
SUBSTITUTE SENATE BILL 6258

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Roach, Kline and Hargrove; by request of Statute Law Committee)

Read first time 02/04/98.

1 AN ACT Relating to making technical corrections to the Revised Code
2 of Washington; amending RCW 9A.40.060, 10.99.045, 42.17.160,
3 43.160.076, and 82.14.370; reenacting and amending RCW 43.160.210;
4 providing an effective date; and providing an expiration date.

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

6 **Sec. 1.** RCW 9A.40.060 and 1994 c 162 s 1 are each amended to read
7 as follows:

8 (1) A relative of a child under the age of eighteen or of an
9 incompetent person is guilty of custodial interference in the first
10 degree if, with the intent to deny access to the child or incompetent
11 person by a parent, guardian, institution, agency, or other person
12 having a lawful right to physical custody of such person, the relative
13 takes, entices, retains, detains, or conceals the child or incompetent
14 person from a parent, guardian, institution, agency, or other person
15 having a lawful right to physical custody of such person and:

16 (a) Intends to hold the child or incompetent person permanently or
17 for a protracted period; or

18 (b) Exposes the child or incompetent person to a substantial risk
19 of illness or physical injury; or

1 (c) Causes the child or incompetent person to be removed from the
2 state of usual residence; or

3 (d) Retains, detains, or conceals the child or incompetent person
4 in another state after expiration of any authorized visitation period
5 with intent to intimidate or harass a parent, guardian, institution,
6 agency, or other person having lawful right to physical custody or to
7 prevent a parent, guardian, institution, agency, or other person with
8 lawful right to physical custody from regaining custody.

9 (2) A parent of a child is guilty of custodial interference in the
10 first degree if the parent takes, entices, retains, detains, or
11 conceals the child, with the intent to deny access, from the other
12 parent having the lawful right to time with the child pursuant to a
13 court-ordered parenting plan, and:

14 (a) Intends to hold the child permanently or for a protracted
15 period; or

16 (b) Exposes the child to a substantial risk (~~(or of)~~) of illness
17 or physical injury; or

18 (c) Causes the child to be removed from the state of usual
19 residence.

20 (3) A parent or other person acting under the directions of the
21 parent is guilty of custodial interference in the first degree if the
22 parent or other person intentionally takes, entices, retains, or
23 conceals a child, under the age of eighteen years and for whom no
24 lawful custody order or parenting plan has been entered by a court of
25 competent jurisdiction, from the other parent with intent to deprive
26 the other parent from access to the child permanently or for a
27 protracted period.

28 (4) Custodial interference in the first degree is a class C felony.

29 EXPLANATORY NOTE:

30 This bill changes the word "or" to "of," correcting an error made in
31 1994 c 162 s 1, which was intended to have the language in subsection
32 (2)(b) parallel the language in subsection (1)(b).

33 **Sec. 2.** RCW 10.99.045 and 1994 sp.s. c 7 s 450 are each amended to
34 read as follows:

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

1 (2) A defendant who is charged by citation, complaint, or
2 information with an offense involving domestic violence as defined by
3 RCW 10.99.020(~~(+2)~~) and not arrested shall appear in court for
4 arraignment in person as soon as practicable, but in no event later
5 than fourteen days after the next day on which court is in session
6 following the issuance of the citation or the filing of the complaint
7 or information.

8 (3) At the time of the appearances provided in subsection (1) or
9 (2) of this section, the court shall determine the necessity of
10 imposing a no-contact order or other conditions of pretrial release
11 according to the procedures established by court rule for a preliminary
12 appearance or an arraignment. The court may include in the order any
13 conditions authorized under RCW 9.41.800.

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

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

19 EXPLANATORY NOTE:

20 RCW 10.99.020 was amended by 1995 c 246 s 21, changing subsection (2)
21 to subsection (3), but 1995 c 246 failed to make the corresponding
22 cross-reference change required in RCW 10.99.045. This bill corrects
23 the cross-reference by deleting the reference to the specific
24 subsection. Since "domestic violence" is defined in RCW 10.99.020
25 regardless of which subsection number the definition is in, this allows
26 subsequent amendments to RCW 10.99.020 without requiring clean-ups to
27 RCW 10.99.045.

28 **Sec. 3.** RCW 42.17.160 and 1995 c 397 s 32 are each amended to read
29 as follows:

30 The following persons and activities shall be exempt from
31 registration and reporting under RCW 42.17.150, 42.17.170, and
32 42.17.200:

33 (1) Persons who limit their lobbying activities to appearing before
34 public sessions of committees of the legislature, or public hearings of
35 state agencies;

- 1 (2) Activities by lobbyists or other persons whose participation
2 has been solicited by an agency under RCW 34.05.310(2);
- 3 (3) News or feature reporting activities and editorial comment by
4 working members of the press, radio, or television and the publication
5 or dissemination thereof by a newspaper, book publisher, regularly
6 published periodical, radio station, or television station;
- 7 (4) Persons who lobby without compensation or other consideration
8 for acting as a lobbyist: PROVIDED, Such person makes no expenditure
9 for or on behalf of any member of the legislature or elected official
10 or public officer or employee of the state of Washington in connection
11 with such lobbying. The exemption contained in this subsection is
12 intended to permit and encourage citizens of this state to lobby any
13 legislator, public official, or state agency without incurring any
14 registration or reporting obligation provided they do not exceed the
15 limits stated above. Any person exempt under this subsection (4) may
16 at his or her option register and report under this chapter;
- 17 (5) Persons who restrict their lobbying activities to no more than
18 four days or parts thereof during any three-month period and whose
19 total expenditures during such three-month period for or on behalf of
20 any one or more members of the legislature or state elected officials
21 or public officers or employees of the state of Washington in
22 connection with such lobbying do not exceed twenty-five dollars:
23 PROVIDED, That the commission shall promulgate regulations to require
24 disclosure by persons exempt under this subsection or their employers
25 or entities which sponsor or coordinate the lobbying activities of such
26 persons if it determines that such regulations are necessary to prevent
27 frustration of the purposes of this chapter. Any person exempt under
28 this subsection (5) may at his or her option register and report under
29 this chapter;
- 30 (6) The governor;
- 31 (7) The lieutenant governor;
- 32 (8) Except as provided by RCW 42.17.190(1), members of the
33 legislature;
- 34 (9) Except as provided by RCW 42.17.190(1), persons employed by the
35 legislature for the purpose of aiding in the preparation or enactment
36 of legislation or the performance of legislative duties;
- 37 (10) Elected officials, and officers and employees of any agency
38 reporting under RCW 42.17.190(~~((4) as now or hereafter amended~~))(5).

39

EXPLANATORY NOTE:

1 RCW 42.17.190 was amended by 1986 c 239 s 1, changing subsection (4) to
2 subsection (5). The current subsection (5) is the subsection that
3 requires reporting of lobbying by state agencies. This bill corrects
4 the cross-reference to that subsection.

5 **Sec. 4.** RCW 43.160.076 and 1997 c 367 s 9 are each amended to read
6 as follows:

7 (1) Except as authorized to the contrary under subsection (2) of
8 this section, from all funds available to the board for financial
9 assistance in a biennium, the board shall spend at least seventy-five
10 percent for financial assistance for projects in distressed counties or
11 rural natural resources impact areas. For purposes of this section,
12 the term "distressed counties" includes any county, in which the
13 average level of unemployment for the three years before the year in
14 which an application for financial assistance is filed, exceeds the
15 average state ((~~employment~~)) unemployment for those years by twenty
16 percent.

17 (2) If at any time during the last six months of a biennium the
18 board finds that the actual and anticipated applications for qualified
19 projects in distressed counties or rural natural resources impact areas
20 are clearly insufficient to use up the seventy-five percent allocation,
21 then the board shall estimate the amount of the insufficiency and
22 during the remainder of the biennium may use that amount of the
23 allocation for financial assistance to projects not located in
24 distressed counties or rural natural resources impact areas.

25 (3) This section expires June 30, 2000.

26 EXPLANATORY NOTE:

27 The formula for determining the threshold unemployment level for the
28 definition of "distressed counties" was erroneously copied for use in
29 1985 chapter 446 section 6. This bill changes the word "employment" to
30 the correct word in the formula, "unemployment."

31 This bill also corrects drafting errors in the delayed repeal of RCW
32 43.160.076. Although the delayed repeal of RCW 43.160.076 has been
33 amended several times, most recently in 1997 c 367 s 10 that changed
34 the date of the section's repeal to June 30, 2000, these amendments
35 have not included in the repeal's list of affected laws any session
36 laws after 1991. The new subsection (3) in this bill expires the

1 entire section June 30, 2000. This means that all session laws that
2 affect the section, including any amending this section in the future,
3 are now included in the expiration.

4 **Sec. 5.** RCW 43.160.210 and 1996 c 290 s 1 and 1996 c 51 s 10 are
5 each reenacted and amended to read as follows:

6 (1) Except as authorized to the contrary under subsection (2) of
7 this section, from all funds available to the board for financial
8 assistance, the board shall designate at least twenty percent for
9 financial assistance for projects in distressed counties. For purposes
10 of this section, the term "distressed counties" includes any county, in
11 which: (a) The average level of unemployment for the three years
12 before the year in which an application for financial assistance is
13 filed, exceeds the average state (~~employment~~) unemployment for those
14 years by twenty percent; or (b) a county that has a median household
15 income that is less than seventy-five percent of the state median
16 household income for the previous three years.

17 (2) If at any time during the last six months of a biennium the
18 board finds that the actual and anticipated applications for qualified
19 projects in distressed counties are clearly insufficient to use up the
20 twenty percent allocation, then the board shall estimate the amount of
21 the insufficiency and during the remainder of the biennium may use that
22 amount of the allocation for financial assistance for projects not
23 located in distressed counties.

24 EXPLANATORY NOTE:

25 The formula for determining the threshold unemployment level for the
26 definition of "distressed counties" was erroneously copied for use in
27 1991 c 314 s 25. This bill changes the word "employment" to the
28 correct word in the formula, "unemployment."

29 RCW 43.160.210 was also amended by 1996 c 51 s 10 and by 1996 c 290 s
30 1, each without reference to the other. Both amendments are
31 incorporated and reenacted in this bill.

32 **Sec. 6.** RCW 82.14.370 and 1997 c 366 s 3 are each amended to read
33 as follows:

34 (1) The legislative authority of a distressed county may impose a
35 sales and use tax in accordance with the terms of this chapter. The

1 tax is in addition to other taxes authorized by law and shall be
2 collected from those persons who are taxable by the state under
3 chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event
4 within the county. The rate of tax shall not exceed 0.04 percent of
5 the selling price in the case of a sales tax or value of the article
6 used in the case of a use tax.

7 (2) The tax imposed under subsection (1) of this section shall be
8 deducted from the amount of tax otherwise required to be collected or
9 paid over to the department of revenue under chapter 82.08 or 82.12
10 RCW. The department of revenue shall perform the collection of such
11 taxes on behalf of the county at no cost to the county.

12 (3) Moneys collected under this section shall only be used for the
13 purpose of financing public facilities in rural counties.

14 (4) No tax may be collected under this section before July 1, 1998.
15 No tax may be collected under this section by a county more than
16 twenty-five years after the date that a tax is first imposed under this
17 section.

18 (5) For purposes of this section, "distressed county" means a
19 county in which the average level of unemployment for the three years
20 before the year in which a tax is first imposed under this section
21 exceeds the average state ((~~employment~~)) unemployment for those years
22 by twenty percent.

23 EXPLANATORY NOTE:

24 The formula for determining the threshold unemployment level for the
25 definition of "distressed county" was erroneously copied for use in
26 1997 c 366 s 3. This bill changes the word "employment" to the correct
27 word in the formula, "unemployment."

28 NEW SECTION. **Sec. 7.** Section 5 of this act takes effect June 30,
29 2000.

30 EXPLANATORY NOTE:

31 RCW 43.160.210, amended in section 5 of this act, has a delayed
32 effective date of June 30, 2000. This section makes this bill
33 consistent with that effective date.

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