) The ordinance shall not contain any criminal sanctions for a
11 violation of the ordinance.

12 NEW SECTION. **Sec. 503.** A new section is added to chapter 35A.11
13 RCW to read as follows:

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

21 (2) The ordinance shall not contain any criminal sanctions for a
22 violation of the ordinance.

23 NEW SECTION. **Sec. 504.** A new section is added to chapter 36.32
24 RCW to read as follows:

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

32 (2) The ordinance shall not contain any criminal sanctions for a
33 violation of the ordinance.

34 **Sec. 505.** RCW 13.32A.050 and 1990 c 276 s 5 are each amended to
35 read as follows:

36 A law enforcement officer shall take a child into custody:

1 (1) If a law enforcement agency has been contacted by the parent of
2 the child that the child is absent from parental custody without
3 consent; or

4 (2) If a law enforcement officer reasonably believes, considering
5 the child's age, the location, and the time of day, that a child is in
6 circumstances which constitute a danger to the child's safety or that
7 a child is violating a local curfew ordinance; or

8 (3) If an agency legally charged with the supervision of a child
9 has notified a law enforcement agency that the child has run away from
10 placement; or

11 (4) If a law enforcement agency has been notified by the juvenile
12 court that the court finds probable cause exists to believe that the
13 child has violated a court placement order issued pursuant to chapter
14 13.32A RCW or that the court has issued an order for law enforcement
15 pick-up of the child under this chapter.

16 Law enforcement custody shall not extend beyond the amount of time
17 reasonably necessary to transport the child to a destination authorized
18 by law and to place the child at that destination.

19 An officer who takes a child into custody under this section and
20 places the child in a designated crisis residential center shall inform
21 the department of such placement within twenty-four hours.

22 (5) Nothing in this section affects the authority of any political
23 subdivision to make regulations concerning the conduct of minors in
24 public places by ordinance or other local law.

25 (6) If a law enforcement officer has a reasonable suspicion that a
26 child is being unlawfully harbored under RCW 13.32A.080, the officer
27 shall remove the child from the custody of the person harboring the
28 child and shall transport the child to one of the locations specified
29 in RCW 13.32A.060.

30 **Sec. 506.** RCW 13.32A.060 and 1985 c 257 s 8 are each amended to
31 read as follows:

32 (1) An officer taking a child into custody under RCW 13.32A.050 (1)
33 or (2) shall inform the child of the reason for such custody and shall
34 either:

35 (a) Transport the child to his or her home. The officer releasing
36 a child into the custody of the parent shall inform the parent of the
37 reason for the taking of the child into custody and shall inform the

1 child and the parent of the nature and location of appropriate services
2 available in their community; or

3 (b) Take the child to the home of an adult extended family member,
4 a designated crisis residential center, or the home of a responsible
5 adult after attempting to notify the parent or legal guardian:

6 (i) If the child (~~((evincees))~~) expresses fear or distress at the
7 prospect of being returned to his or her home(~~((i-or~~

8 ~~((ii-If the officer believes))~~) which leads the officer to believe
9 there is a possibility that the child is experiencing in the home some
10 type of child abuse or neglect, as defined in RCW 26.44.020, as now law
11 or hereafter amended; or

12 (~~((iii))~~) (ii) If it is not practical to transport the child to his
13 or her home; or

14 (~~((iv))~~) (iii) If there is no parent available to accept custody of
15 the child.

16 The officer releasing a child into the custody of an extended
17 family member or a responsible adult shall inform the child and the
18 extended family member or responsible adult of the nature and location
19 of appropriate services available in the community.

20 (2) An officer taking a child into custody under RCW 13.32A.050 (3)
21 or (4) shall inform the child of the reason for custody, and shall take
22 the child to a designated crisis residential center licensed by the
23 department and established pursuant to chapter 74.13 RCW. However, an
24 officer taking a child into custody under RCW 13.32A.050(4) may place
25 the child in a juvenile detention facility as provided in RCW
26 13.32A.065. The department shall ensure that all the enforcement
27 authorities are informed on a regular basis as to the location of the
28 designated crisis residential center or centers in their judicial
29 district, where children taken into custody under RCW 13.32A.050 may be
30 taken.

31 (3) "Extended family members" means a grandparent, brother, sister,
32 stepbrother, stepsister, uncle, aunt, or first cousin with whom the
33 child has a relationship and is comfortable, and who is willing and
34 available to care for the child.

35 **Sec. 507.** RCW 13.32A.080 and 1981 c 298 s 6 are each amended to
36 read as follows:

37 (1)(a) A person commits the crime of unlawful harboring of a minor
38 if the person provides shelter to a minor without the consent of a

1 parent of the minor and after the person knows that the minor is away
2 from the home of the parent, without the parent's permission, and if
3 the person intentionally:

4 (i) Fails to release the minor to a law enforcement officer after
5 being requested to do so by the officer; or

6 (ii) Fails to disclose the location of the minor to a law
7 enforcement officer after being requested to do so by the officer, if
8 the person knows the location of the minor and had either taken the
9 minor to that location or had assisted the minor in reaching that
10 location; or

11 (iii) Obstructs a law enforcement officer from taking the minor
12 into custody; or

13 (iv) Assists the minor in avoiding or attempting to avoid the
14 custody of the law enforcement officer.

15 (b) It is a defense to a prosecution under this section that the
16 defendant had custody of the minor pursuant to a court order.

17 (2) Harboring a minor is punishable as a gross misdemeanor (~~(if the~~
18 ~~offender has not been previously convicted under this section and a~~
19 ~~gross misdemeanor if the offender has been previously convicted under~~
20 ~~this section)~~).

21 (3) Any person who provides shelter to a child, absent from home,
22 may notify the department's local community service office of the
23 child's presence.

24 (4) An adult responsible for involving a child in the commission of
25 an offense may be prosecuted under existing criminal statutes
26 including, but not limited to:

27 (a) Distribution of a controlled substance to a minor, as defined
28 in RCW 69.50.406;

29 (b) Promoting prostitution as defined in chapter 9A.88 RCW; and

30 (c) Complicity of the adult in the crime of a minor, under RCW
31 9A.08.020.

32 **Sec. 508.** RCW 13.32A.130 and 1992 c 205 s 206 are each amended to
33 read as follows:

34 A child admitted to a crisis residential center under this chapter
35 who is not returned to the home of his or her parent or who is not
36 placed in an alternative residential placement under an agreement
37 between the parent and child, shall, except as provided for by RCW
38 13.32A.140 and 13.32A.160(2), reside in (~~such~~) the placement under

1 the rules ((and regulations)) established for the center for a period
2 not to exceed five consecutive days from the time of intake, except as
3 otherwise provided by this chapter. Crisis residential center staff
4 shall make a concerted effort to achieve a reconciliation of the
5 family. If a reconciliation and voluntary return of the child has not
6 been achieved within forty-eight hours from the time of intake, and if
7 the person in charge of the center does not consider it likely that
8 reconciliation will be achieved within the five-day period, then the
9 person in charge shall inform the parent and child of (1) the
10 availability of counseling services; (2) the right to file a petition
11 for an alternative residential placement, the right of a parent to file
12 an at-risk youth petition, and the right of the parent and child to
13 obtain assistance in filing the petition; and (3) the right to request
14 a review of any alternative residential placement(~~(:—PROVIDED, That)~~).
15 At no time shall information regarding a parent's or child's rights be
16 withheld if requested(~~(:—PROVIDED FURTHER, That)~~). The department
17 shall develop and distribute to all law enforcement agencies and to
18 each crisis residential center administrator a written statement
19 delineating ((such)) the services and rights. Every officer taking a
20 child into custody shall provide the child and his or her parent(s) or
21 responsible adult with whom the child is placed with a copy of ((such))
22 the statement. In addition, the administrator of the facility or his
23 or her designee shall provide every resident and parent with a copy of
24 ((such)) the statement.

25 NEW SECTION. Sec. 509. A new section is added to chapter 43.101
26 RCW to read as follows:

27 The criminal justice training commission shall ensure that every
28 law enforcement agency in the state has an accurate and up-to-date
29 policy manual describing the statutes relating to juvenile runaways.

30 **Sec. 510.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are
31 each reenacted and amended to read as follows:

32 TABLE 2

33 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

34 XV Aggravated Murder 1 (RCW 10.95.020)

1 XIV Murder 1 (RCW 9A.32.030)
2 Homicide by abuse (RCW 9A.32.055)
3 XIII Murder 2 (RCW 9A.32.050)
4 XII Assault 1 (RCW 9A.36.011)
5 Assault of a Child 1 (RCW 9A.36.120)
6 XI Rape 1 (RCW 9A.44.040)
7 Rape of a Child 1 (RCW 9A.44.073)
8 X Kidnapping 1 (RCW 9A.40.020)
9 Rape 2 (RCW 9A.44.050)
10 Rape of a Child 2 (RCW 9A.44.076)
11 Child Molestation 1 (RCW 9A.44.083)
12 Damaging building, etc., by explosion with
13 threat to human being (RCW
14 70.74.280(1))
15 Over 18 and deliver heroin or narcotic
16 from Schedule I or II to someone
17 under 18 (RCW 69.50.406)
18 Leading Organized Crime (RCW
19 9A.82.060(1)(a))
20 IX Assault of a Child 2 (RCW 9A.36.130)
21 Robbery 1 (RCW 9A.56.200)
22 Manslaughter 1 (RCW 9A.32.060)
23 Explosive devices prohibited (RCW
24 70.74.180)
25 Indecent Liberties (with forcible
26 compulsion) (RCW 9A.44.100(1)(a))
27 Endangering life and property by
28 explosives with threat to human being
29 (RCW 70.74.270)
30 Over 18 and deliver narcotic from Schedule
31 III, IV, or V or a nonnarcotic from
32 Schedule I-V to someone under 18 and
33 3 years junior (RCW 69.50.406)
34 Controlled Substance Homicide (RCW
35 69.50.415)

1 Sexual Exploitation (RCW 9.68A.040)
2 Inciting Criminal Profiteering (RCW
3 9A.82.060(1)(b))
4 VIII Arson 1 (RCW 9A.48.020)
5 Promoting Prostitution 1 (RCW 9A.88.070)
6 Selling for profit (controlled or
7 counterfeit) any controlled substance
8 (RCW 69.50.410)
9 Manufacture, deliver, or possess with
10 intent to deliver heroin or cocaine
11 (RCW 69.50.401(a)(1)(i))
12 Manufacture, deliver, or possess with
13 intent to deliver methamphetamine
14 (RCW 69.50.401(a)(1)(ii))
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug or by the operation of any
18 vehicle in a reckless manner (RCW
19 46.61.520)
20 VII Burglary 1 (RCW 9A.52.020)
21 Vehicular Homicide, by disregard for the
22 safety of others (RCW 46.61.520)
23 Introducing Contraband 1 (RCW 9A.76.140)
24 Indecent Liberties (without forcible
25 compulsion) (RCW 9A.44.100(1) (b) and
26 (c))
27 Child Molestation 2 (RCW 9A.44.086)
28 Dealing in depictions of minor engaged in
29 sexually explicit conduct (RCW
30 9.68A.050)
31 Sending, bringing into state depictions of
32 minor engaged in sexually explicit
33 conduct (RCW 9.68A.060)
34 Involving a minor in drug dealing (RCW
35 69.50.401(f))

1 VI Bribery (RCW 9A.68.010)
2 Manslaughter 2 (RCW 9A.32.070)
3 Rape of a Child 3 (RCW 9A.44.079)
4 Intimidating a Juror/Witness (RCW
5 9A.72.110, 9A.72.130)
6 Damaging building, etc., by explosion with
7 no threat to human being (RCW
8 70.74.280(2))
9 Endangering life and property by
10 explosives with no threat to human
11 being (RCW 70.74.270)
12 Incest 1 (RCW 9A.64.020(1))
13 Manufacture, deliver, or possess with
14 intent to deliver narcotics from
15 Schedule I or II (except heroin or
16 cocaine) (RCW 69.50.401(a)(1)(i))
17 Intimidating a Judge (RCW 9A.72.160)
18 Bail Jumping with Murder 1 (RCW
19 9A.76.170(2)(a))

20 V Criminal Mistreatment 1 (RCW 9A.42.020)
21 Theft of a Firearm (RCW 9A.56.--- (section
22 432 of this act))
23 Reckless Endangerment 1 (RCW 9A.36.045)
24 Rape 3 (RCW 9A.44.060)
25 Sexual Misconduct with a Minor 1 (RCW
26 9A.44.093)
27 Child Molestation 3 (RCW 9A.44.089)
28 Kidnapping 2 (RCW 9A.40.030)
29 Extortion 1 (RCW 9A.56.120)
30 Incest 2 (RCW 9A.64.020(2))
31 Perjury 1 (RCW 9A.72.020)
32 Extortionate Extension of Credit (RCW
33 9A.82.020)
34 Advancing money or property for
35 extortionate extension of credit (RCW
36 9A.82.030)
37 Extortionate Means to Collect Extensions
38 of Credit (RCW 9A.82.040)

1 Rendering Criminal Assistance 1 (RCW
2 9A.76.070)
3 Bail Jumping with class A Felony (RCW
4 9A.76.170(2)(b))
5 Delivery of imitation controlled substance
6 by person eighteen or over to person
7 under eighteen (RCW 69.52.030(2))

8 IV Residential Burglary (RCW 9A.52.025)
9 Theft of Livestock 1 (RCW 9A.56.080)
10 Robbery 2 (RCW 9A.56.210)
11 Assault 2 (RCW 9A.36.021)
12 Escape 1 (RCW 9A.76.110)
13 Arson 2 (RCW 9A.48.030)
14 Bribing a Witness/Bribe Received by
15 Witness (RCW 9A.72.090, 9A.72.100)
16 Malicious Harassment (RCW 9A.36.080)
17 Threats to Bomb (RCW 9.61.160)
18 Willful Failure to Return from Furlough
19 (RCW 72.66.060)
20 Hit and Run « Injury Accident (RCW
21 46.52.020(4))
22 Vehicular Assault (RCW 46.61.522)
23 Manufacture, deliver, or possess with
24 intent to deliver narcotics from
25 Schedule III, IV, or V or
26 nonnarcotics from Schedule I-V
27 (except marijuana or
28 methamphetamines) (RCW
29 69.50.401(a)(1)(ii) through (iv))
30 Influencing Outcome of Sporting Event (RCW
31 9A.82.070)
32 Use of Proceeds of Criminal Profiteering
33 (RCW 9A.82.080 (1) and (2))
34 Knowingly Trafficking in Stolen Property
35 (RCW 9A.82.050(2))

36 III Criminal Mistreatment 2 (RCW 9A.42.030)
37 Extortion 2 (RCW 9A.56.130)
38 Unlawful Imprisonment (RCW 9A.40.040)

1 Assault 3 (RCW 9A.36.031)
2 Assault of a Child 3 (RCW 9A.36.140)
3 Custodial Assault (RCW 9A.36.100)
4 Unlawful possession of firearm or pistol by felon (RCW
5 9.41.040)
6 Harassment (RCW 9A.46.020)
7 Promoting Prostitution 2 (RCW 9A.88.080)
8 Willful Failure to Return from Work
9 Release (RCW 72.65.070)
10 Burglary 2 (RCW 9A.52.030)
11 Introducing Contraband 2 (RCW 9A.76.150)
12 Communication with a Minor for Immoral
13 Purposes (RCW 9.68A.090)
14 Patronizing a Juvenile Prostitute (RCW
15 9.68A.100)
16 Escape 2 (RCW 9A.76.120)
17 Perjury 2 (RCW 9A.72.030)
18 Bail Jumping with class B or C Felony (RCW
19 9A.76.170(2)(c))
20 Intimidating a Public Servant (RCW
21 9A.76.180)
22 Tampering with a Witness (RCW 9A.72.120)
23 Manufacture, deliver, or possess with
24 intent to deliver marijuana (RCW
25 69.50.401(a)(1)(ii))
26 Delivery of a material in lieu of a
27 controlled substance (RCW
28 69.50.401(c))
29 Manufacture, distribute, or possess with
30 intent to distribute an imitation
31 controlled substance (RCW
32 69.52.030(1))
33 Recklessly Trafficking in Stolen Property
34 (RCW 9A.82.050(1))
35 Theft of livestock 2 (RCW 9A.56.080)
36 Securities Act violation (RCW 21.20.400)

1 II Malicious Mischief 1 (RCW 9A.48.070)
2 Possession of Stolen Property 1 (RCW
3 9A.56.150)
4 Theft 1 (RCW 9A.56.030)
5 Possession of controlled substance that is
6 either heroin or narcotics from
7 Schedule I or II (RCW 69.50.401(d))
8 Possession of phencyclidine (PCP) (RCW
9 69.50.401(d))
10 Create, deliver, or possess a counterfeit
11 controlled substance (RCW
12 69.50.401(b))
13 Computer Trespass 1 (RCW 9A.52.110)
14 (~~Reckless Endangerment 1~~ (RCW
15 ~~9A.36.045~~))
16 Escape from Community Custody (RCW
17 72.09.310)

18 I Theft 2 (RCW 9A.56.040)
19 Possession of Stolen Property 2 (RCW
20 9A.56.160)
21 Forgery (RCW 9A.60.020)
22 Taking Motor Vehicle Without Permission
23 (RCW 9A.56.070)
24 Vehicle Prowl 1 (RCW 9A.52.095)
25 Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Reckless Burning 1 (RCW 9A.48.040)
29 Unlawful Issuance of Checks or Drafts (RCW
30 9A.56.060)
31 Unlawful Use of Food Stamps (RCW 9.91.140
32 (2) and (3))
33 False Verification for Welfare (RCW
34 74.08.055)
35 Forged Prescription (RCW 69.41.020)
36 Forged Prescription for a Controlled
37 Substance (RCW 69.50.403)

1 Possess Controlled Substance that is a
 2 Narcotic from Schedule III, IV, or V
 3 or Non-narcotic from Schedule I-V
 4 (except phencyclidine) (RCW
 5 69.50.401(d))

6 **Sec. 511.** RCW 9A.36.045 and 1989 c 271 s 109 are each amended to
 7 read as follows:

8 (1) A person is guilty of reckless endangerment in the first degree
 9 when he or she recklessly discharges a firearm in a manner which
 10 creates a substantial risk of death or serious physical injury to
 11 another person and the discharge is either from a motor vehicle or from
 12 the immediate area of a motor vehicle that was used to transport the
 13 shooter or the firearm to the scene of the discharge.

14 (2) A person who unlawfully discharges a firearm from a moving
 15 motor vehicle may be inferred to have engaged in reckless conduct,
 16 unless the discharge is shown by evidence satisfactory to the trier of
 17 fact to have been made without such recklessness.

18 (3) Reckless endangerment in the first degree is a class ((C)) B
 19 felony.

20 **Sec. 512.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to
 21 read as follows:

22 (1) TABLE 1

23 Sentencing Grid

24 SERIOUSNESS

25 SCORE

OFFENDER SCORE

26 9 or
 27 0 1 2 3 4 5 6 7 8 more

28
 29 XV Life Sentence without Parole/Death Penalty

30
 31 XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y
 32 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-
 33 320 333 347 361 374 388 416 450 493 548

34

1	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
2		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
3		164	178	192	205	219	233	260	288	342	397
4											
5	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
6		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
7		123	136	147	160	171	184	216	236	277	318
8											
9	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
10		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
11		102	114	125	136	147	158	194	211	245	280
12											
13	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
14		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
15		68	75	82	89	96	102	130	144	171	198
16											
17	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
18		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
19		41	48	54	61	68	75	102	116	144	171
20											
21	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
22		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
23		27	34	41	48	54	61	89	102	116	144
24											
25	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
26		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
27		20	27	34	41	48	54	75	89	102	116
28											
29	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
30		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
31		14	20	27	34	41	48	61	75	89	102
32											
33	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
34		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
35		12	14	17	20	29	43	54	68	82	96
36											
37	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
38		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
39		9	12	14	17	20	29	43	57	70	84

1	<hr/>										
2	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
3		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
4		3	8	12	12	16	22	29	43	57	68
5	<hr/>										
6	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
7		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
8		Days	6	9	12	14	18	22	29	43	57
9	<hr/>										
10	I			3m	4m	5m	8m	13m	16m	20m	2y2m
11		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
12		Days	Days	5	6	8	12	14	18	22	29
13	<hr/>										

14 NOTE: Numbers in the first horizontal row of each seriousness category
15 represent sentencing midpoints in years(y) and months(m). Numbers in
16 the second and third rows represent presumptive sentencing ranges in
17 months, or in days if so designated. 12+ equals one year and one day.

18 (2) For persons convicted of the anticipatory offenses of criminal
19 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
20 presumptive sentence is determined by locating the sentencing grid
21 sentence range defined by the appropriate offender score and the
22 seriousness level of the completed crime, and multiplying the range by
23 75 percent.

24 (3) The following additional times shall be added to the
25 presumptive sentence if the offender or an accomplice was armed with a
26 deadly weapon as defined in this chapter and the offender is being
27 sentenced for one of the crimes listed in this subsection. If the
28 offender or an accomplice was armed with a deadly weapon and the
29 offender is being sentenced for an anticipatory offense under chapter
30 9A.28 RCW to commit one of the crimes listed in this subsection, the
31 following times shall be added to the presumptive range determined
32 under subsection (2) of this section:

33 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW
34 9A.56.200), or Kidnapping 1 (RCW 9A.40.020);

35 (b) 18 months for Burglary 1 (RCW 9A.52.020);

36 (c) 12 months for (~~Assault 2 (RCW 9A.36.020 or 9A.36.021),~~
37 ~~Assault of a Child 2 (RCW 9A.36.130))~~ any violent offense except as
38 provided in (a) and (b) of this subsection, Escape 1 (RCW 9A.76.110),

1 (~~Kidnapping 2 (RCW 9A.40.030),~~) Burglary 2 of a building other than
2 a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080),
3 or any drug offense.

4 (4) The following additional times shall be added to the
5 presumptive sentence if the offender or an accomplice committed the
6 offense while in a county jail or state correctional facility as that
7 term is defined in this chapter and the offender is being sentenced for
8 one of the crimes listed in this subsection. If the offender or an
9 accomplice committed one of the crimes listed in this subsection while
10 in a county jail or state correctional facility as that term is defined
11 in this chapter, and the offender is being sentenced for an
12 anticipatory offense under chapter 9A.28 RCW to commit one of the
13 crimes listed in this subsection, the following times shall be added to
14 the presumptive sentence range determined under subsection (2) of this
15 section:

16 (a) Eighteen months for offenses committed under RCW
17 69.50.401(a)(1)(i) or 69.50.410;

18 (b) Fifteen months for offenses committed under RCW
19 69.50.401(a)(1)(ii), (iii), and (iv);

20 (c) Twelve months for offenses committed under RCW 69.50.401(d).

21 For the purposes of this subsection, all of the real property of
22 a state correctional facility or county jail shall be deemed to be part
23 of that facility or county jail.

24 (5) An additional twenty-four months shall be added to the
25 presumptive sentence for any ranked offense involving a violation of
26 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

27 NEW SECTION. **Sec. 513.** A new section is added to chapter 4.24
28 RCW to read as follows:

29 No person who owns, operates, is employed by, or volunteers at a
30 program approved under RCW 77.32.155 shall be liable for any injury
31 that occurs while the person who suffered the injury is participating
32 in the course, unless the injury is the result of gross negligence.

33 NEW SECTION. **Sec. 514.** A new section is added to chapter 9.91
34 RCW to read as follows:

35 (1) It is unlawful for a person under eighteen years old, unless
36 the person is at least fourteen years old and has the permission of a
37 parent or guardian to do so, to purchase or possess a personal

1 protection spray device. A violation of this subsection is a
2 misdemeanor.

3 (2) No town, city, county, special purpose district, quasi-
4 municipal corporation or other unit of government may prohibit a person
5 eighteen years old or older, or a person fourteen years old or older
6 who has the permission of a parent or guardian to do so, from
7 purchasing or possessing a personal protection spray device or from
8 using such a device in a manner consistent with the authorized use of
9 force under RCW 9A.16.020. No town, city, county, special purpose
10 district, quasi-municipal corporation, or other unit of government may
11 prohibit a person eighteen years old or older from delivering a
12 personal protection spray device to a person authorized to possess such
13 a device.

14 (3) For purposes of this section:

15 (a) "Personal protection spray device" means a commercially
16 available dispensing device designed and intended for use in self-
17 defense and containing a nonlethal sternutator or lacrimator agent,
18 including but not limited to:

19 (i) Tear gas, the active ingredient of which is either
20 chloracetophenone (CN) or O-chlorobenzylidene malonotrile (CS); or

21 (ii) Other agent commonly known as mace, pepper mace, or pepper
22 gas.

23 (b) "Delivering" means actual, constructive, or attempted
24 transferring from one person to another.

25 (4) Nothing in this section authorizes the delivery, purchase,
26 possession, or use of any device or chemical agent that is otherwise
27 prohibited by state law.

28 **Sec. 515.** RCW 43.20A.090 and 1970 ex.s. c 18 s 7 are each amended
29 to read as follows:

30 The secretary shall appoint a deputy secretary, a department
31 personnel director and such assistant secretaries as shall be needed to
32 administer the department. The deputy secretary shall have charge and
33 general supervision of the department in the absence or disability of
34 the secretary, and in case of a vacancy in the office of secretary,
35 shall continue in charge of the department until a successor is
36 appointed and qualified, or until the governor shall appoint an acting
37 secretary. The secretary shall appoint an assistant secretary to
38 administer the juvenile rehabilitation responsibilities required of the

1 department by chapters 13.04, 13.40, and 13.50 RCW. The officers
2 appointed under this section, and exempt from the provisions of the
3 state civil service law by the terms of RCW 41.06.076, shall be paid
4 salaries to be fixed by the governor in accordance with the procedure
5 established by law for the fixing of salaries for officers exempt from
6 the operation of the state civil service law.

7 NEW SECTION. **Sec. 516.** A new section is added to chapter 13.40
8 RCW to read as follows:

9 The secretary, assistant secretary, or the secretary's designee
10 shall manage and administer the department's juvenile rehabilitation
11 responsibilities, including but not limited to the operation of all
12 state institutions or facilities used for juvenile rehabilitation.

13 The secretary or assistant secretary shall:

14 (1) Prepare a biennial budget request sufficient to meet the
15 confinement and rehabilitative needs of the juvenile rehabilitation
16 program, as forecast by the office of financial management;

17 (2) Create by rule a formal system for inmate classification.
18 This classification system shall consider:

19 (a) Public safety;

20 (b) Internal security and staff safety; and

21 (c) Rehabilitative resources both within and outside the
22 department;

23 (3) Develop agreements with local jurisdictions to develop
24 regional facilities with a variety of custody levels;

25 (4) Adopt rules establishing effective disciplinary policies to
26 maintain order within institutions;

27 (5) Develop a comprehensive diagnostic evaluation process to be
28 used at intake, including but not limited to evaluation for substance
29 addiction or abuse, literacy, learning disabilities, fetal alcohol
30 syndrome or effect, attention deficit disorder, and mental health;

31 (6) Develop a plan to implement, by July 1, 1995:

32 (a) Substance abuse treatment programs for all state juvenile
33 rehabilitation facilities and institutions;

34 (b) Vocational education and instruction programs at all state
35 juvenile rehabilitation facilities and institutions; and

36 (c) An educational program to establish self-worth and
37 responsibility in juvenile offenders. This educational program shall
38 emphasize instruction in character-building principles such as:

1 Respect for self, others, and authority; victim awareness;
2 accountability; work ethics; good citizenship; and life skills; and
3 (7) Study, in conjunction with the superintendent of public
4 instruction, educators, and superintendents of state facilities for
5 juvenile offenders, the feasibility and value of consolidating within
6 a single entity the provision of educational services to juvenile
7 offenders committed to state facilities. The assistant secretary shall
8 report his or her findings to the legislature by December 1, 1995.

9 NEW SECTION. **Sec. 517.** A new section is added to chapter 13.40
10 RCW to read as follows:

11 The secretary, assistant secretary, or the secretary's designee
12 shall review the vocational education curriculum, facilities, and
13 teaching personnel in all juvenile residential programs and report to
14 the appropriate committees of the legislature by December 12, 1994.
15 The report shall include an assessment of the number and types of
16 vocational programs currently available, and the status of buildings,
17 teaching personnel, and equipment currently used for vocational
18 training. The report shall also contain an action plan for
19 implementing, by July 1, 1995, a state-wide uniform prevocational and
20 vocational education program, including but not limited to, a
21 projection of the need for the programs for both female and male
22 juvenile offenders, the number of students that could benefit from the
23 programs, projected vocational trade needs, physical plant
24 modifications or building needs, equipment needs, teaching personnel
25 needs, and estimated costs. In addition, the report shall identify how
26 the department can develop vocational programs jointly with trade
27 associations, trade unions, and other state, local, and federal
28 agencies. The department shall also identify businesses and industries
29 potentially interested in working with the program.

30 NEW SECTION. **Sec. 518.** A new section is added to chapter 13.40
31 RCW to read as follows:

32 The secretary, assistant secretary, or the secretary's designee
33 shall issue arrest warrants for juveniles who escape from department
34 residential custody. These arrest warrants shall authorize any law
35 enforcement, probation and parole, or peace officer of this state, or
36 any other state where the juvenile is located, to arrest the juvenile

1 and to place the juvenile in physical custody pending the juvenile's
2 return to confinement in a state juvenile rehabilitation facility.

3 **Sec. 519.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to
4 read as follows:

5 (1) Except as provided in subsection (2) of this section, the
6 juvenile courts in the several counties of this state, shall have
7 exclusive original jurisdiction over all proceedings:

8 ~~((1))~~ (a) Under the interstate compact on placement of children
9 as provided in chapter 26.34 RCW;

10 ~~((2))~~ (b) Relating to children alleged or found to be dependent
11 as provided in chapter 26.44 RCW and in RCW 13.34.030 through
12 13.34.170(~~(, as now or hereafter amended)~~);

13 ~~((3))~~ (c) Relating to the termination of a parent and child
14 relationship as provided in RCW 13.34.180 through 13.34.210(~~(, as now~~
15 ~~or hereafter amended)~~);

16 ~~((4))~~ (d) To approve or disapprove alternative residential
17 placement as provided in RCW 13.32A.170;

18 ~~((5))~~ (e) Relating to juveniles alleged or found to have
19 committed offenses, traffic infractions, or violations as provided in
20 RCW 13.40.020 through 13.40.230, (~~as now or hereafter amended,~~)
21 unless:

22 ~~((a))~~ (i) The juvenile court transfers jurisdiction of a
23 particular juvenile to adult criminal court pursuant to RCW
24 13.40.110(~~(, as now or hereafter amended)~~); or

25 ~~((b))~~ (ii) The statute of limitations applicable to adult
26 prosecution for the offense, traffic infraction, or violation has
27 expired; or

28 ~~((c))~~ (iii) The alleged offense or infraction is a traffic,
29 fish, boating, or game offense or traffic infraction committed by a
30 juvenile sixteen years of age or older and would, if committed by an
31 adult, be tried or heard in a court of limited jurisdiction, in which
32 instance the appropriate court of limited jurisdiction shall have
33 jurisdiction over the alleged offense or infraction: PROVIDED, That if
34 such an alleged offense or infraction and an alleged offense or
35 infraction subject to juvenile court jurisdiction arise out of the same
36 event or incident, the juvenile court may have jurisdiction of both
37 matters: PROVIDED FURTHER, That the jurisdiction under this subsection
38 does not constitute "transfer" or a "decline" for purposes of RCW

1 13.40.110(1) or (e)(i) of this subsection (~~((5)(a) of this section)~~):
2 PROVIDED FURTHER, That courts of limited jurisdiction which confine
3 juveniles for an alleged offense or infraction may place juveniles in
4 juvenile detention facilities under an agreement with the officials
5 responsible for the administration of the juvenile detention facility
6 in RCW 13.04.035 and 13.20.060; or

7 ~~((6)) (iv) The juvenile is sixteen or seventeen years old and~~
8 the alleged offense is: (A) A serious violent offense as defined in
9 RCW 9.94A.030 committed on or after the effective date of this section;
10 or (B) a violent offense as defined in RCW 9.94A.030 committed on or
11 after the effective date of this section and the juvenile has a
12 criminal history consisting of: (I) One or more prior serious violent
13 offenses; (II) two or more prior violent offenses; or (III) three or
14 more of any combination of the following offenses: Any class A felony,
15 any class B felony, vehicular assault, or manslaughter in the second
16 degree, all of which must have been committed after the juvenile's
17 thirteenth birthday and prosecuted separately. In such a case the
18 adult criminal court shall have exclusive original jurisdiction.

19 If the juvenile challenges the state's determination of the
20 juvenile's criminal history, the state may establish the offender's
21 criminal history by a preponderance of the evidence. If the criminal
22 history consists of adjudications entered upon a plea of guilty, the
23 state shall not bear a burden of establishing the knowing and
24 voluntariness of the plea;

25 (f) Under the interstate compact on juveniles as provided in
26 chapter 13.24 RCW;

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

30 ~~((8)) (h) Relating to court validation of a voluntary consent to~~
31 foster care placement under chapter 13.34 RCW, by the parent or Indian
32 custodian of an Indian child, except if the parent or Indian custodian
33 and child are residents of or domiciled within the boundaries of a
34 federally recognized Indian reservation over which the tribe exercises
35 exclusive jurisdiction.

36 (2) The family court shall have concurrent original jurisdiction
37 with the juvenile court over all proceedings under this section if the
38 superior court judges of a county authorize concurrent jurisdiction as
39 provided in RCW 26.12.010.

1 (3) A juvenile subject to adult superior court jurisdiction under
2 subsection (1)(e) (i) through (iv) of this section, who is detained
3 pending trial, may be detained in a county detention facility as
4 defined in RCW 13.40.020 pending sentencing or a dismissal.

5 **Sec. 520.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to
6 read as follows:

7 For the purposes of this chapter:

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

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

12 (b) Manslaughter in the first degree; or

13 (c) Assault in the second degree, extortion in the first degree,
14 child molestation in the second degree, kidnapping in the second
15 degree, robbery in the second degree, residential burglary, or burglary
16 in the second degree, where such offenses include the infliction of
17 bodily harm upon another or where during the commission of or immediate
18 withdrawal from such an offense the perpetrator is armed with a deadly
19 weapon (~~(or firearm as defined in RCW 9A.04.110)~~);

20 (2) "Community service" means compulsory service, without
21 compensation, performed for the benefit of the community by the
22 offender as punishment for committing an offense. Community service
23 may be performed through public or private organizations or through
24 work crews;

25 (3) "Community supervision" means an order of disposition by the
26 court of an adjudicated youth not committed to the department or an
27 order granting a deferred adjudication pursuant to section 545 of this
28 act. A community supervision order for a single offense may be for a
29 period of up to two years for a sex offense as defined by RCW 9.94A.030
30 and up to one year for other offenses. As a mandatory condition of any
31 term of community supervision, the court shall order the juvenile to
32 refrain from committing new offenses. As a mandatory condition of
33 community supervision, the court shall order the juvenile to comply
34 with the mandatory school attendance provisions of chapter 28A.225 RCW
35 and to inform the school of the existence of this requirement.
36 Community supervision is an individualized program comprised of one or
37 more of the following:

38 (a) Community-based sanctions;

1 (b) Community-based rehabilitation;
2 (c) Monitoring and reporting requirements;
3 (4) Community-based sanctions may include one or more of the
4 following:
5 (a) A fine, not to exceed one hundred dollars;
6 (b) Community service not to exceed one hundred fifty hours of
7 service;
8 (5) "Community-based rehabilitation" means one or more of the
9 following: Attendance of information classes; counseling, outpatient
10 substance abuse treatment programs, outpatient mental health programs,
11 anger management classes, or other services; or attendance at school or
12 other educational programs appropriate for the juvenile as determined
13 by the school district. Placement in community-based rehabilitation
14 programs is subject to available funds;
15 (6) "Monitoring and reporting requirements" means one or more of
16 the following: Curfews; requirements to remain at home, school, work,
17 or court-ordered treatment programs during specified hours;
18 restrictions from leaving or entering specified geographical areas;
19 requirements to report to the probation officer as directed and to
20 remain under the probation officer's supervision; and other conditions
21 or limitations as the court may require which may not include
22 confinement;
23 (7) "Confinement" means physical custody by the department of
24 social and health services in a facility operated by or pursuant to a
25 contract with the state, or physical custody in a detention facility
26 operated by or pursuant to a contract with any county. The county may
27 operate or contract with vendors to operate county detention
28 facilities. The department may operate or contract to operate
29 detention facilities for juveniles committed to the department.
30 Pretrial confinement or confinement of less than thirty-one days
31 imposed as part of a disposition or modification order may be served
32 consecutively or intermittently, in the discretion of the court ((and
33 may be served in a detention group home, detention foster home, or with
34 electronic monitoring. ~~Detention group homes and detention foster~~
35 ~~homes used for confinement shall not also be used for the placement of~~
36 ~~dependent children. Confinement in detention group homes and detention~~
37 ~~foster homes and electronic monitoring are subject to available~~
38 ~~funds~~));

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

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

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

9 (b) The criminal complaint was diverted by a prosecutor pursuant
10 to the provisions of this chapter on agreement of the respondent and
11 after an advisement to the respondent that the criminal complaint would
12 be considered as part of the respondent's criminal history. A
13 successfully completed deferred adjudication shall not be considered
14 part of the respondent's criminal history;

15 (10) "Department" means the department of social and health
16 services;

17 (11) "Detention facility" means a county facility, paid for by the
18 county, for the physical confinement of a juvenile alleged to have
19 committed an offense or an adjudicated offender subject to a
20 disposition or modification order. "Detention facility" includes
21 county group homes, inpatient substance abuse programs, juvenile basic
22 training camps, and electronic monitoring;

23 (12) "Diversion unit" means any probation counselor who enters
24 into a diversion agreement with an alleged youthful offender, or any
25 other person, community accountability board, or other entity except a
26 law enforcement official or entity, with whom the juvenile court
27 administrator has contracted to arrange and supervise such agreements
28 pursuant to RCW 13.40.080, or any person, community accountability
29 board, or other entity specially funded by the legislature to arrange
30 and supervise diversion agreements in accordance with the requirements
31 of this chapter. For purposes of this subsection, "community
32 accountability board" means a board comprised of members of the local
33 community in which the juvenile offender resides. The superior court
34 shall appoint the members. The boards shall consist of at least three
35 and not more than seven members. If possible, the board should include
36 a variety of representatives from the community, such as a law
37 enforcement officer, teacher or school administrator, high school
38 student, parent, and business owner, and should represent the cultural
39 diversity of the local community;

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

3 (14) "Juvenile," "youth," and "child" mean any individual who is
4 under the chronological age of eighteen years and who has not been
5 previously transferred to adult court pursuant to RCW 13.40.110 or who
6 is otherwise under adult court jurisdiction;

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

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

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

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

19 (a) Four misdemeanors;

20 (b) Two misdemeanors and one gross misdemeanor;

21 (c) One misdemeanor and two gross misdemeanors; and

22 (d) Three gross misdemeanors(~~(~~

23 ~~One class C felony except manslaughter in the second degree~~
24 ~~and one misdemeanor or gross misdemeanor~~;

25 ~~(f) One class B felony except: Any felony which constitutes an~~
26 ~~attempt to commit a class A felony; manslaughter in the first degree;~~
27 ~~assault in the second degree; extortion in the first degree; indecent~~
28 ~~liberties; kidnapping in the second degree; robbery in the second~~
29 ~~degree; burglary in the second degree; residential burglary; vehicular~~
30 ~~homicide; or arson in the second degree))~~.

31 For purposes of this definition, current violations shall be
32 counted as misdemeanors;

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

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

1 (21) "Restitution" means financial reimbursement by the offender
2 to the victim, and shall be limited to easily ascertainable damages for
3 injury to or loss of property, actual expenses incurred for medical
4 treatment for physical injury to persons, lost wages resulting from
5 physical injury, and costs of the victim's counseling reasonably
6 related to the offense if the offense is a sex offense. Restitution
7 shall not include reimbursement for damages for mental anguish, pain
8 and suffering, or other intangible losses. Nothing in this chapter
9 shall limit or replace civil remedies or defenses available to the
10 victim or offender;

11 (22) "Secretary" means the secretary of the department of social
12 and health services. "Assistant secretary" means the assistant
13 secretary for juvenile rehabilitation for the department;

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

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

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

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

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

29 (28) "Violent offense" means a violent offense as defined in RCW
30 9.94A.030.

31 **Sec. 521.** RCW 13.40.0354 and 1989 c 407 s 6 are each amended to
32 read as follows:

33 The total current offense points for use in the standards range
34 matrix of schedules D-1, D-2, and D-3 are computed as follows:

35 (1) The disposition offense category is determined by the offense
36 of conviction. Offenses are divided into ten levels of seriousness,
37 ranging from low (seriousness level E) to high (seriousness level A+),
38 see schedule A, RCW 13.40.0357.

1 (2) The prior offense increase factor is summarized in schedule B,
 2 RCW 13.40.0357. The increase factor is determined for each prior
 3 offense by using the time span and the offense category in the prior
 4 offense increase factor grid. Time span is computed from the date of
 5 the prior offense to the date of the current offense. The total
 6 increase factor is determined by totalling the increase factors for
 7 each prior offense and adding a constant factor of 1.0.

8 (3) The current offense points are summarized in schedule C, RCW
 9 13.40.0357. The current offense points are determined for each current
 10 offense by locating the juvenile's age on the horizontal axis and using
 11 the offense category on the vertical axis. The juvenile's age is
 12 determined as of the time of the current offense and is rounded down to
 13 the nearest whole number.

14 (4) The total current offense points are determined for each
 15 current offense by multiplying the total increase factor by the current
 16 offense points. The total current offense points are rounded down to
 17 the nearest whole number.

18 (5) All current offense points calculated in schedules D-1, D-2,
 19 and D-3 shall be increased by a factor of five percent if the offense
 20 is committed by a juvenile who is in a program of parole under this
 21 chapter.

22 **Sec. 522.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to
 23 read as follows:

24 SCHEDULE A

25 DESCRIPTION AND OFFENSE CATEGORY

26			JUVENILE
27	JUVENILE		DISPOSITION
28	DISPOSITION		CATEGORY FOR ATTEMPT,
29	OFFENSE		BAILJUMP, CONSPIRACY,
30	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
31		

32		Arson and Malicious Mischief	
33	A	Arson 1 (9A.48.020)	B+
34	B	Arson 2 (9A.48.030)	C
35	C	Reckless Burning 1 (9A.48.040)	D
36	D	Reckless Burning 2 (9A.48.050)	E

1	B	Malicious Mischief 1 (9A.48.070)	C
2	C	Malicious Mischief 2 (9A.48.080)	D
3	D	Malicious Mischief 3 (<\$50 is	
4		E class) (9A.48.090)	E
5	E	Tampering with Fire Alarm	
6		Apparatus (9.40.100)	E
7	A	Possession of Incendiary Device	
8		(9.40.120)	B+
9		Assault and Other Crimes	
10		Involving Physical Harm	
11	A	Assault 1 (9A.36.011)	B+
12	B+	Assault 2 (9A.36.021)	C+
13	C+	Assault 3 (9A.36.031)	D+
14	D+	Assault 4 (9A.36.041)	E
15	D+	Reckless Endangerment	
16		(9A.36.050)	E
17	C+	Promoting Suicide Attempt	
18		(9A.36.060)	D+
19	D+	Coercion (9A.36.070)	E
20	C+	Custodial Assault (9A.36.100)	D+
21		Burglary and Trespass	
22	B+	Burglary 1 (9A.52.020)	C+
23	B	Burglary 2 (9A.52.030)	C
24	D	Burglary Tools (Possession of)	
25		(9A.52.060)	E
26	D	Criminal Trespass 1 (9A.52.070)	E
27	E	Criminal Trespass 2 (9A.52.080)	E
28	D	Vehicle Prowling (9A.52.100)	E
29		Drugs	
30	E	Possession/Consumption of Alcohol	
31		(66.44.270)	E
32	C	Illegally Obtaining Legend Drug	
33		(69.41.020)	D
34	C+	Sale, Delivery, Possession of Legend	
35		Drug with Intent to Sell	
36		(69.41.030)	D+

1	E	Possession of Legend Drug	
2		(69.41.030)	E
3	B+	Violation of Uniform Controlled	
4		Substances Act - Narcotic Sale	
5		(69.50.401(a)(1)(i))	B+
6	C	Violation of Uniform Controlled	
7		Substances Act - Nonnarcotic Sale	
8		(69.50.401(a)(1)(ii))	C
9	E	Possession of Marihuana <40 grams	
10		(69.50.401(e))	E
11	C	Fraudulently Obtaining Controlled	
12		Substance (69.50.403)	C
13	C+	Sale of Controlled Substance	
14		for Profit (69.50.410)	C+
15	E	((Glue Sniffing (9.47A.050))	E
16		<u>Unlawful Inhalation (9.47A.020)</u>	
17	B	Violation of Uniform Controlled	
18		Substances Act - Narcotic	
19		Counterfeit Substances	
20		(69.50.401(b)(1)(i))	B
21	C	Violation of Uniform Controlled	
22		Substances Act - Nonnarcotic	
23		Counterfeit Substances	
24		(69.50.401(b)(1) (ii), (iii), (iv))	C
25	C	Violation of Uniform Controlled	
26		Substances Act - Possession of a	
27		Controlled Substance	
28		(69.50.401(d))	C
29	C	Violation of Uniform Controlled	
30		Substances Act - Possession of a	
31		Controlled Substance	
32		(69.50.401(c))	C
33		Firearms and Weapons	
34	((C+	Committing Crime when Armed	
35		(9.41.025)	D+))
36	E	Carrying Loaded Pistol Without	
37		Permit (9.41.050)	E

1	((E)) C	((Use)) Possession of Firearms by	
2		Minor ((-<14)) (<18)	
3		((-9.41.240)) (9.41.040(1)(e))	((E)) C
4	D+	Possession of Dangerous Weapon	
5		(9.41.250)	E
6	D	Intimidating Another Person by use	
7		of Weapon (9.41.270)	E
8		Homicide	
9	A+	Murder 1 (9A.32.030)	A
10	A+	Murder 2 (9A.32.050)	B+
11	B+	Manslaughter 1 (9A.32.060)	C+
12	C+	Manslaughter 2 (9A.32.070)	D+
13	B+	Vehicular Homicide (46.61.520)	C+
14		Kidnapping	
15	A	Kidnap 1 (9A.40.020)	B+
16	B+	Kidnap 2 (9A.40.030)	C+
17	C+	Unlawful Imprisonment	
18		(9A.40.040)	D+
19	((D	Custodial Interference	
20		(9A.40.050)	E))
21		Obstructing Governmental Operation	
22	E	Obstructing a Public Servant	
23		(9A.76.020)	E
24	E	Resisting Arrest (9A.76.040)	E
25	B	Introducing Contraband 1	
26		(9A.76.140)	C
27	C	Introducing Contraband 2	
28		(9A.76.150)	D
29	E	Introducing Contraband 3	
30		(9A.76.160)	E
31	B+	Intimidating a Public Servant	
32		(9A.76.180)	C+
33	B+	Intimidating a Witness	
34		(9A.72.110)	C+
35	((E	Criminal Contempt	
36		(9.23.010)	E))

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

1	B	Possession of Stolen Property 1	
2		(9A.56.150)	C
3	C	Possession of Stolen Property 2	
4		(9A.56.160)	D
5	D	Possession of Stolen Property 3	
6		(9A.56.170)	E
7	C	Taking Motor Vehicle Without	
8		Owner's Permission (9A.56.070)	D
9		Motor Vehicle Related Crimes	
10	E	Driving Without a License	
11		(46.20.021)	E
12	C	Hit and Run - Injury	
13		(46.52.020(4))	D
14	D	Hit and Run-Attended	
15		(46.52.020(5))	E
16	E	Hit and Run-Unattended	
17		(46.52.010)	E
18	C	Vehicular Assault (46.61.522)	D
19	C	Attempting to Elude Pursuing	
20		Police Vehicle (46.61.024)	D
21	E	Reckless Driving (46.61.500)	E
22	D	Driving While Under the Influence	
23		(46.61.515)	E
24		((B+ Negligent Homicide by Motor	
25		Vehicle (46.61.520) ----- C+))	
26	D	Vehicle Prowling (9A.52.100)	E
27	C	Taking Motor Vehicle Without	
28		Owner's Permission (9A.56.070)	D
29		Other	
30	B	Bomb Threat (9.61.160)	C
31	C	Escape 1 (9A.76.110)	C
32	C	Escape 2 (9A.76.120)	C
33	D	Escape 3 (9A.76.130)	E
34	C	Failure to Appear in Court	
35		(10.19.130)	D
36		((E Tampering with Fire Alarm	
37		Apparatus (9.40.100) ----- E))	

1	E	Obscene, Harassing, Etc.,	
2		Phone Calls (9.61.230)	E
3	A	Other Offense Equivalent to an	
4		Adult Class A Felony	B+
5	B	Other Offense Equivalent to an	
6		Adult Class B Felony	C
7	C	Other Offense Equivalent to an	
8		Adult Class C Felony	D
9	D	Other Offense Equivalent to an	
10		Adult Gross Misdemeanor	E
11	E	Other Offense Equivalent to an	
12		Adult Misdemeanor	E
13	V	Violation of Order of Restitution,	
14		Community Supervision, or	
15		Confinement (13.40.200)	V

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

18 1st escape or attempted escape during 12-month period - 4 weeks
19 confinement

20 2nd escape or attempted escape during 12-month period - 8 weeks
21 confinement

22 3rd and subsequent escape or attempted escape during 12-month
23 period - 12 weeks confinement

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

26 SCHEDULE B
27 PRIOR OFFENSE INCREASE FACTOR

28 For use with all CURRENT OFFENSES occurring on or after July 1,
29 1989.

30 TIME SPAN

31	OFFENSE	0-12	13-24	25 Months
----	---------	------	-------	-----------

1	CATEGORY	Months	Months	or More
2			
3	A+	.9	.9	.9
4	A	.9	.8	.6
5	A-	.9	.8	.5
6	B+	.9	.7	.4
7	B	.9	.6	.3
8	C+	.6	.3	.2
9	C	.5	.2	.2
10	D+	.3	.2	.1
11	D	.2	.1	.1
12	E	.1	.1	.1

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

17 SCHEDULE C
18 CURRENT OFFENSE POINTS

19 For use with all CURRENT OFFENSES occurring on or after July 1,
20 1989.

21 AGE

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

1	D	14	16	18	20	22	24
2	E	4	4	4	6	8	10

3 JUVENILE SENTENCING STANDARDS

4 SCHEDULE D-1

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

8 MINOR/FIRST OFFENDER

9 OPTION A

10 STANDARD RANGE

11	12	13	14	15	16	17	18	19	20	21	22	23
	Community	Community	Community	Service	Points	Supervision	Hours		Fine			
14	1-9	0-3 months	and/or	0-8				and/or	0-\$10			
15	10-19	0-3 months	and/or	0-8				and/or	0-\$10			
16	20-29	0-3 months	and/or	0-16				and/or	0-\$10			
17	30-39	0-3 months	and/or	8-24				and/or	0-\$25			
18	40-49	3-6 months	and/or	16-32				and/or	0-\$25			
19	50-59	3-6 months	and/or	24-40				and/or	0-\$25			
20	60-69	6-9 months	and/or	32-48				and/or	0-\$50			
21	70-79	6-9 months	and/or	40-56				and/or	0-\$50			
22	80-89	9-12 months	and/or	48-64				and/or	10-\$100			
23	90-109	9-12 months	and/or	56-72				and/or	10-\$100			

24 OR

25 OPTION B

26 STATUTORY OPTION

- 27 0-12 Months Community Supervision
- 28 0-150 Hours Community Service
- 29 0-100 Fine

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

3 OR

4 OPTION C
5 MANIFEST INJUSTICE

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

12 JUVENILE SENTENCING STANDARDS
13 SCHEDULE D-2

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

17 MIDDLE OFFENDER

18 OPTION A
19 STANDARD RANGE

20	Community				
21	Community	Service	Confinement		
22	Supervision	Hours	Fine	Days Weeks	
23				
24	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
25	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
26	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
27	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
28	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
29	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
30	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10

1	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
2	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
3	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
4	110-129				8-12
5	130-149				13-16
6	150-199				21-28
7	200-249				30-40
8	250-299				52-65
9	300-374				80-100
10	375+				103-129

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

14 OR

15

16 OPTION B
17 STATUTORY OPTION

- 18 0-12 Months Community Supervision
- 19 0-150 Hours Community Service
- 20 0-100 Fine

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

25 OR

26

27 OPTION C
28 MANIFEST INJUSTICE

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

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-3

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

6 SERIOUS OFFENDER

7 OPTION A

8 STANDARD RANGE

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

19 OR

20
21 OPTION B

22 MANIFEST INJUSTICE

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

30 **Sec. 523.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to
31 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (iv) Anticipated length of treatment; and

29 (v) Recommended crime-related prohibitions.

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

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

1 disposition under this section. If the court determines that this
2 special sex offender disposition alternative is appropriate, then the
3 court shall impose a determinate disposition within the standard range
4 for the offense, and the court may suspend the execution of the
5 disposition and place the offender on community supervision for up to
6 two years. As a condition of the suspended disposition, the court may
7 impose the conditions of community supervision and other conditions,
8 including up to thirty days of confinement and requirements that the
9 offender do any one or more of the following:

10 (b)(i) Devote time to a specific education, employment, or
11 occupation;

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

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

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

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

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

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

33 The sex offender treatment provider shall submit quarterly reports
34 on the respondent's progress in treatment to the court and the parties.
35 The reports shall reference the treatment plan and include at a minimum
36 the following: Dates of attendance, respondent's compliance with
37 requirements, treatment activities, the respondent's relative progress
38 in treatment, and any other material specified by the court at the time
39 of the disposition.

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

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

16 If the offender violates any condition of the disposition or the
17 court finds that the respondent is failing to make satisfactory
18 progress in treatment, the court may revoke the suspension and order
19 execution of the ~~((sentence))~~ disposition or the court may impose a
20 penalty of up to thirty days' confinement for violating conditions of
21 the disposition. The court may order both execution of the disposition
22 and up to thirty days' confinement for the violation of the conditions
23 of the disposition. The court shall give credit for any confinement
24 time previously served if that confinement was for the offense for
25 which the suspension is being revoked.

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

31 (6) Section 525 of this act shall govern the disposition of any
32 juvenile adjudicated of possessing a firearm in violation of RCW
33 9.41.040(1)(e) or any crime in which a special finding is entered that
34 the juvenile was armed with a firearm.

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

1 (~~(7)~~) (8) Except as provided for in subsection (5) of this
2 section, the court shall not suspend or defer the imposition or the
3 execution of the disposition.

4 (~~(8)~~) (9) In no case shall the term of confinement imposed by
5 the court at disposition exceed that to which an adult could be
6 subjected for the same offense.

7 **Sec. 524.** RCW 13.40.185 and 1981 c 299 s 15 are each amended to
8 read as follows:

9 (1) Any term of confinement imposed for an offense which exceeds
10 thirty days shall be served under the supervision of the department.
11 If the period of confinement imposed for more than one offense exceeds
12 thirty days but the term imposed for each offense is less than thirty
13 days, the confinement may, in the discretion of the court, be served in
14 a juvenile facility operated by or pursuant to a contract with the
15 state or a county.

16 (2) Whenever a juvenile is confined in a detention facility or is
17 committed to the department, the court may not directly order a
18 juvenile into a particular county or state facility. The juvenile
19 court administrator and the secretary, assistant secretary, or the
20 secretary's designee, as appropriate, has the sole discretion to
21 determine in which facility a juvenile should be confined or committed.
22 The counties may operate a variety of detention facilities as
23 determined by the county legislative authority subject to available
24 funds.

25 NEW SECTION. **Sec. 525.** A new section is added to chapter 13.40
26 RCW to read as follows:

27 (1) If a respondent is found to have been in possession of a
28 firearm in violation of RCW 9.41.040(1)(e), the court shall impose a
29 determinate disposition of ten days of confinement and up to twelve
30 months of community supervision. If the offender's standard range of
31 disposition for the offense as indicated in RCW 13.40.0357 is more than
32 thirty days of confinement, the court shall commit the offender to the
33 department for the standard range disposition. The offender shall not
34 be released until the offender has served a minimum of ten days in
35 confinement.

36 (2) If the court finds that the respondent or an accomplice was
37 armed with a firearm, the court shall determine the standard range

1 disposition for the offense pursuant to RCW 13.40.160. Ninety days of
2 confinement shall be added to the entire standard range disposition of
3 confinement if the offender or an accomplice was armed with a firearm
4 when the offender committed: (a) Any violent offense; or (b) escape in
5 the first degree; burglary in the second degree; theft of livestock in
6 the first or second degree; or any felony drug offense. If the
7 offender or an accomplice was armed with a firearm and the offender is
8 being adjudicated for an anticipatory felony offense under chapter
9 9A.28 RCW to commit one of the offenses listed in this subsection,
10 ninety days shall be added to the entire standard range disposition of
11 confinement. The ninety days shall be imposed regardless of the
12 offense's juvenile disposition offense category as designated in RCW
13 13.40.0357. The department shall not release the offender until the
14 offender has served a minimum of ninety days in confinement, unless the
15 juvenile is committed to and successfully completes the juvenile
16 offender basic training camp disposition option.

17 (3) Option B of schedule D-2, RCW 13.40.0357, shall not be
18 available for middle offenders who receive a disposition under this
19 section. When a disposition under this section would effectuate a
20 manifest injustice, the court may impose another disposition. When a
21 judge finds a manifest injustice and imposes a disposition of
22 confinement exceeding thirty days, the court shall commit the juvenile
23 to a maximum term, and the provisions of RCW 13.40.030(2) shall be used
24 to determine the range. When a judge finds a manifest injustice and
25 imposes a disposition of confinement less than thirty days, the
26 disposition shall be comprised of confinement or community supervision
27 or both.

28 (4) Any term of confinement ordered pursuant to this section may
29 run concurrently to any term of confinement imposed in the same
30 disposition for other offenses.

31 NEW SECTION. **Sec. 526.** A new section is added to chapter 13.40
32 RCW to read as follows:

33 A prosecutor may file a special allegation that the offender or an
34 accomplice was armed with a firearm when the offender committed the
35 alleged offense. If a special allegation has been filed and the court
36 finds that the offender committed the alleged offense, the court shall
37 also make a finding whether the offender or an accomplice was armed
38 with a firearm when the offender committed the offense.

1 **Sec. 527.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to
2 read as follows:

3 (1) The secretary shall, except in the case of a juvenile
4 committed by a court to a term of confinement in a state institution
5 outside the appropriate standard range for the offense(s) for which the
6 juvenile was found to be guilty established pursuant to RCW 13.40.030,
7 (~~as now or hereafter amended,~~) set a release or discharge date for
8 each juvenile committed to its custody (~~which~~). The release or
9 discharge date shall be within the prescribed range to which a juvenile
10 has been committed except as provided in section 532 of this act
11 concerning offenders the department determines are eligible for the
12 juvenile offender basic training camp program. Such dates shall be
13 determined prior to the expiration of sixty percent of a juvenile's
14 minimum term of confinement included within the prescribed range to
15 which the juvenile has been committed. The secretary shall release any
16 juvenile committed to the custody of the department within four
17 calendar days prior to the juvenile's release date or on the release
18 date set under this chapter(~~(:—PROVIDED, That)~~). Days spent in the
19 custody of the department shall be tolled by any period of time during
20 which a juvenile has absented himself or herself from the department's
21 supervision without the prior approval of the secretary or the
22 secretary's designee.

23 (2) The secretary shall monitor the average daily population of
24 the state's juvenile residential facilities. When the secretary
25 concludes that in-residence population of residential facilities
26 exceeds one hundred five percent of the rated bed capacity specified in
27 statute, or in absence of such specification, as specified by the
28 department in rule, the secretary may recommend reductions to the
29 governor. On certification by the governor that the recommended
30 reductions are necessary, the secretary has authority to
31 administratively release a sufficient number of offenders to reduce in-
32 residence population to one hundred percent of rated bed capacity. The
33 secretary shall release those offenders who have served the greatest
34 proportion of their sentence. However, the secretary may deny release
35 in a particular case at the request of an offender, or if the secretary
36 finds that there is no responsible custodian, as determined by the
37 department, to whom to release the offender, or if the release of the
38 offender would pose a clear danger to society. The department shall
39 notify the committing court of the release at the (~~end of each~~

1 calendar year)) time of release if any such early releases have
2 occurred (~~(during that year)~~) as a result of excessive in-residence
3 population. In no event shall (~~(a serious)~~) an offender(~~(, as defined~~
4 ~~in RCW 13.40.020(1))~~) adjudicated of a violent offense be granted
5 release under the provisions of this subsection.

6 (3) Following the juvenile's release (~~(pursuant to)~~) under
7 subsection (1) of this section, the secretary may require the juvenile
8 to comply with a program of parole to be administered by the department
9 in his or her community which shall last no longer than eighteen
10 months, except that in the case of a juvenile sentenced for rape in the
11 first or second degree, rape of a child in the first or second degree,
12 child molestation in the first degree, or indecent liberties with
13 forcible compulsion, the period of parole shall be twenty-four months.
14 A parole program is mandatory for offenders released under subsection
15 (2) of this section. The secretary shall, for the period of parole,
16 facilitate the juvenile's reintegration into his or her community and
17 to further this goal shall require the juvenile to refrain from
18 possessing a firearm or using a deadly weapon and refrain from
19 committing new offenses and may require the juvenile to: (a) Undergo
20 available medical or psychiatric treatment; (b) report as directed to
21 a parole officer; (c) pursue a course of study or vocational training;
22 and (d) remain within prescribed geographical boundaries and notify the
23 department of any change in his or her address(~~(; and (e) refrain from~~
24 ~~committing new offenses)~~). After termination of the parole period, the
25 juvenile shall be discharged from the department's supervision.

26 (4)(a) The department may also modify parole for violation
27 thereof. If, after affording a juvenile all of the due process rights
28 to which he or she would be entitled if the juvenile were an adult, the
29 secretary finds that a juvenile has violated a condition of his or her
30 parole, the secretary shall order one of the following which is
31 reasonably likely to effectuate the purpose of the parole and to
32 protect the public: (~~(a)~~) (i) Continued supervision under the same
33 conditions previously imposed; (~~(b)~~) (ii) intensified supervision
34 with increased reporting requirements; (~~(c)~~) (iii) additional
35 conditions of supervision authorized by this chapter; (~~(d)~~) (iv)
36 except as provided in (~~(e)~~) (a)(v) of this subsection, imposition of
37 a period of confinement not to exceed thirty days in a facility
38 operated by or pursuant to a contract with the state of Washington or
39 any city or county for a portion of each day or for a certain number of

1 days each week with the balance of the days or weeks spent under
2 supervision; and ~~((e+))~~ (v) the secretary may order any of the
3 conditions or may return the offender to confinement in an institution
4 for the remainder of the sentence range if the offense for which the
5 offender was sentenced is rape in the first or second degree, rape of
6 a child in the first or second degree, child molestation in the first
7 degree, indecent liberties with forcible compulsion, or a sex offense
8 that is also a serious violent offense as defined by RCW 9.94A.030.

9 (b) If the department finds that any juvenile in a program of
10 parole has possessed a firearm or used a deadly weapon during the
11 program of parole, the department shall modify the parole under (a) of
12 this subsection and confine the juvenile for at least thirty days.
13 Confinement shall be in a facility operated by or pursuant to a
14 contract with the state or any county.

15 (5) A parole officer of the department of social and health
16 services shall have the power to arrest a juvenile under his or her
17 supervision on the same grounds as a law enforcement officer would be
18 authorized to arrest ~~((such))~~ the person.

19 (6) If so requested and approved under chapter 13.06 RCW, the
20 secretary shall permit a county or group of counties to perform
21 functions under subsections (3) through (5) of this section.

22 **Sec. 528.** RCW 13.40.190 and 1987 c 281 s 5 are each amended to
23 read as follows:

24 (1) In its dispositional order, the court shall require the
25 respondent to make restitution to any persons who have suffered loss or
26 damage as a result of the offense committed by the respondent. In
27 addition, restitution may be ordered for loss or damage if the offender
28 pleads guilty to a lesser offense or fewer offenses and agrees with the
29 prosecutor's recommendation that the offender be required to pay
30 restitution to a victim of an offense or offenses which, pursuant to a
31 plea agreement, are not prosecuted. The payment of restitution shall
32 be in addition to any punishment which is imposed pursuant to the other
33 provisions of this chapter. The court may determine the amount, terms,
34 and conditions of the restitution including a payment plan extending up
35 to ten years if the court determines that the respondent does not have
36 the means to make full restitution over a shorter period. Restitution
37 may include the costs of counseling reasonably related to the offense.
38 If the respondent participated in the crime with another person or

1 other persons, all such participants shall be jointly and severally
2 responsible for the payment of restitution. For the purposes of this
3 section, the respondent shall remain under the court's jurisdiction for
4 a maximum term of ten years after the respondent's eighteenth birthday.
5 The court may not require the respondent to pay full or partial
6 restitution if the respondent reasonably satisfies the court that he or
7 she does not have the means to make full or partial restitution and
8 could not reasonably acquire the means to pay such restitution over a
9 ten-year period. In cases where an offender has been committed to the
10 department for a period of confinement exceeding fifteen weeks,
11 restitution may be waived.

12 (2) If an order includes restitution as one of the monetary
13 assessments, the county clerk shall make disbursements to victims named
14 in the order. The restitution to victims named in the order shall be
15 paid prior to any payment for other penalties or monetary assessments.

16 (3) A respondent under obligation to pay restitution may petition
17 the court for modification of the restitution order.

18 **Sec. 529.** RCW 13.40.220 and 1993 c 466 s 1 are each amended to
19 read as follows:

20 (1) Whenever legal custody of a child is vested in someone other
21 than his or her parents, under this chapter, and not vested in the
22 department of social and health services, after due notice to the
23 parents or other persons legally obligated to care for and support the
24 child, and after a hearing, the court may order and decree that the
25 parent or other legally obligated person shall pay in such a manner as
26 the court may direct a reasonable sum representing in whole or in part
27 the costs of support, treatment, and confinement of the child after the
28 decree is entered.

29 (2) If the parent or other legally obligated person willfully
30 fails or refuses to pay such sum, the court may proceed against such
31 person for contempt.

32 (3) Whenever legal custody of a child is vested in the department
33 ~~((of social and health services, after due notice to))~~ under this
34 chapter, the parents or other persons legally obligated to care for and
35 support the child ~~((, and after a hearing, the court shall order and~~
36 ~~decree that the parent or other legally obligated person shall pay~~
37 ~~for))~~ shall be liable for the costs of support, treatment, and
38 confinement of the child ~~((after the decree is entered, following the~~

1 department of social and health services)), in accordance with the
2 department's reimbursement of cost schedule. ((The department of
3 social and health services shall collect the debt in accordance with
4 chapter 43.20B RCW. The department shall exempt from payment parents
5 receiving adoption support under RCW 74.13.100 through 74.13.145, and
6 parents eligible to receive adoption support under RCW 74.13.150.

7 (3) If the parent or other legally obligated person willfully
8 fails or refuses to pay such sum, the court may proceed against such
9 person for contempt.)) The department shall adopt a reimbursement of
10 cost schedule based on the costs of providing such services, and shall
11 determine an obligation based on the responsible parents' or other
12 legally obligated person's ability to pay. The department is
13 authorized to adopt additional rules as appropriate to enforce this
14 section.

15 (4) To enforce subsection (3) of this section, the department
16 shall serve on the parents or other person legally obligated to care
17 for and support the child a notice and finding of financial
18 responsibility requiring the parents or other legally obligated person
19 to appear and show cause in an adjudicative proceeding why the finding
20 of responsibility and/or the amount thereof is incorrect and should not
21 be ordered. This notice and finding shall relate to the costs of
22 support, treatment, and confinement of the child in accordance with the
23 department's reimbursement of cost schedule adopted under this section,
24 including periodic payments to be made in the future. The hearing
25 shall be held pursuant to chapter 34.05 RCW, the administrative
26 procedure act, and the rules of the department.

27 (5) The notice and finding of financial responsibility shall be
28 served in the same manner prescribed for the service of a summons in a
29 civil action or may be served on the parent or legally obligated person
30 by certified mail, return receipt requested. The receipt shall be
31 prima facie evidence of service.

32 (6) If the parents or other legally obligated person objects to
33 the notice and finding of financial responsibility, then an application
34 for an adjudicative hearing may be filed within twenty days of the date
35 of service of the notice. If an application for an adjudicative
36 proceeding is filed, the presiding or reviewing officer shall determine
37 the past liability and responsibility, if any, of the parents or other
38 legally obligated person and shall also determine the amount of
39 periodic payments to be made in the future. If the parents or other

1 legally responsible person fails to file an application within twenty
2 days, the notice and finding of financial responsibility shall become
3 a final administrative order.

4 (7) Debts determined pursuant to this section are subject to
5 collection action without further necessity of action by a presiding or
6 reviewing officer. The department may collect the debt in accordance
7 with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The
8 department shall exempt from payment parents receiving adoption support
9 under RCW 74.13.100 through 74.13.145, and parents eligible to receive
10 adoption support under RCW 74.13.150.

11 (8) An administrative order entered pursuant to this section shall
12 supersede any court order entered prior to the effective date of this
13 section.

14 (9) The department shall be subrogated to the right of the child
15 and his or her parents or other legally responsible person to receive
16 support payments for the benefit of the child from any parent or
17 legally obligated person pursuant to a support order established by a
18 superior court or pursuant to RCW 74.20A.055. The department's right
19 of subrogation under this section is limited to the liability
20 established in accordance with its cost schedule for support,
21 treatment, and confinement, except as addressed in subsection (10) of
22 this section.

23 (10) Nothing in this section precludes the department from
24 recouping such additional support payments from the child's parents or
25 other legally obligated person as required to qualify for receipt of
26 federal funds. The department may adopt such rules dealing with
27 liability for recoupment of support, treatment, or confinement costs as
28 may become necessary to entitle the state to participate in federal
29 funds unless such rules would be expressly prohibited by law. If any
30 law dealing with liability for recoupment of support, treatment, or
31 confinement costs is ruled to be in conflict with federal requirements
32 which are a prescribed condition of the allocation of federal funds,
33 such conflicting law is declared to be inoperative solely to the extent
34 of the conflict.

35 **Sec. 530.** RCW 13.40.300 and 1986 c 288 s 6 are each amended to
36 read as follows:

37 (1) In no case may a juvenile offender be committed by the
38 juvenile court to the department of social and health services for

1 placement in a juvenile correctional institution beyond the juvenile
2 offender's twenty-first birthday. A juvenile may be under the
3 jurisdiction of the juvenile court or the authority of the department
4 of social and health services beyond the juvenile's eighteenth birthday
5 only if prior to the juvenile's eighteenth birthday:

6 (a) Proceedings are pending seeking the adjudication of a juvenile
7 offense and the court by written order setting forth its reasons
8 extends jurisdiction of juvenile court over the juvenile beyond his or
9 her eighteenth birthday;

10 (b) The juvenile has been found guilty after a fact finding or
11 after a plea of guilty and an automatic extension is necessary to allow
12 for the imposition of disposition; or

13 (c) Disposition has been held and an automatic extension is
14 necessary to allow for the execution and enforcement of the court's
15 order of disposition. If an order of disposition imposes commitment to
16 the department, then jurisdiction is automatically extended to include
17 a period of up to twelve months of parole, in no case extending beyond
18 the offender's twenty-first birthday.

19 (2) If the juvenile court previously has extended jurisdiction
20 beyond the juvenile offender's eighteenth birthday and that period of
21 extension has not expired, the court may further extend jurisdiction by
22 written order setting forth its reasons.

23 (3) In no event may the juvenile court have authority to extend
24 jurisdiction over any juvenile offender beyond the juvenile offender's
25 twenty-first birthday except for the purpose of enforcing an order of
26 restitution.

27 (4) Notwithstanding any extension of jurisdiction over a person
28 pursuant to this section, the juvenile court has no jurisdiction over
29 any offenses alleged to have been committed by a person eighteen years
30 of age or older.

31 NEW SECTION. **Sec. 531.** The legislature finds that the number of
32 juvenile offenders and the severity of their crimes is increasing
33 rapidly state-wide. In addition, many juvenile offenders continue to
34 reoffend after they are released from the juvenile justice system
35 causing disproportionately high and expensive rates of recidivism.

36 The legislature further finds that juvenile criminal behavior is
37 often the result of a lack of self-discipline, the lack of systematic
38 work habits and ethics, the inability to deal with authority figures,

1 and an unstable or unstructured living environment. The legislature
2 further finds that the department of social and health services
3 currently operates an insufficient number of confinement beds to meet
4 the rapidly growing juvenile offender population. Together these
5 factors are combining to produce a serious public safety hazard and the
6 need to develop more effective and stringent juvenile punishment and
7 rehabilitation options.

8 The legislature intends that juvenile offenders who enter the
9 state rehabilitation system have the opportunity and are given the
10 responsibility to become more effective participants in society by
11 enhancing their personal development, work ethics, and life skills.
12 The legislature recognizes that structured incarceration programs for
13 juvenile offenders such as juvenile offender basic training camps, can
14 instill the self-discipline, accountability, self-esteem, and work
15 ethic skills that could discourage many offenders from returning to the
16 criminal justice system. Juvenile offender basic training camp
17 incarceration programs generally emphasize life skills training,
18 prevocational work skills training, anger management, dealing with
19 difficult at-home family problems and/or abuses, discipline, physical
20 training, structured and intensive work activities, and educational
21 classes. The legislature further recognizes that juvenile offenders
22 can benefit from a highly structured basic training camp environment
23 and the public can also benefit through increased public protection and
24 reduced cost due to lowered rates of recidivism.

25 NEW SECTION. **Sec. 532.** A new section is added to chapter 13.40
26 RCW to read as follows:

27 (1) The department of social and health services shall establish
28 and operate a medium security juvenile offender basic training camp
29 program. The department shall site a juvenile offender basic training
30 camp facility in the most cost-effective facility possible and shall
31 review the possibility of using an existing abandoned and/or available
32 state, federally, or military-owned site or facility.

33 (2) The department may contract under this chapter with private
34 companies, the national guard, or other federal, state, or local
35 agencies to operate the juvenile offender basic training camp,
36 notwithstanding the provisions of RCW 41.06.380. Requests for
37 proposals from possible contractors shall not call for payment on a per
38 diem basis.

1 (3) The juvenile offender basic training camp shall accommodate at
2 least seventy offenders. The beds shall count as additions to, and not
3 be used as replacements for, existing bed capacity at existing
4 department of social and health services juvenile facilities.

5 (4) The juvenile offender basic training camp shall be a
6 structured and regimented model lasting one hundred twenty days
7 emphasizing the building up of an offender's self-esteem, confidence,
8 and discipline. The juvenile offender basic training camp program
9 shall provide participants with basic education, prevocational
10 training, work-based learning, live work, work ethic skills, conflict
11 resolution counseling, substance abuse intervention, anger management
12 counseling, and structured intensive physical training. The juvenile
13 offender basic training camp program shall have a curriculum training
14 and work schedule that incorporates a balanced assignment of these or
15 other rehabilitation and training components for no less than sixteen
16 hours per day, six days a week.

17 The department shall adopt rules for the safe and effective
18 operation of the juvenile offender basic training camp program,
19 standards for an offender's successful program completion, and rules
20 for the continued after-care supervision of offenders who have
21 successfully completed the program.

22 (5) Offenders eligible for the juvenile offender basic training
23 camp option shall be those with a disposition of at least fifty-two
24 weeks but not more than seventy-eight weeks. Violent and sex offenders
25 shall not be eligible for the juvenile offender basic training camp
26 program.

27 (6) If the court determines that the offender is eligible for the
28 juvenile offender basic training camp option, the court may recommend
29 that the department place the offender in the program. The department
30 shall evaluate the offender and may place the offender in the program.
31 No juvenile who suffers from any mental or physical problems that could
32 endanger his or her health or drastically affect his or her performance
33 in the program shall be admitted to or retained in the juvenile
34 offender basic training camp program.

35 (7) All juvenile offenders eligible for the juvenile offender
36 basic training camp sentencing option shall spend the first one hundred
37 twenty days of their disposition in a juvenile offender basic training
38 camp. If the juvenile offender's activities while in the juvenile
39 offender basic training camp are so disruptive to the juvenile offender

1 basic training camp program, as determined by the secretary according
2 to rules adopted by the department, as to result in the removal of the
3 juvenile offender from the juvenile offender basic training camp
4 program, or if the offender cannot complete the juvenile offender basic
5 training camp program due to medical problems, the secretary shall
6 require that the offender be committed to a juvenile institution to
7 serve the entire remainder of his or her disposition, less the amount
8 of time already served in the juvenile offender basic training camp
9 program.

10 (8) All offenders who successfully graduate from the one hundred
11 twenty day juvenile offender basic training camp program shall spend
12 the remainder of their disposition on parole in a division of juvenile
13 rehabilitation intensive aftercare program in the local community. The
14 program shall provide for the needs of the offender based on his or her
15 progress in the aftercare program as indicated by ongoing assessment of
16 those needs and progress. The intensive aftercare program shall
17 monitor postprogram juvenile offenders and assist them to successfully
18 reintegrate into the community. In addition, the program shall develop
19 a process for closely monitoring and assessing public safety risks.
20 The intensive aftercare program shall be designed and funded by the
21 department of social and health services.

22 (9) The department shall also develop and maintain a data base to
23 measure recidivism rates specific to this incarceration program. The
24 data base shall maintain data on all juvenile offenders who complete
25 the juvenile offender basic training camp program for a period of two
26 years after they have completed the program. The data base shall also
27 maintain data on the criminal activity, educational progress, and
28 employment activities of all juvenile offenders who participated in the
29 program. The department shall produce an outcome evaluation report on
30 the progress of the juvenile offender basic training camp program to
31 the appropriate committees of the legislature no later than December
32 12, 1996.

33 NEW SECTION. **Sec. 533.** A new section is added to chapter 9.94A
34 RCW to read as follows:

35 The department is authorized to determine whether any person
36 subject to the confines of a correctional facility would substantially
37 benefit from successful participation in: (1) Literacy training, (2)
38 employment skills training, or (3) educational efforts to identify and

1 control sources of anger and, upon a determination that the person
2 would, may require such successful participation as a condition for
3 eligibility to obtain early release from the confines of a correctional
4 facility.

5 The department shall adopt rules and procedures to administer this
6 section.

7 **Sec. 534.** RCW 72.09.111 and 1993 sp.s. c 20 s 2 are each amended
8 to read as follows:

9 (1) The secretary shall deduct from the gross wages or gratuities
10 of each inmate working in ~~((class I or class II))~~ correctional
11 industries work programs, ~~((or of any inmate earning more than the
12 state minimum wage, other than an inmate under the jurisdiction of the
13 division of community corrections,))~~ taxes and legal financial
14 obligations. ~~((Following the deductions for legal financial
15 obligations and taxes, deductions from the remaining wages or
16 gratuities shall be))~~ The secretary shall develop a formula for the
17 distribution of offender wages and gratuities.

18 (a) The formula shall include the following minimum deductions
19 from class I gross wages and from all others earning at least minimum
20 wage:

21 ~~((+a) Ten))~~ (i) Five percent to the public safety and education
22 account for the purpose of crime victims' compensation;

23 ~~((+b))~~ (ii) Ten percent to a department personal inmate savings
24 account ~~((until such account has a balance of at least nine hundred
25 fifty dollars));~~ and

26 ~~((+c) Thirty))~~ (iii) Twenty percent to the department to
27 contribute to the cost of incarceration.

28 (b) The formula shall include the following minimum deductions
29 from class II gross gratuities:

30 (i) Five percent to the public safety and education account for
31 the purpose of crime victims' compensation;

32 (ii) Ten percent to a department personal inmate savings account;
33 and

34 (iii) Fifteen percent to the department to contribute to the cost
35 of incarceration.

36 (c) The formula shall include the following minimum deduction from
37 class IV gross gratuities: Five percent to the department to
38 contribute to the cost of incarceration.

1 (d) The formula shall include the following minimum deductions
2 from class III gratuities: Five percent for the purpose of crime
3 victims' compensation.

4 Any person sentenced to life imprisonment without possibility of
5 release or parole under chapter 10.95 RCW shall be exempt from the
6 requirement under (a)(ii) or (b)(ii) of this subsection(~~(, but shall~~
7 ~~have a forty percent deduction taken under (c) of this subsection)~~).

8 The department personal inmate savings account, together with any
9 accrued interest, shall only be available to an inmate at the time of
10 his or her release from confinement(~~(. Once the department personal~~
11 ~~inmate savings account for an inmate has a balance of at least nine~~
12 ~~hundred fifty dollars, the ten percent deduction shall continue to be~~
13 ~~taken and be used to contribute to the cost of incarceration)~~), unless
14 the secretary determines that an emergency exists for the inmate, at
15 which time the funds can be made available to the inmate in an amount
16 determined by the secretary. The management of classes I, II, and IV
17 correctional industries may establish an incentive payment for offender
18 workers based on productivity criteria. This incentive shall be paid
19 separately from the hourly wage/gratuity rate and shall not be subject
20 to the specified deduction for cost of incarceration.

21 In the event that the offender worker's wages or gratuity is
22 subject to garnishment for support enforcement, the crime victims'
23 compensation, savings, and cost of incarceration deductions shall be
24 calculated on the net wages after taxes, legal financial obligations,
25 and garnishment.

26 (2) The department shall explore other methods of recovering a
27 portion of the cost of the inmate's incarceration and for encouraging
28 participation in work programs, including development of incentive
29 programs that offer inmates benefits and amenities paid for only from
30 wages earned while working in a correctional industries work program.

31 (3) The department shall develop the necessary administrative
32 structure to recover inmates' wages and keep records of the amount
33 inmates pay for the costs of incarceration and amenities. All funds
34 deducted from inmate wages under subsection (1) of this section for the
35 purpose of contributions to the cost of incarceration (~~(under~~
36 ~~subsection (1)(c) of this section)~~) shall be deposited in a dedicated
37 fund with the department and shall be used only for the purpose of
38 enhancing and maintaining correctional industries work programs until

1 December 31, 2000, and thereafter all such funds shall be deposited in
2 the general fund.

3 (4) The expansion of inmate employment in class I and class II
4 correctional industries shall be implemented according to the following
5 schedule:

6 (a) Not later than June 30, 1995, the secretary shall achieve a
7 net increase of at least two hundred in the number of inmates employed
8 in class I or class II correctional industries work programs above the
9 number so employed on June 30, 1994;

10 (b) Not later than June 30, 1996, the secretary shall achieve a
11 net increase of at least four hundred in the number of inmates employed
12 in class I or class II correctional industries work programs above the
13 number so employed on June 30, 1994;

14 (c) Not later than June 30, 1997, the secretary shall achieve a
15 net increase of at least six hundred in the number of inmates employed
16 in class I or class II correctional industries work programs above the
17 number so employed on June 30, 1994;

18 (d) Not later than June 30, 1998, the secretary shall achieve a
19 net increase of at least nine hundred in the number of inmates employed
20 in class I or class II correctional industries work programs above the
21 number so employed on June 30, 1994;

22 (e) Not later than June 30, 1999, the secretary shall achieve a
23 net increase of at least one thousand two hundred in the number of
24 inmates employed in class I or class II correctional industries work
25 programs above the number so employed on June 30, 1994;

26 (f) Not later than June 30, 2000, the secretary shall achieve a
27 net increase of at least one thousand five hundred in the number of
28 inmates employed in class I or class II correctional industries work
29 programs above the number so employed on June 30, 1994.

30 (5) It shall be in the discretion of the secretary to apportion
31 the inmates between class I and class II depending on available
32 contracts and resources.

33 **Sec. 535.** RCW 72.09.070 and 1993 sp.s. c 20 s 3 are each amended
34 to read as follows:

35 (1) There is created a correctional industries board of directors
36 which shall have the composition provided in RCW 72.09.080.

37 (2) Consistent with general department of corrections policies and
38 procedures pertaining to the general administration of correctional

1 facilities, the board shall establish and implement policy for
2 correctional industries programs designed to:

3 (a) Offer inmates meaningful employment, work experience, and
4 training in vocations that are specifically designed to reduce
5 recidivism and thereby enhance public safety by providing opportunities
6 for legitimate means of livelihood upon their release from custody;

7 (b) Provide industries which will reduce the tax burden of
8 corrections and save taxpayers money through production of goods and
9 services for sale and use;

10 (c) Operate correctional work programs in an effective and
11 efficient manner which are as similar as possible to those provided by
12 the private sector;

13 (d) Encourage the development of and provide for selection of,
14 contracting for, and supervision of work programs with participating
15 private enterprise firms;

16 (e) Develop and design correctional industries work programs;

17 (f) Invest available funds in correctional industries enterprises
18 and meaningful work programs that minimize the impact on in-state jobs
19 and businesses.

20 (3) The board of directors shall at least annually review the work
21 performance of the director of correctional industries division with
22 the secretary.

23 (4) The director of correctional industries division shall review
24 and evaluate the productivity, funding, and appropriateness of all
25 correctional work programs and report on their effectiveness to the
26 board and to the secretary.

27 (5) The board of directors shall have the authority to identify
28 and establish trade advisory or apprenticeship committees to advise
29 them on correctional industries work programs. The secretary shall
30 appoint the members of the committees.

31 Where a labor management trade advisory and apprenticeship
32 committee has already been established by the department pursuant to
33 RCW 72.62.050 the existing committee shall also advise the board of
34 directors.

35 (6) The board shall develop a strategic yearly marketing plan that
36 shall be consistent with and work towards achieving the goals
37 established in the six-year phased expansion of class I and class II
38 correctional industries established in RCW 72.09.111. This marketing
39 plan shall be presented to the appropriate committees of the

1 legislature by January 17 of each calendar year until the goals set
2 forth in RCW 72.09.111 are achieved.

3 NEW SECTION. **Sec. 536.** Section 534 of this act shall take effect
4 June 30, 1994.

5 **Sec. 537.** RCW 26.12.010 and 1991 c 367 s 11 are each amended to
6 read as follows:

7 (1) Each superior court shall exercise the jurisdiction conferred
8 by this chapter and while sitting in the exercise of such jurisdiction
9 shall be known and referred to as the "family court." A family law
10 proceeding under this chapter is any proceeding under this title or any
11 proceeding in which the family court is requested to adjudicate or
12 enforce the rights of the parties or their children regarding the
13 determination or modification of parenting plans, child custody,
14 visitation, or support, or the distribution of property or obligations.

15 (2) Superior court judges of a county may by majority vote, grant
16 to the family court the power, authority, and jurisdiction, concurrent
17 with the juvenile court, to hear and decide cases under Title 13 RCW.

18 **Sec. 538.** RCW 13.04.021 and 1988 c 232 s 3 are each amended to
19 read as follows:

20 (1) The juvenile court shall be a division of the superior court.
21 In judicial districts having more than one judge of the superior court,
22 the judges of such court shall annually assign one or more of their
23 number to the juvenile court division. In any judicial district having
24 a court commissioner, the court commissioner shall have the power,
25 authority, and jurisdiction, concurrent with a juvenile court judge, to
26 hear all cases under this chapter and to enter judgment and make orders
27 with the same power, force, and effect as any judge of the juvenile
28 court, subject to motion or demand by any party within ten days from
29 the entry of the order or judgment by the court commissioner as
30 provided in RCW 2.24.050. In any judicial district having a family law
31 commissioner appointed pursuant to chapter 26.12 RCW, the family law
32 commissioner shall have the power, authority, and jurisdiction,
33 concurrent with a juvenile court judge, to hear cases under chapter
34 13.34 RCW or any other case under Title 13 RCW as provided in RCW
35 26.12.010, and to enter judgment and make orders with the same power,
36 force, and effect as any judge of the juvenile court, subject to motion

1 or demand by any party within ten days from the entry of the order or
2 judgment by the court commissioner as provided in RCW 2.24.050.

3 (2) Cases in the juvenile court shall be tried without a jury.

4 **Sec. 539.** RCW 72.76.010 and 1989 c 177 s 3 are each amended to
5 read as follows:

6 The Washington intrastate corrections compact is enacted and
7 entered into on behalf of this state by the department with any and all
8 counties of this state legally joining in a form substantially as
9 follows:

10 WASHINGTON INTRASTATE CORRECTIONS
11 COMPACT

12 A compact is entered into by and among the contracting counties and the
13 department of corrections, signatories hereto, for the purpose of
14 maximizing the use of existing resources and to provide adequate
15 facilities and programs for the confinement, care, treatment, and
16 employment of offenders.

17 The contracting counties and the department do solemnly agree
18 that:

19 (1) As used in this compact, unless the context clearly requires
20 otherwise:

21 (a) "Department" means the Washington state department of
22 corrections.

23 (b) "Secretary" means the secretary of the department of
24 corrections or designee.

25 (c) "Compact jurisdiction" means the department of corrections or
26 any county of the state of Washington which has executed this compact.

27 (d) "Sending jurisdiction" means a county party to this agreement
28 or the department of corrections to whom the courts have committed
29 custody of the offender.

30 (e) "Receiving jurisdiction" means the department of corrections
31 or a county party to this agreement to which an offender is sent for
32 confinement.

33 (f) "Offender" means a person who has been charged with and/or
34 convicted of an offense established by applicable statute or ordinance.

35 (g) "Convicted felony offender" means a person who has been
36 convicted of a felony established by state law and is eighteen years of
37 age or older, or who is less than eighteen years of age, but whose case

1 has been transferred by the appropriate juvenile court to a criminal
2 court pursuant to RCW 13.40.110 or has been tried in a criminal court
3 pursuant to RCW 13.04.030(1)(e)(iv).

4 (h) An "offender day" includes the first day an offender is
5 delivered to the receiving jurisdiction, but ends at midnight of the
6 day immediately preceding the day of the offender's release or return
7 to the custody of the sending jurisdiction.

8 (i) "Facility" means any state correctional institution, camp, or
9 other unit established or authorized by law under the jurisdiction of
10 the department of corrections; any jail, holding, detention, special
11 detention, or correctional facility operated by the county for the
12 housing of adult offenders; or any contract facility, operated on
13 behalf of either the county or the state for the housing of adult
14 offenders.

15 (j) "Extraordinary medical expense" means any medical expense
16 beyond that which is normally provided by contract or other health care
17 providers at the facility of the receiving jurisdiction.

18 (k) "Compact" means the Washington intrastate corrections compact.

19 (2)(a) Any county may make one or more contracts with one or more
20 counties, the department, or both for the exchange or transfer of
21 offenders pursuant to this compact. Appropriate action by ordinance,
22 resolution, or otherwise in accordance with the law of the governing
23 bodies of the participating counties shall be necessary before the
24 contract may take effect. The secretary is authorized and requested to
25 execute the contracts on behalf of the department. Any such contract
26 shall provide for:

27 (i) Its duration;

28 (ii) Payments to be made to the receiving jurisdiction by the
29 sending jurisdiction for offender maintenance, extraordinary medical
30 and dental expenses, and any participation in or receipt by offenders
31 of rehabilitative or correctional services, facilities, programs, or
32 treatment not reasonably included as part of normal maintenance;

33 (iii) Participation in programs of offender employment, if any;
34 the disposition or crediting of any payments received by offenders on
35 their accounts; and the crediting of proceeds from or the disposal of
36 any products resulting from the employment;

37 (iv) Delivery and retaking of offenders;

1 (v) Such other matters as may be necessary and appropriate to fix
2 the obligations, responsibilities and rights of the sending and
3 receiving jurisdictions.

4 (b) The terms and provisions of this compact shall be a part of
5 any contract entered into by the authority of or pursuant to the
6 contract. Nothing in any contract may be inconsistent with the
7 compact.

8 (3)(a) Whenever the duly constituted authorities of any compact
9 jurisdiction decide that confinement in, or transfer of an offender to
10 a facility of another compact jurisdiction is necessary or desirable in
11 order to provide adequate housing and care or an appropriate program of
12 rehabilitation or treatment, the officials may direct that the
13 confinement be within a facility of the other compact jurisdiction, the
14 receiving jurisdiction to act in that regard solely as agent for the
15 sending jurisdiction.

16 (b) The receiving jurisdiction shall be responsible for the
17 supervision of all offenders which it accepts into its custody.

18 (c) The receiving jurisdiction shall be responsible to establish
19 screening criteria for offenders it will accept for transfer. The
20 sending jurisdiction shall be responsible for ensuring that all
21 transferred offenders meet the screening criteria of the receiving
22 jurisdiction.

23 (d) The sending jurisdiction shall notify the sentencing courts of
24 the name, charges, cause numbers, date, and place of transfer of any
25 offender, prior to the transfer, on a form to be provided by the
26 department. A copy of this form shall accompany the offender at the
27 time of transfer.

28 (e) The receiving jurisdiction shall be responsible for providing
29 an orientation to each offender who is transferred. The orientation
30 shall be provided to offenders upon arrival and shall address the
31 following conditions at the facility of the receiving jurisdiction:

32 (i) Requirements to work;

33 (ii) Facility rules and disciplinary procedures;

34 (iii) Medical care availability; and

35 (iv) Visiting.

36 (f) Delivery and retaking of inmates shall be the responsibility
37 of the sending jurisdiction. The sending jurisdiction shall deliver
38 offenders to the facility of the receiving jurisdiction where the
39 offender will be housed, at the dates and times specified by the

1 receiving jurisdiction. The receiving jurisdiction retains the right
2 to refuse or return any offender. The sending jurisdiction shall be
3 responsible to retake any transferred offender who does not meet the
4 screening criteria of the receiving jurisdiction, or who is refused by
5 the receiving jurisdiction. If the receiving jurisdiction has notified
6 the sending jurisdiction to retake an offender, but the sending
7 jurisdiction does not do so within a seven-day period, the receiving
8 jurisdiction may return the offender to the sending jurisdiction at the
9 expense of the sending jurisdiction.

10 (g) Offenders confined in a facility under the terms of this
11 compact shall at all times be subject to the jurisdiction of the
12 sending jurisdiction and may at any time be removed from the facility
13 for transfer to another facility within the sending jurisdiction, for
14 transfer to another facility in which the sending jurisdiction may have
15 a contractual or other right to confine offenders, for release or
16 discharge, or for any other purpose permitted by the laws of the state
17 of Washington.

18 (h) Unless otherwise agreed, the sending jurisdiction shall
19 provide at least one set of the offender's personal clothing at the
20 time of transfer. The sending jurisdiction shall be responsible for
21 searching the clothing to ensure that it is free of contraband. The
22 receiving jurisdiction shall be responsible for providing work clothing
23 and equipment appropriate to the offender's assignment.

24 (i) The sending jurisdiction shall remain responsible for the
25 storage of the offender's personal property, unless prior arrangements
26 are made with the receiving jurisdiction. The receiving jurisdiction
27 shall provide a list of allowable items which may be transferred with
28 the offender.

29 (j) Copies or summaries of records relating to medical needs,
30 behavior, and classification of the offender shall be transferred by
31 the sending jurisdiction to the receiving jurisdiction at the time of
32 transfer. At a minimum, such records shall include:

33 (i) A copy of the commitment order or orders legally authorizing
34 the confinement of the offender;

35 (ii) A copy of the form for the notification of the sentencing
36 courts required by subsection (3)(d) of this section;

37 (iii) A brief summary of any known criminal history, medical
38 needs, behavioral problems, and other information which may be relevant
39 to the classification of the offender; and

1 (iv) A standard identification card which includes the
2 fingerprints and at least one photograph of the offender.
3 Disclosure of public records shall be the responsibility of the sending
4 jurisdiction, except for those documents generated by the receiving
5 jurisdiction.

6 (k) The receiving jurisdiction shall be responsible for providing
7 regular medical care, including prescription medication, but
8 extraordinary medical expenses shall be the responsibility of the
9 sending jurisdiction. The costs of extraordinary medical care incurred
10 by the receiving jurisdiction for transferred offenders shall be
11 reimbursed by the sending jurisdiction. The receiving jurisdiction
12 shall notify the sending jurisdiction as far in advance as practicable
13 prior to incurring such costs. In the event emergency medical care is
14 needed, the sending jurisdiction shall be advised as soon as
15 practicable after the offender is treated. Offenders who are required
16 by the medical authority of the sending jurisdiction to take
17 prescription medication at the time of the transfer shall have at least
18 a three-day supply of the medication transferred to the receiving
19 jurisdiction with the offender, and at the expense of the sending
20 jurisdiction. Costs of prescription medication incurred after the use
21 of the supply shall be borne by the receiving jurisdiction.

22 (l) Convicted offenders transferred under this agreement may be
23 required by the receiving jurisdiction to work. Transferred offenders
24 participating in programs of offender employment shall receive the same
25 reimbursement, if any, as other offenders performing similar work. The
26 receiving jurisdiction shall be responsible for the disposition or
27 crediting of any payments received by offenders, and for crediting the
28 proceeds from or disposal of any products resulting from the
29 employment. Other programs normally provided to offenders by the
30 receiving jurisdiction such as education, mental health, or substance
31 abuse treatment shall also be available to transferred offenders,
32 provided that usual program screening criteria are met. No special or
33 additional programs will be provided except by mutual agreement of the
34 sending and receiving jurisdiction, with additional expenses, if any,
35 to be borne by the sending jurisdiction.

36 (m) The receiving jurisdiction shall notify offenders upon arrival
37 of the rules of the jurisdiction and the specific rules of the
38 facility. Offenders will be required to follow all rules of the
39 receiving jurisdiction. Disciplinary detention, if necessary, shall be

1 provided at the discretion of the receiving jurisdiction. The
2 receiving jurisdiction may require the sending jurisdiction to retake
3 any offender found guilty of a serious infraction; similarly, the
4 receiving jurisdiction may require the sending jurisdiction to retake
5 any offender whose behavior requires segregated or protective housing.

6 (n) Good-time calculations and notification of each offender's
7 release date shall be the responsibility of the sending jurisdiction.
8 The sending jurisdiction shall provide the receiving jurisdiction with
9 a formal notice of the date upon which each offender is to be released
10 from custody. If the receiving jurisdiction finds an offender guilty
11 of a violation of its disciplinary rules, it shall notify the sending
12 jurisdiction of the date and nature of the violation. If the sending
13 jurisdiction resets the release date according to its good-time
14 policies, it shall provide the receiving jurisdiction with notice of
15 the new release date.

16 (o) The sending jurisdiction shall retake the offender at the
17 receiving jurisdiction's facility on or before his or her release date,
18 unless the sending and receiving jurisdictions shall agree upon release
19 in some other place. The sending jurisdiction shall bear the
20 transportation costs of the return.

21 (p) Each receiving jurisdiction shall provide monthly reports to
22 each sending jurisdiction on the number of offenders of that sending
23 jurisdiction in its facilities pursuant to this compact.

24 (q) Each party jurisdiction shall notify the others of its
25 coordinator who is responsible for administrating the jurisdiction's
26 responsibilities under the compact. The coordinators shall arrange for
27 alternate contact persons in the event of an extended absence of the
28 coordinator.

29 (r) Upon reasonable notice, representatives of any party to this
30 compact shall be allowed to visit any facility in which another party
31 has agreed to house its offenders, for the purpose of inspecting the
32 facilities and visiting its offenders that may be confined in the
33 institution.

34 (4) This compact shall enter into force and become effective and
35 binding upon the participating parties when it has been executed by two
36 or more parties. Upon request, each party county shall provide any
37 other compact jurisdiction with a copy of a duly enacted resolution or
38 ordinance authorizing entry into this compact.

1 (5) A party participating may withdraw from the compact by formal
2 resolution and by written notice to all other parties then
3 participating. The withdrawal shall become effective, as it pertains
4 to the party wishing to withdraw, thirty days after written notice to
5 the other parties. However, such withdrawal shall not relieve the
6 withdrawing party from its obligations assumed prior to the effective
7 date of withdrawal. Before the effective date of withdrawal, a
8 withdrawing participant shall notify the other parties to retake the
9 offenders it has housed in its facilities and shall remove to its
10 facilities, at its own expense, offenders it has confined under the
11 provisions of this compact.

12 (6) Legal costs relating to defending actions brought by an
13 offender challenging his or her transfer to another jurisdiction under
14 this compact shall be borne by the sending jurisdiction. Legal costs
15 relating to defending actions arising from events which occur while the
16 offender is in the custody of a receiving jurisdiction shall be borne
17 by the receiving jurisdiction.

18 (7) The receiving jurisdiction shall not be responsible to provide
19 legal services to offenders placed under this agreement. Requests for
20 legal services shall be referred to the sending jurisdiction.

21 (8) The provisions of this compact shall be liberally construed
22 and shall be severable. If any phrase, clause, sentence, or provision
23 of this compact is declared to be contrary to the Constitution or laws
24 of the state of Washington or is held invalid, the validity of the
25 remainder of this compact and its applicability to any county or the
26 department shall not be affected.

27 (9) Nothing contained in this compact shall be construed to
28 abrogate or impair any agreement or other arrangement which a county or
29 the department may have with each other or with a nonparty county for
30 the confinement, rehabilitation, or treatment of offenders.

31 NEW SECTION. **Sec. 540.** Provisions governing exceptions to
32 juvenile court jurisdiction in the amendments to RCW 13.04.030
33 contained in section 519 of this act shall apply to serious violent and
34 violent offenses committed on or after the effective date of section
35 519 of this act. The criminal history which may result in loss of
36 juvenile court jurisdiction upon the alleged commission of a serious
37 violent or violent offense may have been acquired on, before, or after
38 the effective date of section 519 of this act.

1 **Sec. 541.** RCW 13.50.010 and 1993 c 374 s 1 are each amended to
2 read as follows:

3 (1) For purposes of this chapter:

4 (a) "Juvenile justice or care agency" means any of the following:
5 Police, diversion units, court, prosecuting attorney, defense attorney,
6 detention center, attorney general, the department of social and health
7 services and its contracting agencies, schools; and, in addition,
8 persons or public or private agencies having children committed to
9 their custody;

10 (b) "Official juvenile court file" means the legal file of the
11 juvenile court containing the petition or information, motions,
12 memorandums, briefs, findings of the court, and court orders;

13 (c) "Social file" means the juvenile court file containing the
14 records and reports of the probation counselor;

15 (d) "Records" means the official juvenile court file, the social
16 file, and records of any other juvenile justice or care agency in the
17 case.

18 (2) Each petition or information filed with the court may include
19 only one juvenile and each petition or information shall be filed under
20 a separate docket number. The social file shall be filed separately
21 from the official juvenile court file.

22 (3) It is the duty of any juvenile justice or care agency to
23 maintain accurate records. To this end:

24 (a) The agency may never knowingly record inaccurate information.
25 Any information in records maintained by the department of social and
26 health services relating to a petition filed pursuant to chapter 13.34
27 RCW that is found by the court, upon proof presented, to be false or
28 inaccurate shall be corrected or expunged from such records by the
29 agency;

30 (b) An agency shall take reasonable steps to (~~insure~~) assure the
31 security of its records and prevent tampering with them; and

32 (c) An agency shall make reasonable efforts to insure the
33 completeness of its records, including action taken by other agencies
34 with respect to matters in its files.

35 (4) Each juvenile justice or care agency shall implement
36 procedures consistent with the provisions of this chapter to facilitate
37 inquiries concerning records.

38 (5) Any person who has reasonable cause to believe information
39 concerning that person is included in the records of a juvenile justice

1 or care agency and who has been denied access to those records by the
2 agency may make a motion to the court for an order authorizing that
3 person to inspect the juvenile justice or care agency record concerning
4 that person. The court shall grant the motion to examine records
5 unless it finds that in the interests of justice or in the best
6 interests of the juvenile the records or parts of them should remain
7 confidential.

8 (6) A juvenile, or his or her parents, or any person who has
9 reasonable cause to believe information concerning that person is
10 included in the records of a juvenile justice or care agency may make
11 a motion to the court challenging the accuracy of any information
12 concerning the moving party in the record or challenging the continued
13 possession of the record by the agency. If the court grants the
14 motion, it shall order the record or information to be corrected or
15 destroyed.

16 (7) The person making a motion under subsection (5) or (6) of this
17 section shall give reasonable notice of the motion to all parties to
18 the original action and to any agency whose records will be affected by
19 the motion.

20 (8) The court may permit inspection of records by, or release of
21 information to, any clinic, hospital, or agency which has the subject
22 person under care or treatment(~~(, or to)~~). The court may also permit
23 inspection by or release to individuals or agencies, including juvenile
24 justice advisory committees of county law and justice councils, engaged
25 in legitimate research for educational, scientific, or public purposes.
26 The court may also permit inspection of, or release of information
27 from, records which have been sealed pursuant to RCW 13.50.050(11).
28 Access to records or information for research purposes shall be
29 permitted only if the anonymity of all persons mentioned in the records
30 or information will be preserved. Each person granted permission to
31 inspect juvenile justice or care agency records for research purposes
32 shall present a notarized statement to the court stating that the names
33 of juveniles and parents will remain confidential.

34 (9) Juvenile detention facilities shall release records to the
35 juvenile disposition standards commission under RCW 13.40.025 upon
36 request. The commission shall not disclose the names of any juveniles
37 or parents mentioned in the records without the named individual's
38 written permission.

1 **Sec. 542.** RCW 72.09.300 and 1993 sp.s. c 21 s 8 are each amended
2 to read as follows:

3 (1) Every county legislative authority shall by resolution or
4 ordinance establish a local law and justice council. The county
5 legislative authority shall determine the size and composition of the
6 council, which shall include the county sheriff and a representative of
7 the municipal police departments within the county, the county
8 prosecutor and a representative of the municipal prosecutors within the
9 county, a representative of the city legislative authorities within the
10 county, a representative of the county's superior, juvenile, district,
11 and municipal courts, the county jail administrator, the county clerk,
12 the county risk manager, and the secretary of corrections. Officials
13 designated may appoint representatives.

14 (2) A combination of counties may establish a local law and
15 justice council by intergovernmental agreement. The agreement shall
16 comply with the requirements of this section.

17 (3) The local law and justice council shall develop a local law
18 and justice plan for the county. The council shall design the elements
19 and scope of the plan, subject to final approval by the county
20 legislative authority. The general intent of the plan shall include
21 seeking means to maximize local resources including personnel and
22 facilities, reduce duplication of services, and share resources between
23 local and state government in order to accomplish local efficiencies
24 without diminishing effectiveness. The plan shall also include a
25 section on jail management. This section may include the following
26 elements:

27 (a) A description of current jail conditions, including whether
28 the jail is overcrowded;

29 (b) A description of potential alternatives to incarceration;

30 (c) A description of current jail resources;

31 (d) A description of the jail population as it presently exists
32 and how it is projected to change in the future;

33 (e) A description of projected future resource requirements;

34 (f) A proposed action plan, which shall include recommendations to
35 maximize resources, maximize the use of intermediate sanctions,
36 minimize overcrowding, avoid duplication of services, and effectively
37 manage the jail and the offender population;

38 (g) A list of proposed advisory jail standards and methods to
39 effect periodic quality assurance inspections of the jail;

1 (h) A proposed plan to collect, synthesize, and disseminate
2 technical information concerning local criminal justice activities,
3 facilities, and procedures;

4 (i) A description of existing and potential services for offenders
5 including employment services, substance abuse treatment, mental health
6 services, and housing referral services.

7 (4) The council may propose other elements of the plan, which
8 shall be subject to review and approval by the county legislative
9 authority, prior to their inclusion into the plan.

10 (5) The county legislative authority may request technical
11 assistance in developing or implementing the plan from other units or
12 agencies of state or local government, which shall include the
13 department, the office of financial management, and the Washington
14 association of sheriffs and police chiefs.

15 (6) Upon receiving a request for assistance from a county, the
16 department may provide the requested assistance.

17 (7) The secretary may adopt rules for the submittal, review, and
18 approval of all requests for assistance made to the department. The
19 secretary may also appoint an advisory committee of local and state
20 government officials to recommend policies and procedures relating to
21 the state and local correctional systems and to assist the department
22 in providing technical assistance to local governments. The committee
23 shall include representatives of the county sheriffs, the police
24 chiefs, the county prosecuting attorneys, the county and city
25 legislative authorities, and the jail administrators. The secretary
26 may contract with other state and local agencies and provide funding in
27 order to provide the assistance requested by counties.

28 (8) The department shall establish a base level of state
29 correctional services, which shall be determined and distributed in a
30 consistent manner state-wide. The department's contributions to any
31 local government, approved pursuant to this section, shall not operate
32 to reduce this base level of services.

33 (9) The council shall establish an advisory committee on juvenile
34 justice proportionality. The council shall appoint the county juvenile
35 court administrator and at least five citizens as advisory committee
36 members. The citizen advisory committee members shall be
37 representative of the county's ethnic and geographic diversity. The
38 advisory committee members shall serve two-year terms and may be
39 reappointed. The duties of the advisory committee include:

1 (a) Monitoring and reporting to the juvenile disposition standards
2 commission on the proportionality, effectiveness, and cultural
3 relevance of:

4 (i) The rehabilitative services offered by county and state
5 institutions to juvenile offenders; and

6 (ii) The rehabilitative services offered in conjunction with
7 diversions, deferred dispositions, community supervision, and parole;

8 (b) Reviewing citizen complaints regarding bias or
9 disproportionality in that county's juvenile justice system;

10 (c) By September 1 of each year, beginning with 1995, submit to
11 the juvenile disposition standards commission a report summarizing the
12 advisory committee's findings under (a) and (b) of this subsection.

13 **Sec. 543.** RCW 13.40.070 and 1992 c 205 s 107 are each amended to
14 read as follows:

15 (1) Complaints referred to the juvenile court alleging the
16 commission of an offense shall be referred directly to the prosecutor.
17 The prosecutor, upon receipt of a complaint, shall screen the complaint
18 to determine whether:

19 (a) The alleged facts bring the case within the jurisdiction of
20 the court; and

21 (b) On a basis of available evidence there is probable cause to
22 believe that the juvenile did commit the offense.

23 (2) If the identical alleged acts constitute an offense under both
24 the law of this state and an ordinance of any city or county of this
25 state, state law shall govern the prosecutor's screening and charging
26 decision for both filed and diverted cases.

27 (3) If the requirements of subsections (1) (a) and (b) of this
28 section are met, the prosecutor shall either file an information in
29 juvenile court or divert the case, as set forth in subsections (5),
30 (6), and (7) of this section. If the prosecutor finds that the
31 requirements of subsection (1) (a) and (b) of this section are not met,
32 the prosecutor shall maintain a record, for one year, of such decision
33 and the reasons therefor. In lieu of filing an information or
34 diverting an offense a prosecutor may file a motion to modify community
35 supervision where such offense constitutes a violation of community
36 supervision.

37 (4) An information shall be a plain, concise, and definite written
38 statement of the essential facts constituting the offense charged. It

1 shall be signed by the prosecuting attorney and conform to chapter
2 10.37 RCW.

3 (5) Where a case is legally sufficient, the prosecutor shall file
4 an information with the juvenile court if:

5 (a) An alleged offender is accused of a class A felony, a class B
6 felony, an attempt to commit a class B felony, a class C felony listed
7 in RCW 9.94A.440(2) as a crime against persons or listed in RCW
8 9A.46.060 as a crime of harassment, a class C felony that is a
9 violation of RCW 9.41.080 or 9.41.040(1)(e), or any other offense
10 listed in RCW 13.40.020(1) (b) or (c); or

11 (b) An alleged offender is accused of a felony and has a criminal
12 history of ~~((at least one class A or class B felony, or two class C~~
13 ~~felonies)) any felony, or at least two gross misdemeanors, or at least
14 two misdemeanors ~~((and one additional misdemeanor or gross misdemeanor,~~
15 ~~or at least one class C felony and one misdemeanor or gross~~
16 ~~misdemeanor)); or~~~~

17 (c) An alleged offender has previously been committed to the
18 department; or

19 (d) An alleged offender has been referred by a diversion unit for
20 prosecution or desires prosecution instead of diversion; or

21 (e) An alleged offender has ~~((three))~~ two or more diversion~~((s))~~
22 contracts on the alleged offender's criminal history; or

23 (f) A special allegation has been filed that the offender or an
24 accomplice was armed with a firearm when the offense was committed.

25 (6) Where a case is legally sufficient the prosecutor shall divert
26 the case if the alleged offense is a misdemeanor or gross misdemeanor
27 or violation and the alleged ~~((offense(s) in combination with the~~
28 ~~alleged offender's criminal history do not exceed two offenses or~~
29 ~~violations and do not include any felonies: PROVIDED, That)) offense~~

30 is the offender's first offense or violation. If the alleged offender
31 is charged with a related offense that must or may be filed under
32 subsections (5) and (7) of this section, a case under this subsection
33 may also be filed.

34 (7) Where a case is legally sufficient and falls into neither
35 subsection (5) nor (6) of this section, it may be filed or diverted.
36 In deciding whether to file or divert an offense under this section the
37 prosecutor shall be guided only by the length, seriousness, and recency
38 of the alleged offender's criminal history and the circumstances
39 surrounding the commission of the alleged offense.

1 (8) Whenever a juvenile is placed in custody or, where not placed
2 in custody, referred to a diversionary interview, the parent or legal
3 guardian of the juvenile shall be notified as soon as possible
4 concerning the allegation made against the juvenile and the current
5 status of the juvenile. Where a case involves victims of crimes
6 against persons or victims whose property has not been recovered at the
7 time a juvenile is referred to a diversionary unit, the victim shall be
8 notified of the referral and informed how to contact the unit.

9 (9) The responsibilities of the prosecutor under subsections (1)
10 through (8) of this section may be performed by a juvenile court
11 probation counselor for any complaint referred to the court alleging
12 the commission of an offense which would not be a felony if committed
13 by an adult, if the prosecutor has given sufficient written notice to
14 the juvenile court that the prosecutor will not review such complaints.

15 (10) The prosecutor, juvenile court probation counselor, or
16 diversion unit may, in exercising their authority under this section or
17 RCW 13.40.080, refer juveniles to mediation or victim offender
18 reconciliation programs. Such mediation or victim offender
19 reconciliation programs shall be voluntary for victims.

20 **Sec. 544.** RCW 13.40.080 and 1992 c 205 s 108 are each amended to
21 read as follows:

22 (1) A diversion agreement shall be a contract between a juvenile
23 accused of an offense and a diversionary unit whereby the juvenile
24 agrees to fulfill certain conditions in lieu of prosecution. Such
25 agreements may be entered into only after the prosecutor, or probation
26 counselor pursuant to this chapter, has determined that probable cause
27 exists to believe that a crime has been committed and that the juvenile
28 committed it. Such agreements shall be entered into as expeditiously
29 as possible.

30 (2) A diversion agreement shall be limited to one or more of the
31 following:

32 (a) Community service not to exceed one hundred fifty hours, not
33 to be performed during school hours if the juvenile is attending
34 school;

35 (b) Restitution limited to the amount of actual loss incurred by
36 the victim, and to an amount the juvenile has the means or potential
37 means to pay;

1 (c) Attendance at up to ten hours of counseling and/or up to
2 twenty hours of educational or informational sessions at a community
3 agency(~~(: PROVIDED, That)~~). The educational or informational sessions
4 may include sessions relating to respect for self, others, and
5 authority; victim awareness; accountability; self-worth;
6 responsibility; work ethics; good citizenship; and life skills. For
7 purposes of this section, "community agency" may also mean a community-
8 based nonprofit organization, if approved by the diversion unit. The
9 state shall not be liable for costs resulting from the diversionary
10 unit exercising the option to permit diversion agreements to mandate
11 attendance at up to ten hours of counseling and/or up to twenty hours
12 of educational or informational sessions; ((and))

13 (d) A fine, not to exceed one hundred dollars. In determining the
14 amount of the fine, the diversion unit shall consider only the
15 juvenile's financial resources and whether the juvenile has the means
16 to pay the fine. The diversion unit shall not consider the financial
17 resources of the juvenile's parents, guardian, or custodian in
18 determining the fine to be imposed; and

19 (e) Requirements to remain during specified hours at home, school,
20 or work, and restrictions on leaving or entering specified geographical
21 areas.

22 (3) In assessing periods of community service to be performed and
23 restitution to be paid by a juvenile who has entered into a diversion
24 agreement, the court officer to whom this task is assigned shall
25 consult with the juvenile's custodial parent or parents or guardian and
26 victims who have contacted the diversionary unit and, to the extent
27 possible, involve members of the community. Such members of the
28 community shall meet with the juvenile and advise the court officer as
29 to the terms of the diversion agreement and shall supervise the
30 juvenile in carrying out its terms.

31 (4) A diversion agreement may not exceed a period of six months
32 and may include a period extending beyond the eighteenth birthday of
33 the divertee. Any restitution assessed during its term may not exceed
34 an amount which the juvenile could be reasonably expected to pay during
35 this period. If additional time is necessary for the juvenile to
36 complete restitution to the victim, the time period limitations of this
37 subsection may be extended by an additional six months.

38 (5) The juvenile shall retain the right to be referred to the
39 court at any time prior to the signing of the diversion agreement.

1 (6) Divertees and potential divertees shall be afforded due
2 process in all contacts with a diversionary unit regardless of whether
3 the juveniles are accepted for diversion or whether the diversion
4 program is successfully completed. Such due process shall include, but
5 not be limited to, the following:

6 (a) A written diversion agreement shall be executed stating all
7 conditions in clearly understandable language;

8 (b) Violation of the terms of the agreement shall be the only
9 grounds for termination;

10 (c) No divertee may be terminated from a diversion program without
11 being given a court hearing, which hearing shall be preceded by:

12 (i) Written notice of alleged violations of the conditions of the
13 diversion program; and

14 (ii) Disclosure of all evidence to be offered against the
15 divertee;

16 (d) The hearing shall be conducted by the juvenile court and shall
17 include:

18 (i) Opportunity to be heard in person and to present evidence;

19 (ii) The right to confront and cross-examine all adverse
20 witnesses;

21 (iii) A written statement by the court as to the evidence relied
22 on and the reasons for termination, should that be the decision; and

23 (iv) Demonstration by evidence that the divertee has substantially
24 violated the terms of his or her diversion agreement.

25 (e) The prosecutor may file an information on the offense for
26 which the divertee was diverted:

27 (i) In juvenile court if the divertee is under eighteen years of
28 age; or

29 (ii) In superior court or the appropriate court of limited
30 jurisdiction if the divertee is eighteen years of age or older.

31 (7) The diversion unit shall, subject to available funds, be
32 responsible for providing interpreters when juveniles need interpreters
33 to effectively communicate during diversion unit hearings or
34 negotiations.

35 (8) The diversion unit shall be responsible for advising a
36 divertee of his or her rights as provided in this chapter.

37 (9) The diversion unit may refer a juvenile to community-based
38 counseling or treatment programs.

1 (10) The right to counsel shall inure prior to the initial
2 interview for purposes of advising the juvenile as to whether he or she
3 desires to participate in the diversion process or to appear in the
4 juvenile court. The juvenile may be represented by counsel at any
5 critical stage of the diversion process, including intake interviews
6 and termination hearings. The juvenile shall be fully advised at the
7 intake of his or her right to an attorney and of the relevant services
8 an attorney can provide. For the purpose of this section, intake
9 interviews mean all interviews regarding the diversion agreement
10 process.

11 The juvenile shall be advised that a diversion agreement shall
12 constitute a part of the juvenile's criminal history as defined by RCW
13 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
14 of such advisement shall be obtained from the juvenile, and the
15 document shall be maintained by the diversionary unit together with the
16 diversion agreement, and a copy of both documents shall be delivered to
17 the prosecutor if requested by the prosecutor. The supreme court shall
18 promulgate rules setting forth the content of such advisement in simple
19 language.

20 (11) When a juvenile enters into a diversion agreement, the
21 juvenile court may receive only the following information for
22 dispositional purposes:

- 23 (a) The fact that a charge or charges were made;
- 24 (b) The fact that a diversion agreement was entered into;
- 25 (c) The juvenile's obligations under such agreement;
- 26 (d) Whether the alleged offender performed his or her obligations
27 under such agreement; and
- 28 (e) The facts of the alleged offense.

29 (12) A diversionary unit may refuse to enter into a diversion
30 agreement with a juvenile. When a diversionary unit refuses to enter
31 a diversion agreement with a juvenile, it shall immediately refer such
32 juvenile to the court for action and shall forward to the court the
33 criminal complaint and a detailed statement of its reasons for refusing
34 to enter into a diversion agreement. The diversionary unit shall also
35 immediately refer the case to the prosecuting attorney for action if
36 such juvenile violates the terms of the diversion agreement.

37 (13) A diversionary unit may, in instances where it determines
38 that the act or omission of an act for which a juvenile has been
39 referred to it involved no victim, or where it determines that the

1 juvenile referred to it has no prior criminal history and is alleged to
2 have committed an illegal act involving no threat of or instance of
3 actual physical harm and involving not more than fifty dollars in
4 property loss or damage and that there is no loss outstanding to the
5 person or firm suffering such damage or loss, counsel and release or
6 release such a juvenile without entering into a diversion agreement.
7 A diversion unit's authority to counsel and release a juvenile under
8 this subsection shall include the authority to refer the juvenile to
9 community-based counseling or treatment programs. Any juvenile
10 released under this subsection shall be advised that the act or
11 omission of any act for which he or she had been referred shall
12 constitute a part of the juvenile's criminal history as defined by RCW
13 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
14 of such advisement shall be obtained from the juvenile, and the
15 document shall be maintained by the unit, and a copy of the document
16 shall be delivered to the prosecutor if requested by the prosecutor.
17 The supreme court shall promulgate rules setting forth the content of
18 such advisement in simple language. A juvenile determined to be
19 eligible by a diversionary unit for release as provided in this
20 subsection shall retain the same right to counsel and right to have his
21 or her case referred to the court for formal action as any other
22 juvenile referred to the unit.

23 (14) A diversion unit may supervise the fulfillment of a diversion
24 agreement entered into before the juvenile's eighteenth birthday and
25 which includes a period extending beyond the diverttee's eighteenth
26 birthday.

27 (15) If a fine required by a diversion agreement cannot reasonably
28 be paid due to a change of circumstance, the diversion agreement may be
29 modified at the request of the diverttee and with the concurrence of the
30 diversion unit to convert an unpaid fine into community service. The
31 modification of the diversion agreement shall be in writing and signed
32 by the diverttee and the diversion unit. The number of hours of
33 community service in lieu of a monetary penalty shall be converted at
34 the rate of the prevailing state minimum wage per hour.

35 (16) Fines imposed under this section shall be collected and paid
36 into the county general fund in accordance with procedures established
37 by the juvenile court administrator under RCW 13.04.040 and may be used
38 only for juvenile services. In the expenditure of funds for juvenile
39 services, there shall be a maintenance of effort whereby counties

1 exhaust existing resources before using amounts collected under this
2 section.

3 NEW SECTION. **Sec. 545.** A new section is added to chapter 13.40
4 RCW to read as follows:

5 (1) Upon motion at least fourteen days before commencement of
6 trial, the juvenile court has the power, after consulting the
7 juvenile's custodial parent or parents or guardian and with the consent
8 of the juvenile, to continue the case for a period not to exceed one
9 year from the date of entry of the plea or finding of guilt. The court
10 may continue the case for an additional one-year period for good cause.

11 (2) Any juvenile granted a deferral of adjudication under this
12 section shall be placed under community supervision. The court may
13 impose any conditions of supervision that it deems appropriate.
14 Payment of restitution, as provided in RCW 13.40.190 shall also be a
15 condition of community supervision under this section.

16 (3) Upon full compliance with such conditions of supervision, the
17 court shall dismiss the case with prejudice.

18 (4) If the juvenile fails to comply with the terms of supervision,
19 the court shall enter an order of adjudication and proceed to
20 disposition. The juvenile's lack of compliance shall be determined by
21 the judge upon written motion by the prosecutor or the juvenile's
22 juvenile court community supervision counselor. The state shall bear
23 the burden to prove by a preponderance of the evidence that the
24 juvenile has failed to comply with the terms of community supervision.

25 (5) If the juvenile agrees to a deferral of adjudication, the
26 juvenile shall waive all rights:

27 (a) To a speedy trial and disposition;

28 (b) To call and confront witnesses; and

29 (c) To a hearing on the record. The adjudicatory hearing shall be
30 limited to a reading of the court's record.

31 (6) A juvenile is not eligible for a deferred adjudication if:

32 (a) The juvenile's current offense is a sex or violent offense;

33 (b) The juvenile's criminal history includes any felony;

34 (c) The juvenile has a prior deferred adjudication; or

35 (d) The juvenile has had more than two diversions.

36 NEW SECTION. **Sec. 546.** A new section is added to chapter 13.40
37 RCW to read as follows:

1 Prosecutors shall develop prosecutorial filing standards. The
2 standards shall be developed considering the recommendations contained
3 in the January 1993 final report concerning racial disproportionality
4 in the juvenile justice system which was conducted pursuant to section
5 2, chapter 234, Laws of 1991. The standards are intended for the
6 guidance of prosecutors in the state of Washington. They are not
7 intended to, do not, and may not be relied upon to create a right or
8 benefit, substantive or procedural, enforceable at law by a party in
9 litigation with the state.

10

PART VI. EDUCATION

11 NEW SECTION. **Sec. 601.** (1) To the extent funding is available,
12 by December 31, 1994, the superintendent of public instruction shall
13 prepare, or contract to prepare, a guide of available programs and
14 strategies pertaining to conflict resolution and other violence
15 prevention topics. The guide shall include descriptions of curricular
16 and training resources that are developmentally and culturally
17 appropriate for the school populations being served, and shall include
18 information regarding how to contact the organizations offering these
19 resources.

20 (2) The superintendent of public instruction shall provide the
21 curricular and training resources guide to those educational service
22 districts, school districts, schools, teachers, classified staff,
23 parents, and other interested parties who request it.

24 (3) In carrying out its responsibilities under this section, the
25 superintendent of public instruction shall coordinate with other
26 agencies engaged in related efforts, such as the department of
27 community, trade, and economic development, and consult with educators,
28 parents, community groups, and other interested parties.

29 NEW SECTION. **Sec. 602.** A new section is added to chapter 28A.300
30 RCW to read as follows:

31 The superintendent of public instruction shall, to the extent
32 funding is available, contract with school districts, educational
33 service districts, and approved in-service providers to conduct
34 training sessions for school certificated and classified employees in
35 conflict resolution and other violence prevention topics. The training
36 shall be developmentally and culturally appropriate for the school

1 populations being served and be research based. The training shall not
2 be based solely on providing materials, but also shall include
3 techniques on imparting these skills to students. The training
4 sessions shall be developed in coordination with school districts, the
5 superintendent of public instruction, parents, law enforcement
6 agencies, human services providers, and other interested parties. The
7 training shall be offered to school districts and school staff
8 requesting the training, and shall be made available at locations
9 throughout the state.

10 **Sec. 603.** RCW 28A.620.020 and 1985 c 344 s 2 are each amended to
11 read as follows:

12 Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or
13 any other law, rule, or regulation, any school district is authorized
14 and encouraged to provide community education programs in the form of
15 instructional, recreational and/or service programs on a noncredit and
16 nontuition basis, excluding fees for supplies, materials, or instructor
17 costs, for the purpose of stimulating the full educational potential
18 and meeting the needs of the district's residents of all ages, and
19 making the fullest use of the district's school facilities: PROVIDED,
20 That school districts are encouraged to provide programs for
21 prospective parents, prospective foster parents, and prospective
22 adoptive parents on parenting skills, violence prevention, and on the
23 problems of child abuse and methods to avoid child abuse situations:
24 PROVIDED FURTHER, That community education programs shall be consistent
25 with rules and regulations promulgated by the state superintendent of
26 public instruction governing cooperation between common schools,
27 community college districts, and other civic and governmental
28 organizations which shall have been developed in cooperation with the
29 state board for community and technical colleges (~~education~~) and
30 shall be programs receiving the approval of said superintendent.

31 NEW SECTION. **Sec. 604.** A new section is added to chapter 70.190
32 RCW to read as follows:

33 A community public health and safety network, based on rules
34 adopted by the department of health, may include in its comprehensive
35 community plans procedures for providing matching grants to school
36 districts to support expanded use of school facilities for after-hours

1 recreational opportunities and day care as authorized under chapter
2 28A.215 RCW and RCW 28A.620.010.

3 **Sec. 605.** 1993 sp.s. c 24 s 501 (uncodified) is amended to read
4 as follows:

5 **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

6	General Fund--State Appropriation	\$	34,414,000
7	General Fund--Federal Appropriation	\$	33,106,000
8	Public Safety and Education Account		
9	Appropriation	\$	338,000
10	<u>Violence Reduction and Drug Enforcement</u>		
11	((and Education)) Account Appropriation	\$	3,197,000
12	TOTAL APPROPRIATION	\$	71,055,000

13 The appropriations in this section are subject to the following
14 conditions and limitations:

15 (1) AGENCY OPERATIONS

16 (a) \$304,000 of the general fund--state appropriation is provided
17 solely to upgrade the student data collection capability of the
18 superintendent of public instruction.

19 (b) \$423,000 of the general fund--state appropriation is provided
20 solely for certification investigation activities of the office of
21 professional practices.

22 (c) \$770,000 of the general fund--state appropriation is provided
23 solely for the operation and expenses of the state board of education,
24 including basic education assistance activities.

25 ~~((e))~~ (d) The entire public safety and education account
26 appropriation is provided solely for administration of the traffic
27 safety education program, including in-service training related to
28 instruction in the risks of driving while under the influence of
29 alcohol and other drugs.

30 ~~((f))~~ (e) \$10,000 of the general fund--state appropriation is
31 provided solely for a contract through the Washington State Institute
32 for Public Policy at The Evergreen State College for a bilingual
33 education conference to disseminate information on best practices in
34 bilingual instruction, including model programs from other states, and
35 to develop strategies for incorporating the most effective
36 instructional methods into the state's bilingual curriculum.

37 (2) STATE-WIDE PROGRAMS

1 (a) \$100,000 of the general fund--state appropriation is provided
2 for state-wide curriculum development.

3 (b) \$62,000 of the general fund--state appropriation is provided
4 for operation of a K-2 education program at Pt. Roberts by the Blaine
5 school district.

6 (c) \$2,415,000 of the general fund--state appropriation is
7 provided for in-service training and educational programs conducted by
8 the Pacific science center.

9 (d) \$70,000 of the general fund--state appropriation is provided
10 for operation of the Cispus environmental learning center.

11 (e) \$2,949,000 of the general fund--state appropriation is
12 provided for educational clinics, including state support activities.

13 (f) \$3,437,000 of the general fund--state appropriation is
14 provided for grants for magnet schools to be distributed as recommended
15 by the superintendent of public instruction pursuant to chapter 232,
16 section 516(13), Laws of 1992.

17 (g) \$4,855,000 of the general fund--state appropriation is
18 provided for complex need grants. Grants shall be provided according
19 to funding ratios established in LEAP Document 30B as developed on May
20 4, 1993, at 11:00 a.m.

21 (h) \$3,050,000 of the violence reduction and drug enforcement
22 ~~((and education))~~ account appropriation is provided solely for matching
23 grants to enhance security in secondary schools. Not more than
24 seventy-five percent of a district's total expenditures for school
25 security in any school year may be paid from a grant under this
26 subsection. The grants shall be expended solely for the costs of
27 employing or contracting for building security monitors, metal
28 detectors, or other security in secondary schools during school hours
29 and school events. Of the amount provided in this subsection, at least
30 \$2,850,000 shall be spent for grants to districts that, during the
31 1988-89 school year, employed or contracted for security monitors in
32 schools during school hours. However, these grants may be used only
33 for increases in school district expenditures for school security over
34 expenditure levels for the 1988-89 school year.

35 (i) Districts receiving allocations from subsection (2) (f) and
36 (g) of this section shall submit an annual report to the superintendent
37 of public instruction on the use of all district resources to address
38 the educational needs of at-risk students in each school building.

1 **Sec. 606. RCW 28A.600.475 and 1992 c 205 s 120 are each amended*
2 *to read as follows:*

3 *(1) School districts may participate in the exchange of*
4 *information with law enforcement and juvenile court officials to the*
5 *extent permitted by the family educational and privacy rights act of*
6 *1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant*
7 *to ((any)) a lawfully issued subpoena, a school district shall make*
8 *student records and information available to law enforcement officials,*
9 *probation officers, court personnel, and others legally entitled to the*
10 *information. Parents and students shall be notified by the school*
11 *district of all ((such)) orders or subpoenas in advance of compliance*
12 *with them.*

13 *(2) The social file, diversion record, police contact record, and*
14 *arrest record of a student may be made available to a school district*
15 *if the records are requested by the principal or school counselor. Use*
16 *of the records is restricted to the principal, the school counselor, or*
17 *a teacher or teachers identified by the principal as necessary for the*
18 *provision of additional services to the student. The records may only*
19 *be used to identify and facilitate those services offered through the*
20 *school district that would be of benefit to the student. The student's*
21 *records shall be made available only after providing seventy-two hours'*
22 *written notice to the parent or guardian of the subject of the record*
23 *and only to appropriate professional staff under the provisions of this*
24 *section, section 609 of this act, and chapter 13.50 RCW unless a parent*
25 *or guardian provides, prior to the release of the records, a statement*
26 *indicating which records shall remain confidential until such further*
27 *written release. School districts shall provide written notice of this*
28 *section to parents or guardians at the time of enrollment of a student.*
29 *Following the completed use of the records, the principal shall destroy*
30 *the records and not permit them to be disclosed to any other person.*

31 **Sec. 606 was vetoed, see message at end of chapter.*

32 **Sec. 607. RCW 13.50.050 and 1992 c 188 s 7 are each amended to*
33 *read as follows:*

34 *(1) This section governs records relating to the commission of*
35 *juvenile offenses, including records relating to diversions.*

36 *(2) The official juvenile court file of any alleged or proven*
37 *juvenile offender shall be open to public inspection, unless sealed*
38 *pursuant to subsection (11) of this section.*

1 (3) All records other than the official juvenile court file are
2 confidential and may be released only as provided in this section, RCW
3 13.50.010, 13.40.215, and 4.24.550.

4 (4) Except as otherwise provided in this section and RCW
5 13.50.010, records retained or produced by any juvenile justice or care
6 agency may be released to other participants in the juvenile justice or
7 care system only when an investigation or case involving the juvenile
8 in question is being pursued by the other participant or when that
9 other participant is assigned the responsibility for supervising the
10 juvenile.

11 (5) Except as provided in RCW 4.24.550 or 28A.600.475, information
12 not in an official juvenile court file concerning a juvenile or a
13 juvenile's family may be released to the public only when that
14 information could not reasonably be expected to identify the juvenile
15 or the juvenile's family.

16 (6) Notwithstanding any other provision of this chapter, the
17 release, to the juvenile or his or her attorney, of law enforcement and
18 prosecuting attorneys' records pertaining to investigation, diversion,
19 and prosecution of juvenile offenses shall be governed by the rules of
20 discovery and other rules of law applicable in adult criminal
21 investigations and prosecutions.

22 (7) The juvenile court and the prosecutor may set up and maintain
23 a central record-keeping system which may receive information on all
24 alleged juvenile offenders against whom a complaint has been filed
25 pursuant to RCW 13.40.070 whether or not their cases are currently
26 pending before the court. The central record-keeping system may be
27 computerized. If a complaint has been referred to a diversion unit,
28 the diversion unit shall promptly report to the juvenile court or the
29 prosecuting attorney when the juvenile has agreed to diversion. An
30 offense shall not be reported as criminal history in any central
31 record-keeping system without notification by the diversion unit of the
32 date on which the offender agreed to diversion.

33 (8) Upon request of the victim of a crime or the victim's
34 immediate family, the identity of an alleged or proven juvenile
35 offender alleged or found to have committed a crime against the victim
36 and the identity of the alleged or proven juvenile offender's parent,
37 guardian, or custodian and the circumstance of the alleged or proven
38 crime shall be released to the victim of the crime or the victim's
39 immediate family.

1 (9) Subject to the rules of discovery applicable in adult criminal
2 prosecutions, the juvenile offense records of an adult criminal
3 defendant or witness in an adult criminal proceeding shall be released
4 upon request to prosecution and defense counsel after a charge has
5 actually been filed. The juvenile offense records of any adult
6 convicted of a crime and placed under the supervision of the adult
7 corrections system shall be released upon request to the adult
8 corrections system.

9 (10) In any case in which an information has been filed pursuant
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 the
12 subject of the information or complaint may file a motion with the
13 court to have the court vacate its order and findings, if any, and,
14 subject to subsection (24) of this section, order the sealing of the
15 official juvenile court file, the social file, and records of the court
16 and of any other agency in the case.

17 (11) The court shall grant the motion to seal records made
18 pursuant to subsection (10) of this section if it finds that:

19 (a) Two years have elapsed from the later of: (i) Final discharge
20 of the person from the supervision of any agency charged with
21 supervising juvenile offenders; or (ii) from the entry of a court order
22 relating to the commission of a juvenile offense or a criminal offense;

23 (b) No proceeding is pending against the moving party seeking the
24 conviction of a juvenile offense or a criminal offense; and

25 (c) No proceeding is pending seeking the formation of a diversion
26 agreement with that person.

27 (12) The person making a motion pursuant to subsection (10) of
28 this section shall give reasonable notice of the motion to the
29 prosecution and to any person or agency whose files are sought to be
30 sealed.

31 (13) If the court grants the motion to seal made pursuant to
32 subsection (10) of this section, it shall, subject to subsection (24)
33 of this section, order sealed the official juvenile court file, the
34 social file, and other records relating to the case as are named in the
35 order. Thereafter, the proceedings in the case shall be treated as if
36 they never occurred, and the subject of the records may reply
37 accordingly to any inquiry about the events, records of which are
38 sealed. Any agency shall reply to any inquiry concerning confidential
39 or sealed records that records are confidential, and no information can

1 be given about the existence or nonexistence of records concerning an
2 individual.

3 (14) Inspection of the files and records included in the order to
4 seal may thereafter be permitted only by order of the court upon motion
5 made by the person who is the subject of the information or complaint,
6 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of
7 this section.

8 (15) Any adjudication of a juvenile offense or a crime subsequent
9 to sealing has the effect of nullifying the sealing order. Any
10 conviction for any adult felony subsequent to the sealing has the
11 effect of nullifying the sealing order for the purposes of chapter
12 9.94A RCW for any juvenile adjudication of guilt for a class A offense
13 or a sex offense as defined in RCW 9.94A.030.

14 (16) In any case in which an information has been filed pursuant
15 to RCW 13.40.100 or a complaint has been filed with the prosecutor and
16 referred for diversion pursuant to RCW 13.40.070, the person who is the
17 subject of the information or complaint may file a motion with the
18 court to have the court vacate its order and findings, if any, and,
19 subject to subsection (24) of this section, order the destruction of
20 the official juvenile court file, the social file, and records of the
21 court and of any other agency in the case.

22 (17) The court may grant the motion to destroy records made
23 pursuant to subsection (16) of this section if it finds:

24 (a) The person making the motion is at least twenty-three years of
25 age;

26 (b) The person has not subsequently been convicted of a felony;

27 (c) No proceeding is pending against that person seeking the
28 conviction of a criminal offense; and

29 (d) The person has never been found guilty of a serious offense.

30 (18) A person eighteen years of age or older whose criminal
31 history consists of only one referral for diversion may request that
32 the court order the records in that case destroyed. The request shall
33 be granted, subject to subsection (24) of this section, if the court
34 finds that two years have elapsed since completion of the diversion
35 agreement.

36 (19) If the court grants the motion to destroy records made
37 pursuant to subsection (16) or (18) of this section, it shall, subject
38 to subsection (24) of this section, order the official juvenile court

1 file, the social file, and any other records named in the order to be
2 destroyed.

3 (20) The person making the motion pursuant to subsection (16) or
4 (18) of this section shall give reasonable notice of the motion to the
5 prosecuting attorney and to any agency whose records are sought to be
6 destroyed.

7 (21) Any juvenile to whom the provisions of this section may apply
8 shall be given written notice of his or her rights under this section
9 at the time of his or her disposition hearing or during the diversion
10 process.

11 (22) Nothing in this section may be construed to prevent a crime
12 victim or a member of the victim's family from divulging the identity
13 of the alleged or proven juvenile offender or his or her family when
14 necessary in a civil proceeding.

15 (23) Any juvenile justice or care agency may, subject to the
16 limitations in subsection (24) of this section and subparagraphs (a)
17 and (b) of this subsection, develop procedures for the routine
18 destruction of records relating to juvenile offenses and diversions.

19 (a) Records may be routinely destroyed only when the person the
20 subject of the information or complaint has attained twenty-three years
21 of age or older, or is eighteen years of age or older and his or her
22 criminal history consists entirely of one diversion agreement and two
23 years have passed since completion of the agreement.

24 (b) The court may not routinely destroy the official juvenile
25 court file or recordings or transcripts of any proceedings.

26 (24) No identifying information held by the Washington state
27 patrol in accordance with chapter 43.43 RCW is subject to destruction
28 or sealing under this section. For the purposes of this subsection,
29 identifying information includes photographs, fingerprints, palmprints,
30 soleprints, toeprints and any other data that identifies a person by
31 physical characteristics, name, birthdate or address, but does not
32 include information regarding criminal activity, arrest, charging,
33 diversion, conviction or other information about a person's treatment
34 by the criminal justice system or about the person's behavior.

35 (25) Information identifying child victims under age eighteen who
36 are victims of sexual assaults by juvenile offenders is confidential
37 and not subject to release to the press or public without the
38 permission of the child victim or the child's legal guardian.
39 Identifying information includes the child victim's name, addresses,

1 *location, photographs, and in cases in which the child victim is a*
2 *relative of the alleged perpetrator, identification of the relationship*
3 *between the child and the alleged perpetrator. Information identifying*
4 *a child victim of sexual assault may be released to law enforcement,*
5 *prosecutors, judges, defense attorneys, or private or governmental*
6 *agencies that provide services to the child victim of sexual assault.*
7 *Sec. 607 was vetoed, see message at end of chapter.

8 NEW SECTION. **Sec. 608.** The Washington state school directors'
9 association shall conduct a study to identify possible incentives to
10 encourage schools to increase the space that is available for after-
11 hours community use. The association shall examine incentives for both
12 existing school facilities and for new construction. The association
13 shall report its findings and recommendations to the legislature by
14 November 15, 1994.

15 NEW SECTION. **Sec. 609.** (1) The department of social and health
16 services and the superintendent of public instruction shall review all
17 statutes and rules relative to the sharing or exchange of information
18 about children who are the subject of reports of abuse and neglect or
19 who are charged with criminal behavior. The department and the
20 superintendent shall revise or adopt rules, consistent with federal
21 guidelines, that allow educational professionals in elementary and
22 secondary schools access to information contained in department records
23 solely for purposes of improving the child's educational performance or
24 attendance.

25 (2) The department and superintendent shall also revise or adopt
26 rules, consistent with federal guidelines, that allows the department
27 access to information contained in the records of a school or school
28 district on a child who is the subject of a report of abuse or neglect
29 solely for the purpose of improving the department's ability to respond
30 to the report of abuse or neglect.

31 The department and superintendent shall report their findings and
32 actions, including the need for statutory changes, to the legislature
33 by December 31, 1994.

34 This section shall expire January 1, 1995.

35 NEW SECTION. **Sec. 610.** (1) A task force on student conduct is
36 created. The purpose of the task force is to identify laws, rules, and

1 practices that make it difficult for educators to manage their
2 classrooms and schools effectively. Based on these findings, the task
3 force shall make recommendations to the legislature, the state board of
4 education, the superintendent of public instruction, school districts,
5 institutions of higher education, and others regarding actions that
6 could be taken to reduce the problems generated by disruptive students
7 and thereby make schools more conducive to learning.

8 (2) Members of the task force and the chair shall be appointed by
9 the superintendent of public instruction, and shall include, but not be
10 limited to, representatives of parents, elementary teachers, secondary
11 teachers, middle/junior high school vice-principals, senior high school
12 vice-principals, classified employees, and special education educators.

13 (3) Staffing for the task force shall be the responsibility of the
14 superintendent of public instruction. Personnel from the office of the
15 superintendent may staff the task force, or the superintendent may
16 enter into a contract with a public or private entity.

17 (4) The findings and recommendations of the task force shall be
18 submitted to the entities identified in subsection (1) of this section
19 by November 1, 1994.

20 (5) This section shall expire December 31, 1994.

21 NEW SECTION. **Sec. 611.** A new section is added to chapter 28A.300
22 RCW to read as follows:

23 The superintendent of public instruction and the office of the
24 attorney general, in cooperation with the Washington state bar
25 association, shall develop a volunteer-based conflict resolution and
26 mediation program for use in community groups such as neighborhood
27 organizations and the public schools. The program shall use lawyers to
28 train students who in turn become trainers and mediators for their
29 peers in conflict resolution.

30 NEW SECTION. **Sec. 612.** A new section is added to chapter 28A.320
31 RCW to read as follows:

32 (1) School district boards of directors may establish schools or
33 programs which parents may choose for their children to attend in
34 which: (a) Students are required to conform to dress and grooming
35 codes, including requiring that students wear uniforms; (b) parents are
36 required to participate in the student's education; or (c) discipline
37 requirements are more stringent than in other schools in the district.

1 (2) School district boards of directors may establish schools or
2 programs in which: (a) Students are required to conform to dress and
3 grooming codes, including requiring that students wear uniforms; (b)
4 parents are regularly counseled and encouraged to participate in the
5 student's education; or (c) discipline requirements are more stringent
6 than in other schools in the district. School boards may require that
7 students who are subject to suspension or expulsion attend these
8 schools or programs as a condition of continued enrollment in the
9 school district.

10 (3) If students are required to wear uniforms in these programs or
11 schools, school districts shall accommodate students so that the
12 uniform requirement is not an unfair barrier to school attendance and
13 participation.

14 (4) Nothing in this section impairs or reduces in any manner
15 whatsoever the authority of a board under other law to impose a dress
16 and appearance code. However, if a board requires uniforms under such
17 other authority, it shall accommodate students so that the uniform
18 requirement is not an unfair barrier to school attendance and
19 participation.

20 **PART VII. EMPLOYMENT**

21 NEW SECTION. **Sec. 701.** The legislature recognizes the importance
22 of education and employment experiences for youth and the critical role
23 of school-to-work transition options to achieving job readiness.
24 Therefore, in light of these priorities, the department of labor and
25 industries is directed to accelerate its evaluation of the minor work
26 rules adopted under chapter 49.12 RCW. The department shall report to
27 the governor and the appropriate committees of the legislature on its
28 evaluation of the minor work rules prior to the start of the 1995
29 regular legislative session.

30 **Sec. 702.** RCW 43.63A.700 and 1993 sp.s. c 25 s 401 are each
31 amended to read as follows:

32 (1) The department, in cooperation with the department of revenue,
33 the employment security department, and the office of financial
34 management, shall approve applications submitted by local governments
35 for designation as a ((neighborhood reinvestment area)) community
36 empowerment zone under this section. The application shall be in the

1 form and manner and contain such information as the department may
2 prescribe, provided that the application for designation shall:

3 (a) Contain information sufficient for the director to determine
4 if the criteria established in RCW 43.63A.710 have been met.

5 (b) Be submitted on behalf of the local government by its chief
6 elected official, or, if none, by the governing body of the local
7 government.

8 (c) Contain a five-year (~~neighborhood reinvestment~~) community
9 empowerment plan that describes the proposed designated (~~neighborhood~~
10 ~~reinvestment—area's~~) community empowerment zone's community
11 development needs and present a strategy for meeting those needs. The
12 plan shall address the following categories: Housing needs; public
13 infrastructure needs, such as transportation, water, sanitation,
14 energy, and drainage/flood control; other public facilities needs, such
15 as neighborhood facilities or facilities for provision of health,
16 education, recreation, public safety, or other services; community
17 economic development needs, such as commercial/industrial
18 revitalization, job creation and retention considering the unemployment
19 and underemployment of area residents, accessibility to financial
20 resources by area residents and businesses, investment within the area,
21 or other related components of community economic development; and
22 social service needs.

23 The local government is required to provide a description of its
24 strategy for meeting the needs identified in this subsection (1)(c).
25 As part of the strategy, the local government is required to identify
26 the needs for which specific plans are currently in place and the
27 source of funds expected to be used. For the balance of the area's
28 needs, the local government must identify the source of funds expected
29 to become available during the next two-year period and actions the
30 local government will take to acquire those funds.

31 (d) Certify that neighborhood residents were given the opportunity
32 to participate in the development of the five-year (~~neighborhood~~
33 ~~reinvestment~~) community empowerment strategy required under (c) of
34 this subsection.

35 (2) No local government shall submit more than two neighborhoods
36 to the department for possible designation as a designated
37 (~~neighborhood reinvestment area~~) community empowerment zone under
38 this section.

1 (3)(a) Within ninety days after January 1, 1994, the director may
2 designate up to six designated (~~((neighborhood reinvestment areas))~~)
3 community empowerment zones from among the applications eligible for
4 designation as a designated (~~((neighborhood reinvestment area under this~~
5 ~~section))~~) community empowerment zone.

6 (b) The director shall make determinations of designated
7 (~~((neighborhood reinvestment areas))~~) community empowerment zones on the
8 basis of the following factors:

9 (i) The strength and quality of the local government commitments
10 to meet the needs identified in the five-year (~~((neighborhood~~
11 ~~reinvestment))~~) community empowerment plan required under this section.

12 (ii) The level of private commitments by private entities of
13 additional resources and contribution to the designated (~~((neighborhood~~
14 ~~reinvestment area))~~) community empowerment zone.

15 (iii) The potential for (~~((reinvestment in))~~) revitalization of the
16 area as a result of designation as a designated (~~((neighborhood~~
17 ~~reinvestment area))~~) community empowerment zone.

18 (iv) Other factors the director (~~((of the department of community~~
19 ~~development))~~) deems necessary.

20 (~~((b))~~) (c) The determination of the director as to the areas
21 designated as (~~((neighborhood reinvestment areas))~~) community empowerment
22 zones shall be final.

23 **Sec. 703.** RCW 43.63A.710 and 1993 sp.s. c 25 s 402 are each
24 amended to read as follows:

25 (1) The director may not designate an area as a designated
26 (~~((neighborhood reinvestment area))~~) community empowerment zone unless
27 that area meets the following requirements:

28 (a) The area must be designated by the legislative authority of
29 the local government as an area to receive federal, state, and local
30 assistance designed to increase economic, physical, or social activity
31 in the area;

32 (b) The area must have at least fifty-one percent of the
33 households in the area with incomes at or below eighty percent of the
34 county's median income, adjusted for household size;

35 (c) The average unemployment rate for the area, for the most
36 recent twelve-month period for which data is available must be at least
37 one hundred twenty percent of the average unemployment rate of the
38 county; and

1 (d) A five-year (~~neighborhood reinvestment~~) community
2 empowerment plan for the area that meets the requirements of RCW
3 43.63A.700(1)(c) and as further defined by the director must be
4 adopted.

5 (2) The director may establish, by rule, such other requirements
6 as the director may reasonably determine necessary and appropriate to
7 assure that the purposes of this section are satisfied.

8 (3) In determining if an area meets the requirements of this
9 section, the director may consider data provided by the United States
10 bureau of the census from the most recent census or any other reliable
11 data that the director determines to be acceptable for the purposes for
12 which the data is used.

13 **Sec. 704.** RCW 82.60.020 and 1993 sp.s. c 25 s 403 are each
14 amended to read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Applicant" means a person applying for a tax deferral under
18 this chapter.

19 (2) "Department" means the department of revenue.

20 (3) "Eligible area" means: (a) A county in which the average
21 level of unemployment for the three years before the year in which an
22 application is filed under this chapter exceeds the average state
23 unemployment for those years by twenty percent; (b) a metropolitan
24 statistical area, as defined by the office of federal statistical
25 policy and standards, United States department of commerce, in which
26 the average level of unemployment for the calendar year immediately
27 preceding the year in which an application is filed under this chapter
28 exceeds the average state unemployment for such calendar year by twenty
29 percent; or (c) a designated (~~neighborhood reinvestment area~~)
30 community empowerment zone approved under RCW 43.63A.700 .

31 (4)(a) "Eligible investment project" means that portion of an
32 investment project which:

33 (i) Is directly utilized to create at least one new full-time
34 qualified employment position for each three hundred thousand dollars
35 of investment on which a deferral is requested; and

36 (ii) Either initiates a new operation, or expands or diversifies
37 a current operation by expanding or renovating an existing building

1 with costs in excess of twenty-five percent of the true and fair value
2 of the plant complex prior to improvement; or

3 (iii) Acquires machinery and equipment to be used for either
4 manufacturing or research and development if the machinery and
5 equipment is housed in a new leased structure. The lessor/owner of the
6 structure is not eligible for a deferral unless the underlying
7 ownership of the buildings, machinery, and equipment vests exclusively
8 in the same person.

9 (b) "Eligible investment project" does not include any portion of
10 an investment project undertaken by a light and power business as
11 defined in RCW 82.16.010(5) or investment projects which have already
12 received deferrals under this chapter.

13 (5) "Investment project" means an investment in qualified
14 buildings and qualified machinery and equipment, including labor and
15 services rendered in the planning, installation, and construction of
16 the project.

17 (6) "Manufacturing" means all activities of a commercial or
18 industrial nature wherein labor or skill is applied, by hand or
19 machinery, to materials so that as a result thereof a new, different,
20 or useful substance or article of tangible personal property is
21 produced for sale or commercial or industrial use and shall include the
22 production or fabrication of specially made or custom made articles.
23 "Manufacturing" also includes computer programming, the production of
24 computer software, and other computer-related services, and the
25 activities performed by research and development laboratories and
26 commercial testing laboratories.

27 (7) "Person" has the meaning given in RCW 82.04.030.

28 (8) "Qualified buildings" means new structures used for
29 manufacturing and research and development activities, including plant
30 offices and warehouses or other facilities for the storage of raw
31 material or finished goods if such facilities are an essential or an
32 integral part of a factory, mill, plant, or laboratory used for
33 manufacturing or research and development. If a building is used
34 partly for manufacturing or research and development and partly for
35 other purposes, the applicable tax deferral shall be determined by
36 apportionment of the costs of construction under rules adopted by the
37 department.

1 (9) "Qualified employment position" means a permanent full-time
2 employee employed in the eligible investment project during the entire
3 tax year.

4 (10) "Qualified machinery and equipment" means all new industrial
5 and research fixtures, equipment, and support facilities that are an
6 integral and necessary part of a manufacturing or research and
7 development operation. "Qualified machinery and equipment" includes:
8 Computers; software; data processing equipment; laboratory equipment;
9 manufacturing components such as belts, pulleys, shafts, and moving
10 parts; molds, tools, and dies; operating structures; and all equipment
11 used to control or operate the machinery.

12 (11) "Recipient" means a person receiving a tax deferral under
13 this chapter.

14 (12) "Research and development" means the development, refinement,
15 testing, marketing, and commercialization of a product, service, or
16 process before commercial sales have begun. As used in this
17 subsection, "commercial sales" excludes sales of prototypes or sales
18 for market testing if the total gross receipts from such sales of the
19 product, service, or process do not exceed one million dollars.

20 **Sec. 705.** RCW 82.62.010 and 1993 sp.s. c 25 s 410 are each
21 amended to read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Applicant" means a person applying for a tax credit under
25 this chapter.

26 (2) "Department" means the department of revenue.

27 (3) "Eligible area" means: (a) A county in which the average
28 level of unemployment for the three years before the year in which an
29 application is filed under this chapter exceeds the average state
30 unemployment for those years by twenty percent; (b) a metropolitan
31 statistical area, as defined by the office of federal statistical
32 policy and standards, United States department of commerce, in which
33 the average level of unemployment for the calendar year immediately
34 preceding the year in which an application is filed under this chapter
35 exceeds the average state unemployment for such calendar year by twenty
36 percent; (c) a designated (~~neighborhood reinvestment area~~) community
37 empowerment zone approved under RCW 43.63A.700; or (d) subcounty areas

1 in those counties that are not covered under (a) of this subsection
2 that are timber impact areas as defined in RCW 43.31.601.

3 (4)(a) "Eligible business project" means manufacturing or research
4 and development activities which are conducted by an applicant in an
5 eligible area at a specific facility, provided the applicant's average
6 full-time qualified employment positions at the specific facility will
7 be at least fifteen percent greater in the year for which the credit is
8 being sought than the applicant's average full-time qualified
9 employment positions at the same facility in the immediately preceding
10 year.

11 (b) "Eligible business project" does not include any portion of a
12 business project undertaken by a light and power business as defined in
13 RCW 82.16.010(5) or that portion of a business project creating
14 qualified full-time employment positions outside an eligible area or
15 those recipients of a sales tax deferral under chapter 82.61 RCW.

16 (5) "Manufacturing" means all activities of a commercial or
17 industrial nature wherein labor or skill is applied, by hand or
18 machinery, to materials so that as a result thereof a new, different,
19 or useful substance or article of tangible personal property is
20 produced for sale or commercial or industrial use and shall include the
21 production or fabrication of specially made or custom made articles.
22 "Manufacturing" also includes computer programming, the production of
23 computer software, and other computer-related services, and the
24 activities performed by research and development laboratories and
25 commercial testing laboratories.

26 (6) "Person" has the meaning given in RCW 82.04.030.

27 (7) "Qualified employment position" means a permanent full-time
28 employee employed in the eligible business project during the entire
29 tax year.

30 (8) "Tax year" means the calendar year in which taxes are due.

31 (9) "Recipient" means a person receiving tax credits under this
32 chapter.

33 (10) "Research and development" means the development, refinement,
34 testing, marketing, and commercialization of a product, service, or
35 process before commercial sales have begun. As used in this
36 subsection, "commercial sales" excludes sales of prototypes or sales
37 for market testing if the total gross receipts from such sales of the
38 product, service, or process do not exceed one million dollars.

PART VIII. MEDIA

NEW SECTION. **Sec. 801.** The legislature finds that, to the extent that electronic media, including television, motion pictures, video games, and entertainment uses of virtual reality are conducive to increased violent behaviors, especially in children, the state has a duty to protect the public health and safety.

Many parents, educators, and others are concerned about protecting children and youth from the negative influences of the media, and want more information about media content and more control over media contact with their children.

**NEW SECTION. Sec. 802. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.*

(1) "Time/channel lock" is electronic circuitry designed to enable television owners to block display of selected times and channels from viewing.

(2) "Video" means any motion picture, television or other electronically delivered programming, or other presentation on film, video tape, or other medium designed to produce, reproduce, or project images on a screen.

(3) "Violence" means any deliberate and hostile use of overt force, or the immediate threat thereof, by an individual against another individual.

(4) "Virtual reality" means any computer or other electronic artificial-intelligence-based technology that creates an enhanced simulation or illusion of three-dimensional, real-time or near-real-time interactive reality through the use of software, specialized hardware, holograms, gloves, masks, glasses, pods, goggles, helmets, computer guns, or other items capable of producing visual, audio, tactile, or sensory effects of verisimilitude beyond those available with a personal computer.

**Sec. 802 was vetoed, see message at end of chapter.*

NEW SECTION. **Sec. 803.** All new televisions sold in this state after January 1, 1995, shall be equipped with a time/channel lock or shall be sold with an offer to the customer to purchase a channel blocking device, or other device that enables a person to regulate a

1 child's access to unwanted television programming. All cable
2 television companies shall make available to all customers at the
3 company's cost the opportunity to purchase a channel blocking device,
4 or other device that enables a person to regulate a child's access to
5 unwanted television programming. The commercial television sellers and
6 cable television companies shall offer time/channel locks to their
7 customers, when these devices are available. Notice of this
8 availability shall be clearly made to all existing customers and to all
9 new customers at the time of their signing up for service.

10 **NEW SECTION. Sec. 804. All videos, video games, and virtual*
11 *reality games sold or rented in this state shall clearly and*
12 *prominently display a realistic age rating for appropriateness of use*
13 *by end-users of the video or game. The age rating shall be researched,*
14 *developed, and provided to the purchaser or renter of the video, video*
15 *game, or virtual reality game, by the originator of the video or game.*
16 *The originator, as used in this section, includes the manufacturer or*
17 *software developer or copyright holder of the video or game.*

18 *The originator may develop the age rating in any reasonable*
19 *manner, as determined by the originator, who may consult child*
20 *psychologists, educators, child development specialists, pediatricians,*
21 *or others as appropriate in the determination of realistic age rating.*
22 *The age-rating determination shall include an objective evaluation and*
23 *estimate of the number of violent incidents represented in the media*
24 *material being rated.*

25 *If the originator is a member of an industry or trade association*
26 *and the association develops age-rating standards that meet the*
27 *provisions of this section, the originator may adopt such standards.*

28 *The age-rating information may be presented to the consumer in any*
29 *readily understandable format, whether by label, code, or information*
30 *sheet.*

31 **Sec. 804 was vetoed, see message at end of chapter.*

32 **NEW SECTION. Sec. 805. Television and radio broadcast stations*
33 *including cable stations, video rental companies, and print media are*
34 *encouraged, as a matter of public health and safety, to broadcast*
35 *public health-based, generic antiviolence public service messages. The*
36 *content, style, and format of the messages shall be developed by the*
37 *family policy council created under RCW 70.190.010, in coordination*

1 *with its violence-reduction efforts. The messages may be produced with*
2 *grant funds from the council or may be produced voluntarily by the*
3 *media working with the council.*

4 **Sec. 805 was vetoed, see message at end of chapter.*

5 NEW SECTION. **Sec. 806.** The legislature finds that, as a matter
6 of public health and safety, access by minors to violent videos and
7 violent video games is the responsibility of parents and guardians.

8 Public libraries, with the exception of university, college, and
9 community college libraries, shall establish policies on minors' access
10 to violent videos and violent video games. Libraries shall make their
11 policies known to the public in their communities.

12 Each library system shall formulate its own policies, and may, in
13 its discretion, include public hearings, consultation with community
14 networks as defined under chapter 70.190 RCW, or consultation with the
15 Washington library association in the development of its policies.

16 NEW SECTION. **Sec. 807.** A new section is added to chapter 13.16
17 RCW to read as follows:

18 Motion pictures unrated after November 1968 or rated R, X, or NC-
19 17 by the motion picture association of America shall not be shown in
20 juvenile detention facilities or facilities operated by the division of
21 juvenile rehabilitation in the department of social and health
22 services.

23 NEW SECTION. **Sec. 808.** A new section is added to chapter 72.02
24 RCW to read as follows:

25 Motion pictures unrated after November 1968 or rated X or NC-17 by
26 the motion picture association of America shall not be shown in adult
27 correctional facilities.

28 *NEW SECTION. **Sec. 809.** A new section is added to chapter 43.19
29 RCW to read as follows:

30 *Notwithstanding any other provision of law, the department of*
31 *general administration shall adopt a policy of refusing to purchase*
32 *goods and services for the state from businesses or corporations,*
33 *including parent corporations, profiting from violence-related products*
34 *or services. Nothing in this section requires the department to adopt*
35 *a policy that results in a refusal to purchase goods and services from*

1 a corporation that is primarily engaged in the business of producing
2 materials intended to be used in formal educational settings. A
3 business or corporation whose violence-related products or services are
4 for the main purpose of national defense is exempt from this policy.
5 Definitions and guidelines shall be developed by the department of
6 general administration in consultation with the department of health.
7 *Sec. 809 was vetoed, see message at end of chapter.

8 ***NEW SECTION.** Sec. 810. A new section is added to chapter 43.33A
9 RCW to read as follows:

10 The state investment board shall study and examine the extent to
11 which it maintains investments in businesses or corporations, including
12 parent corporations, profiting from violence-related products or
13 services.

14 The study shall be directed at the equities or bonds of individual
15 companies registered with the securities and exchange commission under
16 the investment company act of 1940 and the securities act of 1933, and
17 shall not include stock and bond index and open or closed-end mutual
18 funds, or forms of securitized investment other than individual
19 corporations.

20 As used in this section, businesses or corporations profiting from
21 violence-related products or services include, without limitation,
22 companies that produce or sell weapons, ammunition, or violent toys,
23 and corporations engaged in electronic media violence, including
24 network and cable television, motion pictures, videos and video games,
25 entertainment virtual reality, and the recorded music industry.
26 Criteria for determining whether a toy or electronic media is violent
27 or not shall be established by the board in consultation with the
28 department of health.

29 The study shall not include investments in a corporation that is
30 primarily engaged in the business of producing materials intended to be
31 used in formal educational settings. A business or corporation whose
32 violence-related products or services are primarily for the purpose of
33 national defense are also exempt from this study.

34 The board shall report to the legislature regarding the results of
35 its violence investment study by December 1, 1995.

36 *Sec. 810 was vetoed, see message at end of chapter.

37 **NEW SECTION.** Sec. 811. Sections 801 through 806 of this act
38 shall constitute a new chapter in Title 19 RCW.

1 additional tax shall be transferred to the state general fund by the
2 twenty-fifth day of the following month.

3 (3) An additional tax is imposed on wines subject to tax under
4 subsection (1) of this section, at the rate of one-fourth of one cent
5 per liter for wine sold after June 30, 1987. Such additional tax shall
6 cease to be imposed on July 1, 2001. All revenues collected under this
7 subsection (3) shall be disbursed quarterly to the Washington wine
8 commission for use in carrying out the purposes of chapter 15.88 RCW.

9 (4) (~~Until July 1, 1995,~~) An additional tax is imposed on all
10 wine subject to tax under subsection (1) of this section. The
11 additional tax is equal to twenty-three and forty-four one-hundredths
12 cents per liter on fortified wine as defined in RCW 66.04.010(34) when
13 bottled or packaged by the manufacturer and one cent per liter on all
14 other wine. All revenues collected during any month from this
15 additional tax shall be deposited in the violence reduction and drug
16 enforcement (~~(and education)~~) account under RCW 69.50.520 by the
17 twenty-fifth day of the following month.

18 **Sec. 902.** RCW 66.24.290 and 1993 c 492 s 311 are each amended to
19 read as follows:

20 (1) Any brewer or beer wholesaler licensed under this title may
21 sell and deliver beer to holders of authorized licenses direct, but to
22 no other person, other than the board; and every such brewer or beer
23 wholesaler shall report all sales to the board monthly, pursuant to the
24 regulations, and shall pay to the board as an added tax for the
25 privilege of manufacturing and selling the beer within the state a tax
26 of two dollars and sixty cents per barrel of thirty-one gallons on
27 sales to licensees within the state and on sales to licensees within
28 the state of bottled and canned beer shall pay a tax computed in
29 gallons at the rate of two dollars and sixty cents per barrel of
30 thirty-one gallons. Any brewer or beer wholesaler whose applicable tax
31 payment is not postmarked by the twentieth day following the month of
32 sale will be assessed a penalty at the rate of two percent per month or
33 fraction thereof. Each such brewer or wholesaler shall procure from
34 the board revenue stamps representing such tax in form prescribed by
35 the board and shall affix the same to the barrel or package in such
36 manner and in such denominations as required by the board, and shall
37 cancel the same prior to commencing delivery from his or her place of
38 business or warehouse of such barrels or packages. Beer shall be sold

1 by brewers and wholesalers in sealed barrels or packages. The revenue
2 stamps provided under this section need not be affixed and canceled in
3 the making of resales of barrels or packages already taxed by the
4 affixation and cancellation of stamps as provided in this section.

5 (2) An additional tax is imposed equal to seven percent multiplied
6 by the tax payable under subsection (1) of this section. All revenues
7 collected during any month from this additional tax shall be
8 transferred to the state general fund by the twenty-fifth day of the
9 following month.

10 (3) (~~Until July 1, 1995,~~) An additional tax is imposed on all
11 beer subject to tax under subsection (1) of this section. The
12 additional tax is equal to two dollars per barrel of thirty-one
13 gallons. All revenues collected during any month from this additional
14 tax shall be deposited in the violence reduction and drug enforcement
15 (~~and education~~) account under RCW 69.50.520 by the twenty-fifth day
16 of the following month.

17 (4)(a) An additional tax is imposed on all beer subject to tax
18 under subsection (1) of this section. The additional tax is equal to
19 ninety-six cents per barrel of thirty-one gallons through June 30,
20 1995, two dollars and thirty-nine cents per barrel of thirty-one
21 gallons for the period July 1, 1995, through June 30, 1997, and four
22 dollars and seventy-eight cents per barrel of thirty-one gallons
23 thereafter.

24 (b) The additional tax imposed under this subsection does not
25 apply to the sale of the first sixty thousand barrels of beer each year
26 by breweries that are entitled to a reduced rate of tax under 26 U.S.C.
27 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may
28 be provided by the board by rule consistent with the purposes of this
29 exemption.

30 (c) All revenues collected from the additional tax imposed under
31 this subsection (4) shall be deposited in the health services account
32 under RCW 43.72.900.

33 (5) The tax imposed under this section shall not apply to "strong
34 beer" as defined in this title.

35 **Sec. 903.** RCW 82.08.150 and 1993 c 492 s 310 are each amended to
36 read as follows:

37 (1) There is levied and shall be collected a tax upon each retail
38 sale of spirits, or strong beer in the original package at the rate of

1 fifteen percent of the selling price. The tax imposed in this
2 subsection shall apply to all such sales including sales by the
3 Washington state liquor stores and agencies, but excluding sales to
4 class H licensees.

5 (2) There is levied and shall be collected a tax upon each sale of
6 spirits, or strong beer in the original package at the rate of ten
7 percent of the selling price on sales by Washington state liquor stores
8 and agencies to class H licensees.

9 (3) There is levied and shall be collected an additional tax upon
10 each retail sale of spirits in the original package at the rate of one
11 dollar and seventy-two cents per liter. The additional tax imposed in
12 this subsection shall apply to all such sales including sales by
13 Washington state liquor stores and agencies, and including sales to
14 class H licensees.

15 (4) An additional tax is imposed equal to fourteen percent
16 multiplied by the taxes payable under subsections (1), (2), and (3) of
17 this section.

18 (5) (~~Until July 1, 1995,~~) An additional tax is imposed upon each
19 retail sale of spirits in the original package at the rate of seven
20 cents per liter. The additional tax imposed in this subsection shall
21 apply to all such sales including sales by Washington state liquor
22 stores and agencies, and including sales to class H licensees. All
23 revenues collected during any month from this additional tax shall be
24 deposited in the violence reduction and drug enforcement (~~and~~
25 ~~education~~) account under RCW 69.50.520 by the twenty-fifth day of the
26 following month.

27 (6)(a) An additional tax is imposed upon retail sale of spirits in
28 the original package at the rate of one and seven-tenths percent of the
29 selling price through June 30, 1995, two and six-tenths percent of the
30 selling price for the period July 1, 1995, through June 30, 1997, and
31 three and four-tenths of the selling price thereafter. This additional
32 tax applies to all such sales including sales by Washington state
33 liquor stores and agencies, but excluding sales to class H licensees.

34 (b) An additional tax is imposed upon retail sale of spirits in
35 the original package at the rate of one and one-tenth percent of the
36 selling price through June 30, 1995, one and seven-tenths percent of
37 the selling price for the period July 1, 1995, through June 30, 1997,
38 and two and three-tenths of the selling price thereafter. This
39 additional tax applies to all such sales to class H licensees.

1 (c) An additional tax is imposed upon each retail sale of spirits
2 in the original package at the rate of twenty cents per liter through
3 June 30, 1995, thirty cents per liter for the period July 1, 1995,
4 through June 30, 1997, and forty-one cents per liter thereafter. This
5 additional tax applies to all such sales including sales by Washington
6 state liquor stores and agencies, and including sales to class H
7 licensees.

8 (d) All revenues collected during any month from additional taxes
9 under this subsection shall be deposited in the health services account
10 created under RCW 43.72.900 by the twenty-fifth day of the following
11 month.

12 (7) The tax imposed in RCW 82.08.020 shall not apply to sales of
13 spirits or strong beer in the original package.

14 (8) The taxes imposed in this section shall be paid by the buyer
15 to the seller, and each seller shall collect from the buyer the full
16 amount of the tax payable in respect to each taxable sale under this
17 section. The taxes required by this section to be collected by the
18 seller shall be stated separately from the selling price and for
19 purposes of determining the tax due from the buyer to the seller, it
20 shall be conclusively presumed that the selling price quoted in any
21 price list does not include the taxes imposed by this section.

22 (9) As used in this section, the terms, "spirits," "strong beer,"
23 and "package" shall have the meaning ascribed to them in chapter 66.04
24 RCW.

25 **Sec. 904.** RCW 82.24.020 and 1993 c 492 s 307 are each amended to
26 read as follows:

27 (1) There is levied and there shall be collected as provided in
28 this chapter, a tax upon the sale, use, consumption, handling,
29 possession or distribution of all cigarettes, in an amount equal to the
30 rate of eleven and one-half mills per cigarette.

31 (2) (~~Until July 1, 1995,~~) An additional tax is imposed upon the
32 sale, use, consumption, handling, possession, or distribution of all
33 cigarettes, in an amount equal to the rate of (~~one and one-half~~) five
34 and one-fourth mills per cigarette. All revenues collected during any
35 month from this additional tax shall be deposited in the violence
36 reduction and drug enforcement (~~and education~~) account under RCW
37 69.50.520 by the twenty-fifth day of the following month.

1 (3) An additional tax is imposed upon the sale, use, consumption,
2 handling, possession, or distribution of all cigarettes, in an amount
3 equal to the rate of ten mills per cigarette through June 30, 1994,
4 eleven and one-fourth mills per cigarette for the period July 1, 1994,
5 through June 30, 1995, twenty mills per cigarette for the period July
6 1, 1995, through June 30, 1996, and twenty and one-half mills per
7 cigarette thereafter. All revenues collected during any month from
8 this additional tax shall be deposited in the health services account
9 created under RCW 43.72.900 by the twenty-fifth day of the following
10 month.

11 (4) Wholesalers and retailers subject to the payment of this tax
12 may, if they wish, absorb one-half mill per cigarette of the tax and
13 not pass it on to purchasers without being in violation of this section
14 or any other act relating to the sale or taxation of cigarettes.

15 (5) For purposes of this chapter, "possession" shall mean both (a)
16 physical possession by the purchaser and, (b) when cigarettes are being
17 transported to or held for the purchaser or his or her designee by a
18 person other than the purchaser, constructive possession by the
19 purchaser or his or her designee, which constructive possession shall
20 be deemed to occur at the location of the cigarettes being so
21 transported or held.

22 **Sec. 905.** RCW 82.64.010 and 1991 c 80 s 1 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Carbonated beverage" has its ordinary meaning and includes
27 any nonalcoholic liquid intended for human consumption which contains
28 carbon dioxide, whether carbonation is obtained by natural or
29 artificial means.

30 (2) "~~Previously taxed ((carbonated beverage or)) syrup~~" means ((a
31 ~~carbonated beverage or~~) syrup in respect to which a tax has been paid
32 under this chapter. ((A "~~previously taxed carbonated beverage~~"
33 ~~includes carbonated beverages in respect to which a tax has been paid~~
34 ~~under this chapter on the carbonated beverage or on the syrup in the~~
35 ~~carbonated beverage.~~))

36 (3) "Syrup" means a concentrated liquid which is added to
37 carbonated water to produce a carbonated beverage.

1 (4) Except for terms defined in this section, the definitions in
2 chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

3 **Sec. 906.** RCW 82.64.020 and 1991 c 80 s 2 are each amended to
4 read as follows:

5 (1) A tax is imposed on each sale at wholesale of (~~a carbonated~~
6 ~~beverage or~~) syrup in this state. The rate of the tax shall be equal
7 to (~~eighty-four one thousandths of a cent per ounce for carbonated~~
8 ~~beverages and seventy-five cents~~) one dollar per gallon (~~for~~
9 ~~syrups~~). Fractional amounts shall be taxed proportionally.

10 (2) A tax is imposed on each sale at retail of (~~a carbonated~~
11 ~~beverage or~~) syrup in this state. The rate of the tax shall be equal
12 to the rate imposed under subsection (1) of this section.

13 (3) Moneys collected under this chapter shall be deposited in the
14 violence reduction and drug enforcement (~~and education~~) account under
15 RCW 69.50.520.

16 (4) Chapter 82.32 RCW applies to the taxes imposed in this
17 chapter. The tax due dates, reporting periods, and return requirements
18 applicable to chapter 82.04 RCW apply equally to the taxes imposed in
19 this chapter.

20 **Sec. 907.** RCW 82.64.030 and 1991 c 80 s 3 are each amended to
21 read as follows:

22 The following are exempt from the taxes imposed in this chapter:

23 (1) Any successive sale of a previously taxed (~~carbonated~~
24 ~~beverage or~~) syrup.

25 (2) Any (~~carbonated beverage or~~) syrup that is transferred to a
26 point outside the state for use outside the state. The department
27 shall provide by rule appropriate procedures and exemption certificates
28 for the administration of this exemption.

29 (3) Any sale at wholesale of a trademarked (~~carbonated beverage~~
30 ~~or~~) syrup by any person to a person commonly known as a bottler who is
31 appointed by the owner of the trademark to manufacture, distribute, and
32 sell such trademarked (~~carbonated beverage or~~) syrup within a
33 specified geographic territory.

34 (4) Any sale of (~~carbonated beverage or~~) syrup in respect to
35 which a tax on the privilege of possession was paid under this chapter
36 before June 1, 1991.

1 **Sec. 908.** RCW 82.64.040 and 1991 c 80 s 7 are each amended to
2 read as follows:

3 (1) Credit shall be allowed, in accordance with rules of the
4 department, against the taxes imposed in this chapter for any
5 ~~((carbonated beverage or))~~ syrup tax paid to another state with respect
6 to the same ~~((carbonated beverage or))~~ syrup. The amount of the credit
7 shall not exceed the tax liability arising under this chapter with
8 respect to that ~~((carbonated beverage or))~~ syrup.

9 (2) For the purpose of this section:

10 (a) "~~((Carbonated beverage or))~~ Syrup tax" means a tax:

11 (i) That is imposed on the sale at wholesale of ~~((carbonated~~
12 ~~beverages or))~~ syrup and that is not generally imposed on other
13 activities or privileges; and

14 (ii) That is measured by the volume of the ~~((carbonated beverage~~
15 ~~or))~~ syrup.

16 (b) "State" means (i) a state of the United States other than
17 Washington, or any political subdivision of such other state, (ii) the
18 District of Columbia, and (iii) any foreign country or political
19 subdivision thereof.

20 **NEW SECTION. Sec. 909.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 82.64.060 and 1991 c 80 s 5; and

23 (2) RCW 82.64.900 and 1989 c 271 s 509.

24 **Sec. 910.** RCW 69.50.520 and 1989 c 271 s 401 are each amended to
25 read as follows:

26 The violence reduction and drug enforcement ~~((and education))~~
27 account is created in the state treasury. All designated receipts from
28 RCW 9.41.110(5), 66.24.210(4), 66.24.290(3), 69.50.505~~((f)(2)(i)(C))~~
29 (h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter
30 271, Laws of 1989 shall be deposited into the account. Expenditures
31 from the account may be used only for funding services and programs
32 under ~~((this act))~~ chapter 271, Laws of 1989 and chapter . . . , Laws of
33 1994 (this act), including state incarceration costs. At least seven
34 and one-half percent of expenditures from the account shall be used for
35 providing grants to community networks under chapter 70.190 RCW by the
36 family policy council.

1 NEW SECTION. **Sec. 911.** Sections 901 through 909 of this act
2 shall be submitted as a single ballot measure to the people for their
3 adoption and ratification, or rejection, at the next succeeding general
4 election to be held in this state, in accordance with Article II,
5 section 1 of the state Constitution, as amended, and the laws adopted
6 to facilitate the operation thereof unless section 13, chapter 2, Laws
7 of 1994, has been declared invalid or otherwise enjoined or stayed by
8 a court of competent jurisdiction.

9 NEW SECTION. **Sec. 912.** Sections 905 through 908 of this act
10 shall not be construed as affecting any existing right acquired or
11 liability or obligation incurred, nor as affecting any proceeding
12 instituted under those sections, before the effective date of sections
13 905 through 908 of this act.

14 NEW SECTION. **Sec. 913.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 914.** Part headings and the table of contents
19 as used in this act do not constitute any part of the law.

20 NEW SECTION. **Sec. 915.** (1) Sections 201 through 204, 302, 323,
21 411, 412, 417, and 418 of this act are necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and shall take
24 effect immediately.

25 (2) Sections 904 through 908 of this act shall take effect July 1,
26 1995.

27 (3) Notwithstanding other provisions of this section, if sections
28 901 through 909 of this act are referred to the voters at the next
29 succeeding general election and sections 901 through 909 of this act
30 are rejected by the voters, then the amendments by sections 510 through
31 512, 519, 521, 525, and 527 of this act shall expire on July 1, 1995.

32 NEW SECTION. **Sec. 916.** Sections 401 through 410, 413 through
33 416, 418 through 437, and 439 through 460 of this act shall take effect
34 July 1, 1994.

1 NEW SECTION. **Sec. 917.** Sections 540 through 545 of this act
2 shall apply to offenses committed on or after July 1, 1994.

3 NEW SECTION. **Sec. 918.** (1) The legislature finds that the
4 juvenile justice act of 1977, chapter 13.40 RCW, requires substantial
5 revision. The legislature reaffirms the goals of the act, including
6 the dual goals of punishment and rehabilitation of juvenile offenders.
7 The legislature finds, however, that the substantive provisions of the
8 act are too structured to achieve fully the act's goals.

9 The framework created by the act has diminishing relevance to
10 today's violent and chronic offenders. Juveniles are committing
11 increasingly violent crimes, and they are committing these violent
12 crimes at an increasingly younger age. Simultaneously, juveniles
13 repeatedly commit minor offenses. Dispositions prescribed by the act
14 are not long enough to permit substantial rehabilitation of violent
15 offenders, and minor offenders receive no meaningful intervention. The
16 fixed system established by the act restricts the judiciary's efforts
17 to tailor punishment and rehabilitation to the juvenile's individual
18 needs. Additionally, substantial delays occur before the juvenile
19 offender is held accountable for criminal acts.

20 (2) These problems with the juvenile justice system require
21 substantial review. To this end, the legislature affirmatively
22 declares its intent to undertake significant revisions to the juvenile
23 justice act during the 1995 regular legislative session.

24 (3) Therefore, effective July 1, 1994, a special legislative task
25 force is created to examine the effectiveness of the juvenile justice
26 act of 1977, to survey alternatives to the act, and to recommend to the
27 legislature by December 15, 1994, appropriate revisions to the juvenile
28 justice laws.

29 (4) This task force shall recommend changes to the juvenile
30 justice laws based upon and embodying the following principles:

31 (a) Juvenile dispositions should be based primarily on the
32 juvenile's current offense, and the length and intensity of the
33 disposition should increase with the severity of the offense;

34 (b) The juvenile justice system should hold juveniles accountable
35 for their actions and should employ early intervention methods to
36 prevent minor offenders from continuing their criminal conduct.
37 Families should become more involved in the juvenile justice system;

1 (c) A juvenile justice system should promote positive behavioral
2 change, and dispositions should emphasize effective, practical
3 rehabilitation, because meaningful change is essential to preventing
4 recidivism and consequent public harm; and

5 (d) Judges should have broadened discretion to tailor punishment
6 and rehabilitation to the juvenile offender's needs. The statutes
7 should permit use of alternative disposition options not included in
8 current law.

9 (5) In formulating its recommendations, the task force shall:

10 (a) Evaluate the fiscal and capital planning impact of the
11 recommended revisions to juvenile justice laws;

12 (b) Consult with the department of social and health services, the
13 capital budget committee of the house of representatives, and the ways
14 and means committee of the senate regarding the development of a master
15 capital plan for juvenile offender confinement facilities; and

16 (c) Examine local resources and the implications of the
17 recommendations on juvenile dispositions and rehabilitation at the
18 local level.

19 (6) The task force established under this section shall consist
20 of two members, who shall not be members of the same caucus, from each
21 of the following: The house of representatives committees on
22 corrections, judiciary, appropriations, human services, and capital
23 budget; and the senate committees on education, law and justice, and
24 health and human services; and four members, no more than two of whom
25 shall be members of the same caucus, from the senate ways and means
26 committee. The speaker of the house of representatives shall appoint
27 the members from the house of representatives, and the president of the
28 senate shall appoint the members from the senate. This task force
29 shall meet and conduct hearings as often as is necessary to carry out
30 its responsibilities under this section. The office of program
31 research and senate committee services shall provide support staff to
32 the task force.

33 (7) The task force shall receive access to all relevant
34 information necessary to carry out its responsibilities under this
35 section. All confidential information received by the task force under
36 this section shall be kept confidential by members of the task force
37 and shall not be further disseminated unless specifically authorized by
38 state or federal law.

1 (8) The special task force, unless recreated by the legislature,
2 shall cease to exist after submitting the report required under this
3 section.

4 *Sec. 919. 1993 sp.s. c 24 s 202 (uncodified) is amended to read
5 as follows:

6 **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY**
7 **SERVICES PROGRAM**

8	General Fund--State Appropriation	\$	((292,004,000))
9			<u>283,352,000</u>
10	General Fund--Federal Appropriation	\$	((193,407,000))
11			<u>216,172,000</u>
12	Drug Enforcement and Education Account		
13	Appropriation	\$	3,722,000
14	TOTAL APPROPRIATION	\$	((489,133,000))
15			<u>503,246,000</u>

16 The appropriations in this section are subject to the following
17 conditions and limitations:

18 (1) \$854,000 of the drug enforcement and education account
19 appropriation and \$300,000 of the general fund--state appropriation are
20 provided solely to contract for the operation of one pediatric interim
21 care facility. The facility shall provide residential care for up to
22 twelve children through two years of age. Seventy-five percent of the
23 children served by the facility must be in need of special care as a
24 result of substance abuse by their mothers. The facility also shall
25 provide on-site training to biological, adoptive, or foster parents.
26 The facility shall provide at least three months of consultation and
27 support to parents accepting placement of children from the facility.
28 The facility may recruit new and current foster and adoptive parents
29 for infants served by the facility. The department shall not require
30 case management as a condition of the contract.

31 (2) \$700,000 of the general fund--state appropriation and \$262,000
32 of the drug enforcement and education account appropriation are
33 provided solely for up to three nonfacility based programs for the
34 training, consultation, support, and recruitment of biological, foster,
35 and adoptive parents of children through age three in need of special
36 care as a result of substance abuse by their mothers, except that each
37 program may serve up to three medically fragile nonsubstance-abuse-
38 affected children. In selecting nonfacility based programs, preference

1 shall be given to programs whose federal or private funding sources
2 have expired or have successfully performed under the existing
3 pediatric interim care program.

4 (3) In the event that the department consolidates children's
5 services offices, the department shall ensure that services continue to
6 be accessible to isolated communities.

7 (4) (~~(\$14,984,000 of the general fund state appropriation and~~
8 ~~\$14,632,000 of the general fund federal appropriation are provided to~~
9 ~~establish a state child care block grant by July 1, 1994. The~~
10 ~~department shall develop a plan for administering the block grant which~~
11 ~~shall include: (a) A state wide distribution formula; (b) a block~~
12 ~~grant application process that encourages the cooperative efforts of~~
13 ~~local governments, resource and referral agencies, and other not for~~
14 ~~profit organizations involved with child care; (c) recommendations~~
15 ~~about cost effective ways to administer child care subsidies in rural~~
16 ~~areas of the state; and (d) recommendations for the percentage of the~~
17 ~~grant to be used for local administration. The plan shall be presented~~
18 ~~to the appropriate legislative committees by January 1, 1994.)) The
19 department shall develop and implement a plan for removing categorical
20 barriers to access for families needing departmental child care
21 services. The plan shall be developed in consultation with the child
22 care coordinating committee, and shall include strategies such as: (a)
23 Co-location of child care eligibility workers with other relevant
24 service providers such as resource and referral agencies; (b)
25 development of a uniform application form and process across programs;
26 (c) cross-training of departmental and resource and referral agency
27 child care staff; (d) development of parent brochures; and (e)
28 increased coordination at the local level with child care and early
29 childhood programs operated by other agencies and governmental
30 jurisdictions. The department shall report to appropriate committees
31 of the legislature on the plan and its implementation status by
32 December 1, 1994.~~

33 (5) The department shall coordinate funding totaling \$400,000 from
34 all available sources to initiate a residential teen welfare protection
35 program in an urban county with a population over 550,000. The program
36 shall be designed to improve employment and parenting skills of teenage
37 mothers to reduce long-term welfare dependence. The department shall
38 select a provider with experience in providing residential services to
39 adolescent mothers and their infants.

1 (6) The family policy council under chapter 70.190 RCW shall
2 establish procedures for locating appropriate counseling staff of
3 participating agencies in public schools.

4 ~~((8) \$8,792,000 of the general fund--state appropriation is
5 provided solely to implement the following programs: \$385,000 of this
6 amount is provided for the medical training project on the evaluation
7 and care of child sexual abuse, \$4,784,000 of this amount is provided
8 for contracts for domestic violence shelters and comprehensive domestic
9 violence service planning, \$2,841,000 of this amount is provided for
10 early identification and treatment of child sexual abuse, and \$782,000
11 of this amount is provided for sexual assault centers.))~~

12 (7) \$900,000 of the general fund--state appropriation, and
13 \$225,000 of the general fund--federal appropriation, are provided
14 solely to implement Engrossed Second Substitute Senate Bill No. 6255
15 (permanency planning for children). The department may transfer a
16 portion of this amount to the legal services revolving fund for costs
17 associated with implementation of this bill.

18 (8) \$4,142,000 of the general fund--state appropriation and
19 \$1,858,000 of the general fund--federal appropriation are provided
20 solely to fund prevention programs designed to address risk factors
21 related to violent criminal acts by juveniles, child abuse and neglect,
22 domestic violence, teen pregnancy and male parentage, suicide attempts,
23 substance abuse, and dropping out of school. The legislature intends,
24 through the appropriation of these funds, to address the underlying
25 causes of violence and other at-risk behaviors of children and create
26 an environment which promotes healthy behaviors and safe communities
27 for children and their families.

28 The family policy council shall disburse funds under this
29 subsection to community public health and safety networks who are in
30 substantial compliance with chapter . . . , Laws of 1994 (this act) as
31 determined by the council by rule. Funds provided under this
32 subsection shall only be available upon application of a network to the
33 council. The application and plan shall demonstrate the effectiveness
34 of the program in terms of reaching its goals, specify the risk factors
35 to be addressed and ameliorated, and provide clear and substantial
36 evidence that additional funds will substantially improve the ability
37 of the program to increase its effectiveness. In considering requests
38 for funding under this section, the council may approve requests to:

- 1 (a) Provide technical assistance, planning grants, and grants of
2 flexible funds to community public health and safety networks;
3 (b) Fund healthy family programs;
4 (c) Fund before- and after-school child care and therapeutic child
5 care programs;
6 (d) Fund domestic violence programs;
7 (e) Fund safe schools/community programs; and
8 (f) Fund other services targeted at the risk factors specified in
9 chapter . . . , Laws of 1994 (this act).

10 *Sec. 919 was partially vetoed, see message at end of chapter.

11 NEW SECTION. Sec. 920. Section 201, chapter . . . (section 201
12 of Engrossed Substitute Senate Bill No. 6244), Laws of 1994
13 (uncodified) is repealed.

Passed the House March 11, 1994.

Passed the Senate March 11, 1994.

Approved by the Governor April 6, 1994, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State April 6, 1994.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 302;
3 313; 323; 402(1)(d); 402(6), page 31, lines 11 through 26; 404(1)(b);
4 404(4)(a)(i); 431; 438; 606; 607; 802; 804; 805; 809; 810; and 919(8),
5 Engrossed Second Substitute House Bill No. 2319 entitled:

6 "AN ACT Relating to violence reduction programs;"

7 I applaud the legislature's commitment and hard work in passing
8 Engrossed Second Substitute House Bill No. 2319. Youth violence is a
9 serious problem that affects the long-term economic, social, and public
10 safety interests of our state. It is not a problem that government
11 alone can address, nor is it a problem that a single piece of
12 legislation can cure.

13 This legislation is a balanced and responsible approach to curbing
14 youth violence in our state. It is the beginning of a long process of
15 giving hope and opportunity to our young people, while acknowledging
16 that solutions to youth violence require a comprehensive approach
17 including tough sentencing, effective prevention programs, and
18 restricted access to firearms.

19 Even though I have vetoed certain sections of the bill--some for
20 technical purposes and others, such as the sections pertaining to the
21 media, for their overly-broad implications--our mission to create a
22 future of hope for our young people remains intact.

23 My reasons for vetoing these sections are as follows:

24 **Section 302 - Definitions**

25 Section 302 establishes definitions for, among other things, the
26 terms "at-risk," "at-risk behaviors," "protective factors," and "risk
27 factors," and modifies the definition of "outcome" and "matching
28 funds." In addition, this section expands the membership of the current

1 10-member Family Policy Council to include an unspecified number of
2 additional representatives, bringing the total membership to at least
3 23 persons.

4 I am vetoing section 302 because I believe that the expansion of
5 the Family Policy Council, as set forth in this section, is unworkable.
6 Under this section, the additional members are to represent designated
7 entities that have, by definition, a fiduciary interest in matters the
8 council must act upon. This is a clear conflict of interest. In
9 addition, the council's expansion will make it exceedingly difficult
10 for the council to manage the implementation of this legislation in an
11 efficient and effective fashion. Finally, the additional representation
12 is duplicative of the community networks which have been given planning
13 and administrative duties at the local level. Vetoing this section
14 retains the Family Policy Council in its current manageable
15 configuration.

16 However, because I believe that the Family Policy Council would
17 benefit from the expertise of those who represent the entities
18 described in section 302, I will create by Executive Order the Family
19 Policy Council Advisory Committee. Appointments to the advisory
20 committee will be made before June, 1994, so the council can benefit
21 from the committee's advice during the implementation of family
22 services restructuring.

23 With respect to the other definitions in section 302, I am
24 instructing the Family Policy Council to use those definitions in rule
25 making and to include them in family services restructuring legislation
26 developed for next session.

27 **Section 313 - Federal Funding Standards**

28 This section prohibits state agencies from placing any program
29 requirements, except those necessary to meet federal funding standards,
30 on grant funds awarded to community networks.

31 Allowing communities more flexibility in their use of funds for
32 programs serving children and families is a significant intent of
33 family services restructuring. However, this section goes too far by
34 preventing the state from requiring that the use of these funds be
35 consistent with important state interests and priorities if they differ
36 from or exceed federal requirements. I believe that the state must not
37 abrogate its responsibility for accountability in the expenditure of
38 tax dollars. In addition, I am concerned that this section would limit
39 our ability to achieve equitable distribution of funds to underserved
40 populations. Furthermore, this language would limit the state's ability
41 to ensure that community networks give priority to clients most likely
42 to use state-funded entitlement programs.

43 **Section 323 - Governor's Appointment Deadline**

44 Section 323 specifies that the governor shall appoint the new
45 members of the Family Policy Council by May 1, 1994. Since I have
46 vetoed section 302, this section is not necessary.

47 **Section 402(1)(d); section 402(6), page 31, lines 11 through 26;** 48 **section 404(1)(b); and section 404(4)(a)(i); - Involuntary Commitment**

49 Current law makes it illegal for persons committed by court order
50 for treatment of mental illness to possess a firearm. Section
51 402(1)(d); section 402(6), page 31, lines 11-- 26; section 404(1)(b);
52 and section 404(4)(a)(i), expand this law by making it illegal for
53 persons who are "voluntarily committed" for mental health treatment for

1 a period exceeding 14 continuous days to possess a firearm. This
2 prohibition applies regardless of the reason a person voluntarily seeks
3 such treatment or of the nature of his or her mental health problems.
4 Serious questions are raised as to the range of circumstances and
5 treatment programs which might fall under the definition of voluntary
6 commitment. While I share the concern of the legislature that persons
7 who present a danger to themselves, to others, or to the public should
8 not possess firearms, the prohibition in this section is far too broad
9 and will apply to many people who need the temporary help of mental
10 health professionals but who do not pose a danger to society. My key
11 concern is the chilling effect this provision would have on persons who
12 would otherwise seek mental health treatment. I am confident that such
13 a result was not intended by the legislature and that the extent of
14 these criminal sanctions can be better defined and limited in future
15 legislation. Further, the possibility of retroactive application to
16 those who currently possess firearms or concealed pistol licenses has
17 been raised by legal experts.

18 **Section 431 - Firearm Range Training and Practice Facility**

19 Section 431 requires that local governments maintain firearm range
20 training and practice facilities at their current level by requiring
21 that any capacity reduction must be replaced within 30 days. This
22 mandate creates an entitlement for a select group of enthusiasts. Local
23 jurisdictions have no more inherent responsibility to maintain public
24 firing ranges than they do to maintain bowling alleys or pool halls.
25 This is an inappropriate infringement on local jurisdictions.

26 **Section 438 - Disclosure of Firearms Application Information**

27 Section 438 exempts from public disclosure, information and
28 records relating to firearm license applications and pistol purchases,
29 sales, and transfers. This section represents a dramatic expansion of
30 the current exemption for concealed pistol licenses. I believe that the
31 proposed expansion is unwise and unwarranted. Disclosure of information
32 relating to licenses is governed by the public records law which favors
33 full disclosure. Section 438 would contravene this well-established
34 policy by excluding from disclosure a broad category of information
35 relating to the licensing of firearms. I am unaware of any evidence
36 that would justify such an exemption.

37 **Section 606 and section 607 - Information Released to School Officials**

38 Section 606 allows court and law enforcement personnel to share a
39 student's confidential police and court records with school officials.
40 These records could include sensitive psychological and/or psychiatric
41 information about the student and his or her family. Because this
42 section lacks any criteria to govern school officials' requests for
43 these sensitive records, I am concerned that their release may not be
44 in the student's best interest.

45 Moreover, the amendments in these sections create a significant
46 inconsistency in the availability of information between the criminal
47 justice/social service system and school officials. Where criminal
48 justice and social service officials must obtain a court order or
49 subpoena to receive confidential student records, school officials are
50 only required to provide 72 hours notice to the student's parents to
51 receive his or her social file, diversion record, police contact
52 record, or arrest record. Current law provides schools with access to
53 a student's non confidential police and court records. With the veto of
54 section 606, section 607 is unnecessary.

1 Notwithstanding these vetoes, I agree that the prudent exchange of
2 even sensitive information among public agencies dealing with children
3 and youth is desirable. Therefore, I am urging the Department of Social
4 and Health Services (DSHS) and the Office of the Superintendent of
5 Public Instruction (OSPI) to expand the scope of section 609. This
6 section directs them to review statutes and rules relative to the
7 sharing or exchange of information about children who are the subject
8 of child abuse and neglect or who are charged with criminal behavior.
9 Specifically, I am directing DSHS and OSPI to review, in conjunction
10 with the Office of the Administrator for the Courts (OAC), the broader
11 continuum of information exchange issues to eliminate impediments to
12 the efficient sharing of information that is consistent with the best
13 interests of the child. If necessary, legislation will be offered in
14 the 1995 legislative session to improve this cooperative exchange.

15 **Section 802 - Definitions**

16 This section defines the terms "time/channel lock," "video,"
17 "violence," and "virtual reality," as used in sections 803, 804, 809
18 and 810. The definition of "time/channel lock" is unnecessarily
19 restrictive, requiring the ability to block both selected times and
20 channels from viewing. Moreover, this definition does not take into
21 account new technology which will allow television owners to block
22 selected programming. The remaining definitions are unnecessary in
23 light of my decision to veto sections 804, 809, and 810. Accordingly,
24 I am vetoing section 802.

25 **Section 804 - Age-Based Rating**

26 Section 804 requires the display of an age-based rating on all
27 motion pictures, video cassettes, video games, virtual reality games,
28 and television programming sold or rented in the state. The age-rating
29 determination must include an objective evaluation and an estimate of
30 the number of violent incidents represented in the material being
31 rated.

32 Parents and others are understandably concerned over children's
33 exposure to violence in videos, video and virtual reality games,
34 movies, and television programming. The purpose of this section is to
35 assist parents and other responsible adults in determining what is
36 reasonable, age-appropriate viewing for our children and our youth. I
37 share the concerns of parents and fully support the intent of this
38 section. However, this section is drafted so broadly that it gives rise
39 to serious problems which I believe justify a veto.

40 As written, this section would require that every title in every
41 video store be rated or re-rated consistent with the stated criteria.
42 This requirement, which applies to videos that are already in the
43 marketplace, as well as to future releases, is unworkable. Many videos,
44 including videos of movies produced before the creation of the
45 age-rating system developed by the Motion Picture Association of
46 America (MPAA), and videos of television movies, currently lack any age
47 rating. Even those videos of movies that have a MPAA age rating would
48 require a re-rating because the MPAA rating is not based exclusively
49 upon an objective evaluation, nor does it include an estimate of the
50 number of violent incidents represented in the material being rated as
51 is required under this section. Therefore, this section would impose on
52 motion picture and video suppliers the burden of rating and re-rating
53 movies and videos solely for Washington state consumers. In addition,
54 it would impose on video retailers an overwhelming burden of sending
55 back thousands of titles to suppliers for ratings and re-ratings. These

1 burdens could seriously disrupt the sale and rental of all videos and
2 force hundreds of video retailers in our state to close. I also believe
3 this section is unworkable as it applies to television programming,
4 particularly news broadcasts.

5 Further, section 804 requires that the age-rating determination be
6 based solely upon objective factors, such as the number of violent
7 incidents, as opposed to more subjective factors, such as the
8 gratuitous nature of the violence depicted. Thus, under this system, a
9 movie about the civil war that includes battle scenes could receive the
10 same age rating as Terminator II.

11 Due in large part to congressional pressure, the television,
12 cable, video game, and motion picture industries are already working to
13 reduce the level of gratuitous violence in their respective medium, as
14 well as to provide more information to parents so they can make
15 informed decisions about their children's television viewing. Parental
16 advisories and warnings now appear before television programs
17 containing depictions of violence that may not be suitable for
18 children's viewing. In addition, the networks have agreed to retain an
19 outside monitor to assess the content of their programming.
20 Furthermore, the cable industry has pledged to develop a rating system
21 and to use an external monitoring group to track programming and to
22 report on violence. The video game industry is also developing an
23 age-rating system which is scheduled to be in operation by the end of
24 the year. The motion picture industry is continuing to discuss the
25 treatment of violence in movies.

26 Notwithstanding the veto of this section, I urge the television
27 and video game industries to follow through on their commitment to
28 reduce levels of violent programming and to provide parents with more
29 information about violent content. I also urge the motion picture
30 industry to begin taking concrete steps to reduce the level of
31 gratuitous violence in movies. Further, I encourage the media to report
32 these and other violence reduction efforts as provided in section 205.
33 Finally, I encourage parents to become aware of what their children are
34 viewing and to restrict their children's viewing as appropriate. I
35 believe that the provisions contained in section 803 will assist
36 parents in this endeavor.

37 **Section 805 - Anti-violence Public Service Messages**

38 Section 805 contains a statement encouraging television and
39 broadcast stations, including cable stations, video rental companies,
40 and print media, to broadcast anti-violence public service messages. I
41 fully concur with this statement as these messages are an important
42 complement to community-based violence prevention efforts. During the
43 past several months, I have met with numerous representatives from the
44 media who have expressed strong interest in airing, producing, and
45 printing anti-violence messages as a public service.

46 Unfortunately, however, section 805 requires that the content of
47 all such messages be developed by the Family Policy Council. I believe
48 this requirement is unduly restrictive. Media around the state are
49 already broadcasting and printing anti-violence messages that have been
50 developed at the national or local levels. Moreover, President Clinton
51 recently announced that the television networks, cable program
52 services, and video providers will begin showing violence prevention
53 public service announcements that were developed in cooperation with
54 the White House and the Ad Council. I believe that these ongoing

1 efforts are highly desirable and that the Family Policy Council should
2 build upon, not displace, such efforts.

3 **Section 809 - Profiting from Violence-Related Products**

4 Section 809 requires the Department of General Administration to
5 establish a policy of refusing to purchase goods and services from any
6 business or corporation, including parent corporations, which profit
7 from violence-related products or services. I support the intent of
8 Section 804 to limit the exposure of young people to violence-related
9 products and to discourage corporations from profiting from such
10 products. However, the language of this section is too broad and too
11 vague to be meaningfully implemented and also raises serious legal
12 questions.

13 **Section 810 - Profiting from Violence-Related Products**

14 Section 810 requires the State Investment Board (SIB) to study and
15 examine the extent to which it maintains investments in businesses or
16 corporations, including parent corporations, profiting from
17 violence-related products or services and to report the results to the
18 legislature by December 1, 1995. While I support the intent of this
19 section, it has the same flaws and raises the same concerns as section
20 809. In addition, funds to conduct the study were not included in the
21 SIB budget.

22 **Section 919(8) - Children and Family Services - Appropriation**

23 Section 919(8) provides \$4,142,000 General Fund-State and
24 \$1,858,000 General Fund-Federal to DSHS, Division of Children and
25 Family Services (DCFS), to implement family services restructuring and
26 youth violence prevention program provisions in this bill. I am vetoing
27 this section to allow the department to maintain total funding levels
28 intended in the Children and Family Services appropriations while
29 adjusting the use of state and federal funds in order to ensure that
30 the state meets the federal requirements for the Family Preservation
31 and Support Act. I will direct the department to adhere to the intent
32 of this proviso.

33 The total DCFS appropriation provides federal authority totaling
34 \$2,693,000 for new funds (Title IVB-2) authorized under the 1993
35 federal Family Preservation and Support Act. The budget appropriates
36 the new funds for two purposes. First, \$1,858,000 is appropriated in
37 section 919(8) to support the activities of community public health and
38 safety networks established by this bill. Second, \$835,000 is
39 appropriated for enhancements to therapeutic child development
40 programs. The enhancement for therapeutic child development is not
41 covered by a proviso.

42 The appropriation, by using Family Preservation and Support Act
43 funds for enhancements to therapeutic child development programs,
44 places the state's receipt of these funds at risk. The proposed veto
45 would allow adjustments to funding sources that would not cause a net
46 change in total expenditures.

47 With the exception of sections 302; 313; 323; 402(1)(d); 402(6),
48 page 31, lines 11 through 26; 404(1)(b); 404(4)(a)(i); 431; 438; 606;
49 607; 802; 804; 805; 809; 810; and 919(8), Engrossed Second Substitute
50 House Bill No. 2319 is approved."