

**E2SSB 6239** - H COMM AMD  
By Committee on Appropriations

ADOPTED AS AMENDED 03/03/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "PART I

4 SUBSTANCE ABUSE REDUCTION

5 NEW SECTION. **Sec. 101.** A new section is added to chapter 70.96A  
6 RCW to read as follows:

7 (1) Any county that has imposed the sales and use tax authorized by  
8 RCW 82.14.460 may seek a state appropriation of up to one hundred  
9 thousand dollars annually beginning in fiscal year 2008 and ending in  
10 fiscal year 2010. The funds shall be used to provide additional  
11 support to counties for mental health or substance abuse treatment for  
12 persons with methamphetamine addiction. Local governments receiving  
13 funds under this section may not use the funds to supplant existing  
14 funding.

15 (2) Counties receiving funding shall: (a) Provide a financial plan  
16 for the expenditure of any potential funds prior to funds being  
17 awarded; (b) report annually to the appropriate committees of the  
18 legislature regarding the number of clients served, services provided,  
19 and a statement of expenditures; and (c) expend no more than ten  
20 percent for administrative costs or for information technology.

21 NEW SECTION. **Sec. 102.** A new section is added to chapter 72.09  
22 RCW to read as follows:

23 (1) Through June 30, 2010, it is the intent of the legislature to  
24 provide one hundred additional placements for therapeutic drug and  
25 alcohol treatment in the state's correctional institutions, above the  
26 level of placements provided on January 1, 2006.

27 (2) This section expires June 30, 2010.

1        NEW SECTION.    **Sec. 103.**    It is the intent of the legislature to  
2 provide assistance for jurisdictions enforcing illegal drug laws that  
3 have historically been underserved by federally funded state narcotics  
4 task forces and are considered to be major transport areas of narcotics  
5 traffickers.

6        NEW SECTION.    **Sec. 104.**    (1) Three pilot enforcement areas shall be  
7 established for a period of four fiscal years, beginning July 1, 2006,  
8 and ending June 30, 2010, with one in the southwestern region of the  
9 state, comprising of Pacific, Wahkiakum, Lewis, Grays Harbor, and  
10 Cowlitz counties; one in the southeastern region of the state,  
11 comprising of Walla Walla, Columbia, Garfield, and Asotin counties; and  
12 one in the northeastern part of the state, comprising of Stevens,  
13 Ferry, Pend Oreille, and Lincoln counties. The counties comprising a  
14 specific pilot area shall coordinate with each other to establish and  
15 implement a regional strategy to enforce illegal drug laws.

16        (2) When funded by the legislature, funding is to be divided  
17 equally among the three pilot enforcement areas. This funding is  
18 intended to provide a minimum of four additional sheriff deputies for  
19 each pilot area, two deputy prosecutors who will support the counties  
20 that are included in the pilot area, a court clerk, and clerical staff  
21 to serve the pilot area. It is the intent of the legislature that  
22 those counties that have not previously received significant federal  
23 narcotics task force funding shall be allocated funding for at least  
24 one additional sheriff's deputy. Counties are encouraged to utilize  
25 drug courts and treatment programs, and to share resources that operate  
26 in the region through the use of interlocal agreements. The funding  
27 appropriated for this purpose must not be used to supplant existing  
28 funding and cannot be used for any purpose other than the enforcement  
29 of illegal drug laws.

30        The criminal justice training commission shall allocate funds to  
31 the Washington association of prosecuting attorneys and the Washington  
32 association of sheriffs and police chiefs. The Washington association  
33 of prosecuting attorneys is responsible for administration of the  
34 funding and programs for the prosecution of crimes and court  
35 proceedings. The Washington association of sheriffs and police chiefs  
36 shall administer the funds provided for law enforcement.

1        NEW SECTION.    **Sec. 105.**    The Washington association of sheriffs and  
2 police chiefs, the Washington association of prosecuting attorneys, and  
3 the Washington association of county officials shall jointly develop  
4 measures to determine the efficacy of the programs in the pilot areas.  
5 These measures shall include comparison of arrest rates before the  
6 implementation of this act and after, reduction of recidivism, and any  
7 other factors that are determined to be relevant to evaluation of the  
8 programs.    The organizations named in this section shall present their  
9 findings to the legislature by December 1, 2008.

10        **Sec. 106.**    RCW 2.28.170 and 2005 c 504 s 504 are each amended to  
11 read as follows:

12        (1) Counties may establish and operate drug courts.

13        (2) For the purposes of this section, "drug court" means a court  
14 that has special calendars or dockets designed to achieve a reduction  
15 in recidivism and substance abuse among nonviolent, substance abusing  
16 felony and nonfelony offenders, whether adult or juvenile, by  
17 increasing their likelihood for successful rehabilitation through  
18 early, continuous, and intense judicially supervised treatment;  
19 mandatory periodic drug testing; and the use of appropriate sanctions  
20 and other rehabilitation services.

21        (3)(a) Any jurisdiction that seeks a state appropriation to fund a  
22 drug court program must first:

23        (i) Exhaust all federal funding that is available to support the  
24 operations of its drug court and associated services; and

25        (ii) Match, on a dollar-for-dollar basis, state moneys allocated  
26 for drug court programs with local cash or in-kind resources.    Moneys  
27 allocated by the state must be used to supplement, not supplant, other  
28 federal, state, and local funds for drug court operations and  
29 associated services.

30        (b) Any county that establishes a drug court pursuant to this  
31 section shall establish minimum requirements for the participation of  
32 offenders in the program.    The drug court may adopt local requirements  
33 that are more stringent than the minimum.    The minimum requirements  
34 are:

35        (i) The offender would benefit from substance abuse treatment;

36        (ii) The offender has not previously been convicted of a serious  
37 violent offense or sex offense as defined in RCW 9.94A.030; and

1 (iii) Without regard to whether proof of any of these elements is  
2 required to convict, the offender is not currently charged with or  
3 convicted of an offense:

4 (A) That is a sex offense;

5 (B) That is a serious violent offense;

6 (C) During which the defendant used a firearm; or

7 (D) During which the defendant caused substantial or great bodily  
8 harm or death to another person.

9 **Sec. 107.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to  
10 read as follows:

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13 (1) "Court" means the superior court of the state of Washington,  
14 juvenile department.

15 (2) "Law enforcement agency" means the police department, the  
16 prosecuting attorney, the state patrol, the director of public safety,  
17 or the office of the sheriff.

18 (3) "Practitioner of the healing arts" or "practitioner" means a  
19 person licensed by this state to practice podiatric medicine and  
20 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
21 medicine and surgery, or medicine and surgery or to provide other  
22 health services. The term "practitioner" includes a duly accredited  
23 Christian Science practitioner: PROVIDED, HOWEVER, That a person who  
24 is being furnished Christian Science treatment by a duly accredited  
25 Christian Science practitioner will not be considered, for that reason  
26 alone, a neglected person for the purposes of this chapter.

27 (4) "Institution" means a private or public hospital or any other  
28 facility providing medical diagnosis, treatment or care.

29 (5) "Department" means the state department of social and health  
30 services.

31 (6) "Child" or "children" means any person under the age of  
32 eighteen years of age.

33 (7) "Professional school personnel" include, but are not limited  
34 to, teachers, counselors, administrators, child care facility  
35 personnel, and school nurses.

36 (8) "Social service counselor" means anyone engaged in a  
37 professional capacity during the regular course of employment in

1 encouraging or promoting the health, welfare, support or education of  
2 children, or providing social services to adults or families, including  
3 mental health, drug and alcohol treatment, and domestic violence  
4 programs, whether in an individual capacity, or as an employee or agent  
5 of any public or private organization or institution.

6 (9) "Psychologist" means any person licensed to practice psychology  
7 under chapter 18.83 RCW, whether acting in an individual capacity or as  
8 an employee or agent of any public or private organization or  
9 institution.

10 (10) "Pharmacist" means any registered pharmacist under chapter  
11 18.64 RCW, whether acting in an individual capacity or as an employee  
12 or agent of any public or private organization or institution.

13 (11) "Clergy" means any regularly licensed or ordained minister,  
14 priest, or rabbi of any church or religious denomination, whether  
15 acting in an individual capacity or as an employee or agent of any  
16 public or private organization or institution.

17 (12) "Abuse or neglect" means the injury, sexual abuse, sexual  
18 exploitation, negligent treatment, or maltreatment of a child by any  
19 person under circumstances which indicate that the child's health,  
20 welfare, and safety is harmed, excluding conduct permitted under RCW  
21 9A.16.100. An abused child is a child who has been subjected to child  
22 abuse or neglect as defined in this section.

23 (13) "Child protective services section" means the child protective  
24 services section of the department.

25 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or  
26 encouraging a child to engage in prostitution by any person; or (b)  
27 allowing, permitting, encouraging, or engaging in the obscene or  
28 pornographic photographing, filming, or depicting of a child by any  
29 person.

30 (15) "Negligent treatment or maltreatment" means an act or omission  
31 that evidences a serious disregard of consequences of such magnitude as  
32 to constitute a clear and present danger to the child's health,  
33 welfare, and safety, including but not limited to conduct prohibited  
34 under RCW 9A.42.100. The fact that siblings share a bedroom is not, in  
35 and of itself, negligent treatment or maltreatment.

36 (16) "Child protective services" means those services provided by  
37 the department designed to protect children from child abuse and  
38 neglect and safeguard such children from future abuse and neglect, and

1 conduct investigations of child abuse and neglect reports.  
2 Investigations may be conducted regardless of the location of the  
3 alleged abuse or neglect. Child protective services includes referral  
4 to services to ameliorate conditions that endanger the welfare of  
5 children, the coordination of necessary programs and services relevant  
6 to the prevention, intervention, and treatment of child abuse and  
7 neglect, and services to children to ensure that each child has a  
8 permanent home. In determining whether protective services should be  
9 provided, the department shall not decline to provide such services  
10 solely because of the child's unwillingness or developmental inability  
11 to describe the nature and severity of the abuse or neglect.

12 (17) "Malice" or "maliciously" means an evil intent, wish, or  
13 design to vex, annoy, or injure another person. Such malice may be  
14 inferred from an act done in willful disregard of the rights of  
15 another, or an act wrongfully done without just cause or excuse, or an  
16 act or omission of duty betraying a willful disregard of social duty.

17 (18) "Sexually aggressive youth" means a child who is defined in  
18 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

19 (19) "Unfounded" means available information indicates that, more  
20 likely than not, child abuse or neglect did not occur. No unfounded  
21 allegation of child abuse or neglect may be disclosed to a child-  
22 placing agency, private adoption agency, or any other provider licensed  
23 under chapter 74.15 RCW.

24 **Sec. 108.** RCW 26.44.020 and 2005 c 512 s 5 are each amended to  
25 read as follows:

26 The definitions in this section apply throughout this chapter  
27 unless the context clearly requires otherwise.

28 (1) "Court" means the superior court of the state of Washington,  
29 juvenile department.

30 (2) "Law enforcement agency" means the police department, the  
31 prosecuting attorney, the state patrol, the director of public safety,  
32 or the office of the sheriff.

33 (3) "Practitioner of the healing arts" or "practitioner" means a  
34 person licensed by this state to practice podiatric medicine and  
35 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
36 medicine and surgery, or medicine and surgery or to provide other  
37 health services. The term "practitioner" includes a duly accredited

1 Christian Science practitioner: PROVIDED, HOWEVER, That a person who  
2 is being furnished Christian Science treatment by a duly accredited  
3 Christian Science practitioner will not be considered, for that reason  
4 alone, a neglected person for the purposes of this chapter.

5 (4) "Institution" means a private or public hospital or any other  
6 facility providing medical diagnosis, treatment or care.

7 (5) "Department" means the state department of social and health  
8 services.

9 (6) "Child" or "children" means any person under the age of  
10 eighteen years of age.

11 (7) "Professional school personnel" include, but are not limited  
12 to, teachers, counselors, administrators, child care facility  
13 personnel, and school nurses.

14 (8) "Social service counselor" means anyone engaged in a  
15 professional capacity during the regular course of employment in  
16 encouraging or promoting the health, welfare, support or education of  
17 children, or providing social services to adults or families, including  
18 mental health, drug and alcohol treatment, and domestic violence  
19 programs, whether in an individual capacity, or as an employee or agent  
20 of any public or private organization or institution.

21 (9) "Psychologist" means any person licensed to practice psychology  
22 under chapter 18.83 RCW, whether acting in an individual capacity or as  
23 an employee or agent of any public or private organization or  
24 institution.

25 (10) "Pharmacist" means any registered pharmacist under chapter  
26 18.64 RCW, whether acting in an individual capacity or as an employee  
27 or agent of any public or private organization or institution.

28 (11) "Clergy" means any regularly licensed or ordained minister,  
29 priest, or rabbi of any church or religious denomination, whether  
30 acting in an individual capacity or as an employee or agent of any  
31 public or private organization or institution.

32 (12) "Abuse or neglect" means sexual abuse, sexual exploitation, or  
33 injury of a child by any person under circumstances which cause harm to  
34 the child's health, welfare, or safety, excluding conduct permitted  
35 under RCW 9A.16.100; or the negligent treatment or maltreatment of a  
36 child by a person responsible for or providing care to the child. An  
37 abused child is a child who has been subjected to child abuse or  
38 neglect as defined in this section.

1 (13) "Child protective services section" means the child protective  
2 services section of the department.

3 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or  
4 encouraging a child to engage in prostitution by any person; or (b)  
5 allowing, permitting, encouraging, or engaging in the obscene or  
6 pornographic photographing, filming, or depicting of a child by any  
7 person.

8 (15) "Negligent treatment or maltreatment" means an act or a  
9 failure to act, or the cumulative effects of a pattern of conduct,  
10 behavior, or inaction, that evidences a serious disregard of  
11 consequences of such magnitude as to constitute a clear and present  
12 danger to a child's health, welfare, or safety, including but not  
13 limited to conduct prohibited under RCW 9A.42.100. When considering  
14 whether a clear and present danger exists, evidence of a parent's  
15 substance abuse as a contributing factor to negligent treatment or  
16 maltreatment shall be given great weight. The fact that siblings share  
17 a bedroom is not, in and of itself, negligent treatment or  
18 maltreatment. Poverty, homelessness, or exposure to domestic violence  
19 as defined in RCW 26.50.010 that is perpetrated against someone other  
20 than the child (~~(do- [does])~~) does not constitute negligent treatment or  
21 maltreatment in and of (~~(themselves- [itself])~~) itself.

22 (16) "Child protective services" means those services provided by  
23 the department designed to protect children from child abuse and  
24 neglect and safeguard such children from future abuse and neglect, and  
25 conduct investigations of child abuse and neglect reports.  
26 Investigations may be conducted regardless of the location of the  
27 alleged abuse or neglect. Child protective services includes referral  
28 to services to ameliorate conditions that endanger the welfare of  
29 children, the coordination of necessary programs and services relevant  
30 to the prevention, intervention, and treatment of child abuse and  
31 neglect, and services to children to ensure that each child has a  
32 permanent home. In determining whether protective services should be  
33 provided, the department shall not decline to provide such services  
34 solely because of the child's unwillingness or developmental inability  
35 to describe the nature and severity of the abuse or neglect.

36 (17) "Malice" or "maliciously" means an evil intent, wish, or  
37 design to vex, annoy, or injure another person. Such malice may be

1 inferred from an act done in willful disregard of the rights of  
2 another, or an act wrongfully done without just cause or excuse, or an  
3 act or omission of duty betraying a willful disregard of social duty.

4 (18) "Sexually aggressive youth" means a child who is defined in  
5 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

6 (19) "Unfounded" means available information indicates that, more  
7 likely than not, child abuse or neglect did not occur. No unfounded  
8 allegation of child abuse or neglect may be disclosed to a child-  
9 placing agency, private adoption agency, or any other provider licensed  
10 under chapter 74.15 RCW.

11 **Sec. 109.** RCW 74.34.020 and 2003 c 230 s 1 are each amended to  
12 read as follows:

13 Unless the context clearly requires otherwise, the definitions in  
14 this section apply throughout this chapter.

15 (1) "Abandonment" means action or inaction by a person or entity  
16 with a duty of care for a vulnerable adult that leaves the vulnerable  
17 person without the means or ability to obtain necessary food, clothing,  
18 shelter, or health care.

19 (2) "Abuse" means the willful action or inaction that inflicts  
20 injury, unreasonable confinement, intimidation, or punishment on a  
21 vulnerable adult. In instances of abuse of a vulnerable adult who is  
22 unable to express or demonstrate physical harm, pain, or mental  
23 anguish, the abuse is presumed to cause physical harm, pain, or mental  
24 anguish. Abuse includes sexual abuse, mental abuse, physical abuse,  
25 and exploitation of a vulnerable adult, which have the following  
26 meanings:

27 (a) "Sexual abuse" means any form of nonconsensual sexual contact,  
28 including but not limited to unwanted or inappropriate touching, rape,  
29 sodomy, sexual coercion, sexually explicit photographing, and sexual  
30 harassment. Sexual abuse includes any sexual contact between a staff  
31 person, who is not also a resident or client, of a facility or a staff  
32 person of a program authorized under chapter 71A.12 RCW, and a  
33 vulnerable adult living in that facility or receiving service from a  
34 program authorized under chapter 71A.12 RCW, whether or not it is  
35 consensual.

36 (b) "Physical abuse" means the willful action of inflicting bodily  
37 injury or physical mistreatment. Physical abuse includes, but is not

1 limited to, striking with or without an object, slapping, pinching,  
2 choking, kicking, shoving, prodding, or the use of chemical restraints  
3 or physical restraints unless the restraints are consistent with  
4 licensing requirements, and includes restraints that are otherwise  
5 being used inappropriately.

6 (c) "Mental abuse" means any willful action or inaction of mental  
7 or verbal abuse. Mental abuse includes, but is not limited to,  
8 coercion, harassment, inappropriately isolating a vulnerable adult from  
9 family, friends, or regular activity, and verbal assault that includes  
10 ridiculing, intimidating, yelling, or swearing.

11 (d) "Exploitation" means an act of forcing, compelling, or exerting  
12 undue influence over a vulnerable adult causing the vulnerable adult to  
13 act in a way that is inconsistent with relevant past behavior, or  
14 causing the vulnerable adult to perform services for the benefit of  
15 another.

16 (3) "Consent" means express written consent granted after the  
17 vulnerable adult or his or her legal representative has been fully  
18 informed of the nature of the services to be offered and that the  
19 receipt of services is voluntary.

20 (4) "Department" means the department of social and health  
21 services.

22 (5) "Facility" means a residence licensed or required to be  
23 licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW,  
24 nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36  
25 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation  
26 centers; or any other facility licensed by the department.

27 (6) "Financial exploitation" means the illegal or improper use of  
28 the property, income, resources, or trust funds of the vulnerable adult  
29 by any person for any person's profit or advantage.

30 (7) "Individual provider" means a person under contract with the  
31 department to provide services in the home under chapter 74.09 or  
32 74.39A RCW.

33 (8) "Mandated reporter" is an employee of the department; law  
34 enforcement officer; social worker; professional school personnel;  
35 individual provider; an employee of a facility; an operator of a  
36 facility; an employee of a social service, welfare, mental health,  
37 adult day health, adult day care, home health, home care, or hospice

1 agency; county coroner or medical examiner; Christian Science  
2 practitioner; or health care provider subject to chapter 18.130 RCW.

3 (9) "Neglect" means (a) a pattern of conduct or inaction by a  
4 person or entity with a duty of care that fails to provide the goods  
5 and services that maintain physical or mental health of a vulnerable  
6 adult, or that fails to avoid or prevent physical or mental harm or  
7 pain to a vulnerable adult; or (b) an act or omission that demonstrates  
8 a serious disregard of consequences of such a magnitude as to  
9 constitute a clear and present danger to the vulnerable adult's health,  
10 welfare, or safety, including but not limited to conduct prohibited  
11 under RCW 9A.42.100.

12 (10) "Permissive reporter" means any person, employee of a  
13 financial institution, attorney, or volunteer in a facility or program  
14 providing services for vulnerable adults.

15 (11) "Protective services" means any services provided by the  
16 department to a vulnerable adult with the consent of the vulnerable  
17 adult, or the legal representative of the vulnerable adult, who has  
18 been abandoned, abused, financially exploited, neglected, or in a state  
19 of self-neglect. These services may include, but are not limited to  
20 case management, social casework, home care, placement, arranging for  
21 medical evaluations, psychological evaluations, day care, or referral  
22 for legal assistance.

23 (12) "Self-neglect" means the failure of a vulnerable adult, not  
24 living in a facility, to provide for himself or herself the goods and  
25 services necessary for the vulnerable adult's physical or mental  
26 health, and the absence of which impairs or threatens the vulnerable  
27 adult's well-being. This definition may include a vulnerable adult who  
28 is receiving services through home health, hospice, or a home care  
29 agency, or an individual provider when the neglect is not a result of  
30 inaction by that agency or individual provider.

31 (13) "Vulnerable adult" includes a person:

32 (a) Sixty years of age or older who has the functional, mental, or  
33 physical inability to care for himself or herself; or

34 (b) Found incapacitated under chapter 11.88 RCW; or

35 (c) Who has a developmental disability as defined under RCW  
36 71A.10.020; or

37 (d) Admitted to any facility; or

1 (e) Receiving services from home health, hospice, or home care  
2 agencies licensed or required to be licensed under chapter 70.127 RCW;  
3 or

4 (f) Receiving services from an individual provider.

5 NEW SECTION. **Sec. 110.** The department of community, trade, and  
6 economic development shall review federal, state, and local funding  
7 sources and funding levels available to local meth action teams through  
8 the Washington state methamphetamine initiative to determine whether  
9 funding is adequate to accomplish the mission of the meth action teams.  
10 The department shall also review the funding levels for drug task  
11 forces in the state of Washington to determine whether they may require  
12 additional resources to successfully interdict drug trafficking  
13 organizations and clandestine labs statewide. The department shall  
14 report findings and recommendations to the legislature by November 1,  
15 2006.

16 NEW SECTION. **Sec. 111.** The department of social and health  
17 services shall consult with faith-based organizations to discuss the  
18 appropriate role that such organizations may have in filling support  
19 service delivery needs for persons with chemical dependency disorders.  
20 The department shall report findings and recommendations to the  
21 legislature by November 1, 2006.

22 NEW SECTION. **Sec. 112.** The agency council on coordinated  
23 transportation shall adopt, as a part of its strategic program, a plan  
24 to increase access by recovering addicts to existing special needs  
25 transportation services already offered by medicaid brokerages and  
26 local transportation coalitions. The council may also implement an  
27 awareness campaign through department of corrections community  
28 corrections officers and service providers licensed by the department  
29 of social and health services division of alcohol and substance abuse  
30 to promote to recovering addicts seeking treatment the use of special  
31 needs transportation services, the council web site, and the statewide  
32 trip planner. The council shall report back to the legislature  
33 regarding the implementation of these strategies by November 1, 2006.



1 storage of hazardous chemicals. This includes but is not limited to  
2 single-family residences, units of multiplexes, condominiums, apartment  
3 buildings, boats, motor vehicles, trailers, manufactured housing,  
4 ~~((or))~~ any shop, booth, ~~((or))~~ garden, or storage shed, and all  
5 contents of the items referenced in this subsection.

6 **Sec. 202.** RCW 64.44.020 and 1999 c 292 s 3 are each amended to  
7 read as follows:

8 Whenever a law enforcement agency becomes aware that property has  
9 been contaminated by hazardous chemicals, that agency shall report the  
10 contamination to the local health officer. The local health officer  
11 shall ~~((post))~~ cause a posting of a written warning on the premises  
12 within one working day of notification of the contamination and shall  
13 inspect the property within fourteen days after receiving the notice of  
14 contamination. The warning shall inform the potential occupants that  
15 hazardous chemicals may exist on, or have been removed from, the  
16 premises and that entry is unsafe. If a property owner believes that  
17 a tenant has contaminated property that was being leased or rented, and  
18 the property is vacated or abandoned, then the property owner shall  
19 contact the local health officer about the possible contamination.  
20 Local health officers or boards may charge property owners reasonable  
21 fees for inspections of suspected contaminated property requested by  
22 property owners.

23 A local health officer may enter, inspect, and survey at reasonable  
24 times any properties for which there are reasonable grounds to believe  
25 that the property has become contaminated. If the property is  
26 contaminated, the local health officer shall post a written notice  
27 declaring that the officer intends to issue an order prohibiting use of  
28 the property as long as the property is contaminated.

29 If access to the property is denied, a local health officer in  
30 consultation with law enforcement may seek a warrant for the purpose of  
31 conducting administrative inspections and seizure of property as  
32 defined in RCW 69.50.505. A superior, district, or municipal court  
33 within the jurisdiction of the property may, based upon probable cause  
34 that the property is contaminated, issue warrants for the purpose of  
35 conducting administrative inspections and seizure of property as  
36 defined in RCW 69.50.505.

1 Local health officers must report all cases of contaminated  
2 property to the state department of health. The department may make  
3 the list of contaminated properties available to health associations,  
4 landlord and realtor organizations, prosecutors, and other interested  
5 groups. The department shall promptly update the list of contaminated  
6 properties to remove those which have been decontaminated according to  
7 provisions of this chapter.

8 The local health officer may determine when the services of an  
9 authorized contractor are necessary.

10 **Sec. 203.** RCW 64.44.070 and 1999 c 292 s 8 are each amended to  
11 read as follows:

12 (1) The state board of health shall promulgate rules and standards  
13 for carrying out the provisions in this chapter in accordance with  
14 chapter 34.05 RCW, the administrative procedure act. The local board  
15 of health and the local health officer are authorized to exercise such  
16 powers as may be necessary to carry out this chapter. The department  
17 shall provide technical assistance to local health boards and health  
18 officers to carry out their duties under this chapter.

19 (2) The department shall adopt rules for decontamination of a  
20 property used as an illegal drug laboratory and methods for the testing  
21 of ground water, surface water, soil, and septic tanks for  
22 contamination. The rules shall establish decontamination standards for  
23 hazardous chemicals, including but not limited to methamphetamine,  
24 lead, mercury, and total volatile organic compounds. The department  
25 shall also adopt rules pertaining to independent third party sampling  
26 to verify satisfactory decontamination of property deemed contaminated  
27 and unfit for use. For the purposes of this section, an independent  
28 third party sampler is a person who is not an employee, agent,  
29 representative, partner, joint venturer, shareholder, or parent or  
30 subsidiary company of the clandestine drug laboratory decontamination  
31 contractor, the contractor's company, or property owner.

32 NEW SECTION. **Sec. 204.** The department of community, trade, and  
33 economic development shall report to the legislature on the feasibility  
34 of providing incentives and protections to landlords to encourage  
35 housing rentals to recovering substance abusers or those convicted of

1 drug crimes. A final report must be submitted to the appropriate  
2 committees of the legislature by January 1, 2007.

3 **PART III**

4 **CRIMINAL SANCTIONS AND PROCEDURE**

5 **Sec. 301.** RCW 9.94A.533 and 2003 c 53 s 58 are each amended to  
6 read as follows:

7 (1) The provisions of this section apply to the standard sentence  
8 ranges determined by RCW 9.94A.510 or 9.94A.517.

9 (2) For persons convicted of the anticipatory offenses of criminal  
10 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
11 standard sentence range is determined by locating the sentencing grid  
12 sentence range defined by the appropriate offender score and the  
13 seriousness level of the completed crime, and multiplying the range by  
14 seventy-five percent.

15 (3) The following additional times shall be added to the standard  
16 sentence range for felony crimes committed after July 23, 1995, if the  
17 offender or an accomplice was armed with a firearm as defined in RCW  
18 9.41.010 and the offender is being sentenced for one of the crimes  
19 listed in this subsection as eligible for any firearm enhancements  
20 based on the classification of the completed felony crime. If the  
21 offender is being sentenced for more than one offense, the firearm  
22 enhancement or enhancements must be added to the total period of  
23 confinement for all offenses, regardless of which underlying offense is  
24 subject to a firearm enhancement. If the offender or an accomplice was  
25 armed with a firearm as defined in RCW 9.41.010 and the offender is  
26 being sentenced for an anticipatory offense under chapter 9A.28 RCW to  
27 commit one of the crimes listed in this subsection as eligible for any  
28 firearm enhancements, the following additional times shall be added to  
29 the standard sentence range determined under subsection (2) of this  
30 section based on the felony crime of conviction as classified under RCW  
31 9A.28.020:

32 (a) Five years for any felony defined under any law as a class A  
33 felony or with a statutory maximum sentence of at least twenty years,  
34 or both, and not covered under (f) of this subsection;

35 (b) Three years for any felony defined under any law as a class B

1 felony or with a statutory maximum sentence of ten years, or both, and  
2 not covered under (f) of this subsection;

3 (c) Eighteen months for any felony defined under any law as a class  
4 C felony or with a statutory maximum sentence of five years, or both,  
5 and not covered under (f) of this subsection;

6 (d) If the offender is being sentenced for any firearm enhancements  
7 under (a), (b), and/or (c) of this subsection and the offender has  
8 previously been sentenced for any deadly weapon enhancements after July  
9 23, 1995, under (a), (b), and/or (c) of this subsection or subsection  
10 (4)(a), (b), and/or (c) of this section, or both, all firearm  
11 enhancements under this subsection shall be twice the amount of the  
12 enhancement listed;

13 (e) Notwithstanding any other provision of law, all firearm  
14 enhancements under this section are mandatory, shall be served in total  
15 confinement, and shall run consecutively to all other sentencing  
16 provisions, including other firearm or deadly weapon enhancements, for  
17 all offenses sentenced under this chapter. However, whether or not a  
18 mandatory minimum term has expired, an offender serving a sentence  
19 under this subsection may be granted an extraordinary medical placement  
20 when authorized under RCW 9.94A.728(4);

21 (f) The firearm enhancements in this section shall apply to all  
22 felony crimes except the following: Possession of a machine gun,  
23 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
24 unlawful possession of a firearm in the first and second degree, and  
25 use of a machine gun in a felony;

26 (g) If the standard sentence range under this section exceeds the  
27 statutory maximum sentence for the offense, the statutory maximum  
28 sentence shall be the presumptive sentence unless the offender is a  
29 persistent offender. If the addition of a firearm enhancement  
30 increases the sentence so that it would exceed the statutory maximum  
31 for the offense, the portion of the sentence representing the  
32 enhancement may not be reduced.

33 (4) The following additional times shall be added to the standard  
34 sentence range for felony crimes committed after July 23, 1995, if the  
35 offender or an accomplice was armed with a deadly weapon other than a  
36 firearm as defined in RCW 9.41.010 and the offender is being sentenced  
37 for one of the crimes listed in this subsection as eligible for any  
38 deadly weapon enhancements based on the classification of the completed

1 felony crime. If the offender is being sentenced for more than one  
2 offense, the deadly weapon enhancement or enhancements must be added to  
3 the total period of confinement for all offenses, regardless of which  
4 underlying offense is subject to a deadly weapon enhancement. If the  
5 offender or an accomplice was armed with a deadly weapon other than a  
6 firearm as defined in RCW 9.41.010 and the offender is being sentenced  
7 for an anticipatory offense under chapter 9A.28 RCW to commit one of  
8 the crimes listed in this subsection as eligible for any deadly weapon  
9 enhancements, the following additional times shall be added to the  
10 standard sentence range determined under subsection (2) of this section  
11 based on the felony crime of conviction as classified under RCW  
12 9A.28.020:

13 (a) Two years for any felony defined under any law as a class A  
14 felony or with a statutory maximum sentence of at least twenty years,  
15 or both, and not covered under (f) of this subsection;

16 (b) One year for any felony defined under any law as a class B  
17 felony or with a statutory maximum sentence of ten years, or both, and  
18 not covered under (f) of this subsection;

19 (c) Six months for any felony defined under any law as a class C  
20 felony or with a statutory maximum sentence of five years, or both, and  
21 not covered under (f) of this subsection;

22 (d) If the offender is being sentenced under (a), (b), and/or (c)  
23 of this subsection for any deadly weapon enhancements and the offender  
24 has previously been sentenced for any deadly weapon enhancements after  
25 July 23, 1995, under (a), (b), and/or (c) of this subsection or  
26 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly  
27 weapon enhancements under this subsection shall be twice the amount of  
28 the enhancement listed;

29 (e) Notwithstanding any other provision of law, all deadly weapon  
30 enhancements under this section are mandatory, shall be served in total  
31 confinement, and shall run consecutively to all other sentencing  
32 provisions, including other firearm or deadly weapon enhancements, for  
33 all offenses sentenced under this chapter. However, whether or not a  
34 mandatory minimum term has expired, an offender serving a sentence  
35 under this subsection may be granted an extraordinary medical placement  
36 when authorized under RCW 9.94A.728(4);

37 (f) The deadly weapon enhancements in this section shall apply to  
38 all felony crimes except the following: Possession of a machine gun,

1 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
2 unlawful possession of a firearm in the first and second degree, and  
3 use of a machine gun in a felony;

4 (g) If the standard sentence range under this section exceeds the  
5 statutory maximum sentence for the offense, the statutory maximum  
6 sentence shall be the presumptive sentence unless the offender is a  
7 persistent offender. If the addition of a deadly weapon enhancement  
8 increases the sentence so that it would exceed the statutory maximum  
9 for the offense, the portion of the sentence representing the  
10 enhancement may not be reduced.

11 (5) The following additional times shall be added to the standard  
12 sentence range if the offender or an accomplice committed the offense  
13 while in a county jail or state correctional facility and the offender  
14 is being sentenced for one of the crimes listed in this subsection. If  
15 the offender or an accomplice committed one of the crimes listed in  
16 this subsection while in a county jail or state correctional facility,  
17 and the offender is being sentenced for an anticipatory offense under  
18 chapter 9A.28 RCW to commit one of the crimes listed in this  
19 subsection, the following additional times shall be added to the  
20 standard sentence range determined under subsection (2) of this  
21 section:

22 (a) Eighteen months for offenses committed under RCW 69.50.401(2)  
23 (a) or (b) or 69.50.410;

24 (b) Fifteen months for offenses committed under RCW 69.50.401(2)  
25 (c), (d), or (e);

26 (c) Twelve months for offenses committed under RCW 69.50.4013.

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

30 (6) An additional twenty-four months shall be added to the standard  
31 sentence range for any ranked offense involving a violation of chapter  
32 69.50 RCW if the offense was also a violation of RCW 69.50.435 or  
33 9.94A.605. All enhancements under this subsection shall run  
34 consecutively to all other sentencing provisions, for all offenses  
35 sentenced under this chapter.

36 (7) An additional two years shall be added to the standard sentence  
37 range for vehicular homicide committed while under the influence of

1 intoxicating liquor or any drug as defined by RCW 46.61.502 for each  
2 prior offense as defined in RCW 46.61.5055.

3 **Sec. 302.** RCW 9.94A.660 and 2005 c 460 s 1 are each amended to  
4 read as follows:

5 (1) An offender is eligible for the special drug offender  
6 sentencing alternative if:

7 (a) The offender is convicted of a felony that is not a violent  
8 offense or sex offense and the violation does not involve a sentence  
9 enhancement under RCW 9.94A.533 (3) or (4);

10 (b) The offender has no current or prior convictions for a sex  
11 offense at any time or violent offense within ten years before  
12 conviction of the current offense, in this state, another state, or the  
13 United States;

14 (c) For a violation of the Uniform Controlled Substances Act under  
15 chapter 69.50 RCW or a criminal solicitation to commit such a violation  
16 under chapter 9A.28 RCW, the offense involved only a small quantity of  
17 the particular controlled substance as determined by the judge upon  
18 consideration of such factors as the weight, purity, packaging, sale  
19 price, and street value of the controlled substance;

20 (d) The offender has not been found by the United States attorney  
21 general to be subject to a deportation detainer or order and does not  
22 become subject to a deportation order during the period of the  
23 sentence;

24 (e) The standard sentence range for the current offense is greater  
25 than one year; and

26 (f) The offender has not received a drug offender sentencing  
27 alternative more than once in the prior ten years before the current  
28 offense.

29 (2) A motion for a sentence under this section may be made by the  
30 court, the offender, or the state. If the sentencing court determines  
31 that the offender is eligible for this alternative, the court may order  
32 an examination of the offender. The examination shall, at a minimum,  
33 address the following issues:

34 (a) Whether the offender suffers from drug addiction;

35 (b) Whether the addiction is such that there is a probability that  
36 criminal behavior will occur in the future;

1 (c) Whether effective treatment for the offender's addiction is  
2 available from a provider that has been licensed or certified by the  
3 division of alcohol and substance abuse of the department of social and  
4 health services; and

5 (d) Whether the offender and the community will benefit from the  
6 use of the alternative.

7 (3) The examination report must contain:

8 (a) Information on the issues required to be addressed in  
9 subsection (2) of this section; and

10 (b) A proposed treatment plan that must, at a minimum, contain:

11 (i) A proposed treatment provider that has been licensed or  
12 certified by the division of alcohol and substance abuse of the  
13 department of social and health services;

14 (ii) The recommended frequency and length of treatment, including  
15 both residential chemical dependency treatment and treatment in the  
16 community;

17 (iii) A proposed monitoring plan, including any requirements  
18 regarding living conditions, lifestyle requirements, and monitoring by  
19 family members and others; and

20 (iv) Recommended crime-related prohibitions and affirmative  
21 conditions.

22 (4) After receipt of the examination report, if the court  
23 determines that a sentence under this section is appropriate, the court  
24 shall waive imposition of a sentence within the standard sentence range  
25 and impose a sentence consisting of either a prison-based alternative  
26 under subsection (5) of this section or a residential chemical  
27 dependency treatment-based alternative under subsection (6) of this  
28 section. The residential chemical dependency treatment-based  
29 alternative is only available if the midpoint of the standard range is  
30 twenty-four months or less.

31 (5) The prison-based alternative shall include:

32 (a) A period of total confinement in a state facility for one-half  
33 of the midpoint of the standard sentence range or twelve months,  
34 whichever is greater. During incarceration in the state facility,  
35 offenders sentenced under this subsection shall undergo a comprehensive  
36 substance abuse assessment and receive, within available resources,  
37 treatment services appropriate for the offender. The treatment

1 services shall be designed by the division of alcohol and substance  
2 abuse of the department of social and health services, in cooperation  
3 with the department of corrections;

4 (b) The remainder of the midpoint of the standard range as a term  
5 of community custody which must include appropriate substance abuse  
6 treatment in a program that has been approved by the division of  
7 alcohol and substance abuse of the department of social and health  
8 services. If the department finds that conditions have been willfully  
9 violated, the offender may be reclassified to serve the remaining  
10 balance of the original sentence. An offender who fails to complete  
11 the program or who is administratively terminated from the program  
12 shall be reclassified to serve the unexpired term of his or her  
13 sentence as ordered by the sentencing court;

14 (c) Crime-related prohibitions including a condition not to use  
15 illegal controlled substances;

16 (d) A requirement to submit to urinalysis or other testing to  
17 monitor that status; and

18 (e) A term of community custody pursuant to RCW 9.94A.715 to be  
19 imposed upon failure to complete or administrative termination from the  
20 special drug offender sentencing alternative program.

21 (6) The residential chemical dependency treatment-based alternative  
22 shall include:

23 (a) A term of community custody equal to one-half of the midpoint  
24 of the standard sentence range or two years, whichever is greater,  
25 conditioned on the offender entering and remaining in residential  
26 chemical dependency treatment certified under chapter 70.96A RCW for a  
27 period set by the court between three and six months. If the court  
28 imposes a term of community custody, the department shall, within  
29 available resources, make chemical dependency assessment and treatment  
30 services available to the offender during the term of community  
31 custody. The court shall impose, as conditions of community custody,  
32 treatment and other conditions as proposed in the plan under subsection  
33 (3)(b) of this section. The department may impose conditions and  
34 sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7),  
35 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing  
36 during the period of residential chemical dependency treatment, and  
37 schedule a treatment termination hearing for three months before the  
38 expiration of the term of community custody;

1 (b) Before the progress hearing and treatment termination hearing,  
2 the treatment provider and the department shall submit written reports  
3 to the court and parties regarding the offender's compliance with  
4 treatment and monitoring requirements, and recommendations regarding  
5 termination from treatment. At the hearing, the court may:

6 (i) Authorize the department to terminate the offender's community  
7 custody status on the expiration date determined under (a) of this  
8 subsection; or

9 (ii) Continue the hearing to a date before the expiration date of  
10 community custody, with or without modifying the conditions of  
11 community custody; or

12 (iii) Impose a term of total confinement equal to one-half the  
13 midpoint of the standard sentence range, followed by a term of  
14 community custody under RCW 9.94A.715;

15 (c) If the court imposes a term of total confinement under (b)(iii)  
16 of this subsection, the department shall, within available resources,  
17 make chemical dependency assessment and treatment services available to  
18 the offender during the terms of total confinement and community  
19 custody.

20 (7) If the court imposes a sentence under this section, the court  
21 may prohibit the offender from using alcohol or controlled substances  
22 and may require that the monitoring for controlled substances be  
23 conducted by the department or by a treatment alternatives to street  
24 crime program or a comparable court or agency-referred program. The  
25 offender may be required to pay thirty dollars per month while on  
26 community custody to offset the cost of monitoring. In addition, the  
27 court may impose any of the following conditions:

28 (a) Devote time to a specific employment or training;

29 (b) Remain within prescribed geographical boundaries and notify the  
30 court or the community corrections officer before any change in the  
31 offender's address or employment;

32 (c) Report as directed to a community corrections officer;

33 (d) Pay all court-ordered legal financial obligations;

34 (e) Perform community restitution work;

35 (f) Stay out of areas designated by the sentencing court;

36 (g) Such other conditions as the court may require such as  
37 affirmative conditions.

1 (8)(a) The court may bring any offender sentenced under this  
2 section back into court at any time on its own initiative to evaluate  
3 the offender's progress in treatment or to determine if any violations  
4 of the conditions of the sentence have occurred.

5 (b) If the offender is brought back to court, the court may modify  
6 the terms of the community custody or impose sanctions under (c) of  
7 this subsection.

8 (c) The court may order the offender to serve a term of total  
9 confinement within the standard range of the offender's current offense  
10 at any time during the period of community custody if the offender  
11 violates the conditions of the sentence or if the offender is failing  
12 to make satisfactory progress in treatment.

13 (d) An offender ordered to serve a term of total confinement under  
14 (c) of this subsection shall receive credit for any time previously  
15 served under this section.

16 (9) If an offender sentenced to the prison-based alternative under  
17 subsection (5) of this section is found by the United States attorney  
18 general to be subject to a deportation order, a hearing shall be held  
19 by the department unless waived by the offender, and, if the department  
20 finds that the offender is subject to a valid deportation order, the  
21 department may administratively terminate the offender from the program  
22 and reclassify the offender to serve the remaining balance of the  
23 original sentence.

24 (10) An offender sentenced under this section shall be subject to  
25 all rules relating to earned release time with respect to any period  
26 served in total confinement.

27 (11) Costs of examinations and preparing treatment plans under  
28 subsections (2) and (3) of this section may be paid, at the option of  
29 the county, from funds provided to the county from the criminal justice  
30 treatment account under RCW 70.96A.350.

31 **Sec. 303.** RCW 9.94A.500 and 2000 c 75 s 8 are each amended to read  
32 as follows:

33 (1) Before imposing a sentence upon a defendant, the court shall  
34 conduct a sentencing hearing. The sentencing hearing shall be held  
35 within forty court days following conviction. Upon the motion of  
36 either party for good cause shown, or on its own motion, the court may  
37 extend the time period for conducting the sentencing hearing.

1           Except in cases where the defendant shall be sentenced to a term of  
2 total confinement for life without the possibility of release or, when  
3 authorized by RCW 10.95.030 for the crime of aggravated murder in the  
4 first degree, sentenced to death, the court may order the department to  
5 complete a risk assessment report. If available before sentencing, the  
6 report shall be provided to the court.

7           Unless specifically waived by the court, the court shall order the  
8 department to complete a chemical dependency screening report before  
9 imposing a sentence upon a defendant who has been convicted of a  
10 violation of the uniform controlled substances act under chapter 69.50  
11 RCW ~~(( $\oplus$ ))~~, a criminal solicitation to commit such a violation under  
12 chapter 9A.28 RCW, or any felony where the court finds that the  
13 offender has a chemical dependency that has contributed to his or her  
14 offense. In addition, the court shall, at the time of plea or  
15 conviction, order the department to complete a presentence report  
16 before imposing a sentence upon a defendant who has been convicted of  
17 a felony sexual offense. The department of corrections shall give  
18 priority to presentence investigations for sexual offenders. If the  
19 court determines that the defendant may be a mentally ill person as  
20 defined in RCW 71.24.025, although the defendant has not established  
21 that at the time of the crime he or she lacked the capacity to commit  
22 the crime, was incompetent to commit the crime, or was insane at the  
23 time of the crime, the court shall order the department to complete a  
24 presentence report before imposing a sentence.

25           The court shall consider the risk assessment report and presentence  
26 reports, if any, including any victim impact statement and criminal  
27 history, and allow arguments from the prosecutor, the defense counsel,  
28 the offender, the victim, the survivor of the victim, or a  
29 representative of the victim or survivor, and an investigative law  
30 enforcement officer as to the sentence to be imposed.

31           If the court is satisfied by a preponderance of the evidence that  
32 the defendant has a criminal history, the court shall specify the  
33 convictions it has found to exist. All of this information shall be  
34 part of the record. Copies of all risk assessment reports and  
35 presentence reports presented to the sentencing court and all written  
36 findings of facts and conclusions of law as to sentencing entered by  
37 the court shall be sent to the department by the clerk of the court at  
38 the conclusion of the sentencing and shall accompany the offender if

1 the offender is committed to the custody of the department. Court  
2 clerks shall provide, without charge, certified copies of documents  
3 relating to criminal convictions requested by prosecuting attorneys.

4 (2) To prevent wrongful disclosure of information related to mental  
5 health services, as defined in RCW 71.05.445 and ~~((71.34.225))~~  
6 71.34.345, a court may take only those steps necessary during a  
7 sentencing hearing or any hearing in which the department presents  
8 information related to mental health services to the court. The steps  
9 may be taken on motion of the defendant, the prosecuting attorney, or  
10 on the court's own motion. The court may seal the portion of the  
11 record relating to information relating to mental health services,  
12 exclude the public from the hearing during presentation or discussion  
13 of information relating to mental health services, or grant other  
14 relief to achieve the result intended by this subsection, but nothing  
15 in this subsection shall be construed to prevent the subsequent release  
16 of information related to mental health services as authorized by RCW  
17 71.05.445, ~~((71.34.225))~~ 71.34.345, or 72.09.585. Any person who  
18 otherwise is permitted to attend any hearing pursuant to chapter 7.69  
19 or 7.69A RCW shall not be excluded from the hearing solely because the  
20 department intends to disclose or discloses information related to  
21 mental health services.

22 NEW SECTION. Sec. 304. The Washington institute for public policy  
23 shall conduct a study of criminal sentencing provisions of neighboring  
24 states for all crimes involving methamphetamine. The institute shall  
25 report to the legislature on any criminal sentencing increases  
26 necessary under Washington law to reduce or remove any incentives  
27 methamphetamine traffickers and manufacturers may have to locate in  
28 Washington. The report shall be completed by January 1, 2007.

29 NEW SECTION. Sec. 305. The Washington institute for public policy  
30 shall conduct a study of the drug offender sentencing alternative. The  
31 institute shall study recidivism rates for offenders who received  
32 substance abuse treatment while in confinement as compared to offenders  
33 who received treatment in the community or received no treatment. The  
34 institute shall report to the legislature by January 1, 2007.

35 **PART IV**

**MISCELLANEOUS**

1

2       NEW SECTION.   **Sec. 401.** Part headings used in this act are no part  
3 of the law.

4       NEW SECTION.   **Sec. 402.** If specific funding for the purposes of  
5 each section of this act, referencing the section by section number and  
6 by bill or chapter number, is not provided by June 30, 2006, in the  
7 omnibus appropriations act, each section not referenced in the omnibus  
8 appropriations act is null and void.

9       NEW SECTION.   **Sec. 403.** Section 107 of this act expires January 1,  
10 2007.

11       NEW SECTION.   **Sec. 404.** Section 108 of this act takes effect  
12 January 1, 2007."

13       Correct the title.

--- END ---