

E2SSB 5269 - H AMD TO APP COMM AMD (H-2638.1/15) **474**

By Representative Shea

NOT ADOPTED 04/14/2015

1 On page 1, line 27 of the striking amendment, after "(3)" insert
2 "A person filing a petition under this section must make a reasonable
3 effort to have the petition and a notification of rights as described
4 in section 4 of this act served on the subject of the petition within
5 a reasonable length of time not to exceed three judicial days after
6 the petition is filed with the court.

7 (4)"

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9 Renumber the remaining subsections consecutively and correct any
10 internal references accordingly.

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12 On page 2, beginning on line 11 of the striking amendment, after
13 "(6)" strike all material through "filed" on line 12 and insert "If
14 possible, the court must issue a final ruling on the petition within
15 five judicial days after it is filed, taking into consideration the
16 rights of the subject of the petition under section 4 of this act"

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18 On page 3, after line 12 of the striking amendment, insert the
19 following:

20

21 "NEW SECTION. **Sec. 4.** A new section is added to chapter 71.05 RCW
22 to read as follows:

23 In order to ensure constitutional due process for all parties, a
24 person who is the subject of a petition under section 2 of this act
25 has the following rights in addition to any other rights to which the
26 person is entitled to under law:

27

1 (1) A right to be represented by an attorney and to have an
2 attorney appointed at public expense if indigent;
3 (2) A right to participate in the proceedings;
4 (3) A right to a court hearing at a reasonable date and time to be
5 set by the court which is governed by the rules of evidence; and
6 (4) A right to present evidence, call witnesses, and cross examine
7 adverse witnesses."

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9 Renumber the remaining sections consecutively and correct any
10 internal references accordingly.

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EFFECT:

(1) Adds a requirement that the petitioner make a reasonable effort to serve the subject of the petition with the petition and a list of rights within three judicial days after the petition is filed in court.

(2) Modifies the requirement that the court issue a final ruling within five judicial days of the filing of the petition, to instead require that the court issue a final ruling within five judicial days if possible, taking into account the rights of the subject of the petition.

(3) Provides that the subject of the petition is entitled to the following rights:

- To be represented by an attorney, and be appointed an attorney at public expense if indigent;
- To participate in the proceedings;
- To have an open court hearing; and
- To present evidence, call witnesses, and cross-examine witnesses.

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