

SSB 5087 - S AMD 6  
By Senator Wagoner

NOT ADOPTED 02/01/2023

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

3 "Sec. 1. RCW 2.43.040 and 2008 c 291 s 3 are each amended to  
4 read as follows:

5 (1) Interpreters appointed according to this chapter are entitled  
6 to a reasonable fee for their services and shall be reimbursed for  
7 actual expenses which are reasonable as provided in this section.

8 (2) In all legal proceedings in which the non-English-speaking  
9 person is a party, or is subpoenaed or summoned by the appointing  
10 authority or is otherwise compelled by the appointing authority to  
11 appear, including criminal proceedings, grand jury proceedings,  
12 coroner's inquests, mental health commitment proceedings, and other  
13 legal proceedings initiated by agencies of government, the cost of  
14 providing the interpreter shall be borne by the governmental body  
15 initiating the legal proceedings.

16 (3) In other legal proceedings, the cost of providing the  
17 interpreter shall be borne by the non-English-speaking person unless  
18 such person is indigent according to adopted standards of the body.  
19 In such a case the cost shall be an administrative cost of the  
20 governmental body under the authority of which the legal proceeding  
21 is conducted.

22 (4) ~~((The cost of providing the interpreter is a taxable cost of  
23 any proceeding in which costs ordinarily are taxed.~~

24 ~~(5))~~ Subject to the availability of funds specifically  
25 appropriated therefor, the administrative office of the courts shall  
26 reimburse the appointing authority for up to one-half of the payment  
27 to the interpreter where an interpreter is appointed by a judicial  
28 officer in a proceeding before a court at public expense and:

29 (a) The interpreter appointed is an interpreter certified by the  
30 administrative office of the courts or is a qualified interpreter  
31 registered by the administrative office of the courts in a  
32 noncertified language, or where the necessary language is not

1 certified or registered, the interpreter has been qualified by the  
2 judicial officer pursuant to this chapter;

3 (b) The court conducting the legal proceeding has an approved  
4 language assistance plan that complies with RCW 2.43.090; and

5 (c) The fee paid to the interpreter for services is in accordance  
6 with standards established by the administrative office of the  
7 courts.

8 **Sec. 2.** RCW 2.48.190 and 1987 c 202 s 107 are each amended to  
9 read as follows:

10 No person shall be permitted to practice as an attorney or  
11 counselor at law or to do work of a legal nature for compensation, or  
12 to represent himself or herself as an attorney or counselor at law or  
13 qualified to do work of a legal nature, unless he or she is ((a  
14 ~~citizen of the United States and~~)) a bona fide resident of this state  
15 and has been admitted to practice law in this state: PROVIDED, That  
16 any person may appear and conduct his or her own case in any action  
17 or proceeding brought by or against him or her, or may appear in his  
18 or her own behalf in the small claims department of the district  
19 court: AND PROVIDED FURTHER, That an attorney of another state may  
20 appear as counselor in a court of this state without admission, upon  
21 satisfying the court that his or her state grants the same right to  
22 attorneys of this state.

23 NEW SECTION. **Sec. 3.** RCW 2.48.210 (Oath on admission) and 2013  
24 c 23 s 1 & 1921 c 126 s 12 are each repealed.

25 **Sec. 4.** RCW 4.16.190 and 2020 c 312 s 702 are each amended to  
26 read as follows:

27 ((~~1~~)) Unless otherwise provided in this section, if a person  
28 entitled to bring an action mentioned in this chapter, except for a  
29 penalty or forfeiture, or against a sheriff or other officer, for an  
30 escape, be at the time the cause of action accrued either under the  
31 age of eighteen years, or incompetent or disabled to such a degree  
32 that he or she cannot understand the nature of the proceedings, such  
33 incompetency or disability as determined according to chapter 11.130  
34 RCW, or imprisoned on a criminal charge prior to sentencing, the time  
35 of such disability shall not be a part of the time limited for the  
36 commencement of action.

1       (~~(2) Subsection (1) of this section with respect to a person~~  
2 ~~under the age of eighteen years does not apply to the time limited~~  
3 ~~for the commencement of an action under RCW 4.16.350.)~~)

4       NEW SECTION.     **Sec. 5.**     RCW 4.56.250 (Claims for noneconomic  
5 damages—Limitation) and 1986 c 305 s 301 are each repealed.

6       **Sec. 6.**     RCW 48.140.010 and 2006 c 8 s 201 are each amended to  
7 read as follows:

8       The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10       (1) "Claim" means a demand for monetary damages for injury or  
11 death caused by medical malpractice, and a voluntary indemnity  
12 payment for injury or death caused by medical malpractice made in the  
13 absence of a demand for monetary damages.

14       (2) "Claimant" means a person, including a decedent's estate, who  
15 is seeking or has sought monetary damages for injury or death caused  
16 by medical malpractice.

17       (3) "Closed claim" means a claim that has been settled or  
18 otherwise disposed of by the insuring entity, self-insurer, facility,  
19 or provider. A claim may be closed with or without an indemnity  
20 payment to a claimant.

21       (4) "Commissioner" means the insurance commissioner.

22       (5) "Economic damages" (~~(has the same meaning as in RCW~~  
23 ~~4.56.250(1)(a))~~) means objectively verifiable monetary losses,  
24 including medical expenses, loss of earnings, burial costs, loss of  
25 use of property, cost of replacement or repair, cost of obtaining  
26 substitute domestic services, loss of employment, and loss of  
27 business or employment opportunities.

28       (6) "Health care facility" or "facility" means a clinic,  
29 diagnostic center, hospital, laboratory, mental health center,  
30 nursing home, office, surgical facility, treatment facility, or  
31 similar place where a health care provider provides health care to  
32 patients, and includes entities described in RCW 7.70.020(3).

33       (7) "Health care provider" or "provider" has the same meaning as  
34 in RCW 7.70.020 (1) and (2).

35       (8) "Insuring entity" means:

36       (a) An insurer;

37       (b) A joint underwriting association;

38       (c) A risk retention group; or

1 (d) An unauthorized insurer that provides surplus lines coverage.

2 (9) "Medical malpractice" means an actual or alleged negligent  
3 act, error, or omission in providing or failing to provide health  
4 care services that is actionable under chapter 7.70 RCW.

5 (10) "Noneconomic damages" (~~has the same meaning as in RCW~~  
6 ~~4.56.250(1)(b)~~) means subjective, nonmonetary losses including, but  
7 not limited to, pain, suffering, inconvenience, mental anguish,  
8 disability or disfigurement incurred by the injured party, emotional  
9 distress, loss of society and companionship, loss of consortium,  
10 injury to reputation and humiliation, and destruction of the parent-  
11 child relationship.

12 (11) "Self-insurer" means any health care provider, facility, or  
13 other individual or entity that assumes operational or financial risk  
14 for claims of medical malpractice.

15 **Sec. 7.** RCW 6.25.030 and 2011 c 336 s 147 are each amended to  
16 read as follows:

17 The writ of attachment may be issued by the court in which the  
18 action is pending on one or more of the following grounds:

19 (1) That the defendant is a foreign corporation; or

20 (2) That the defendant is not a resident of this state; or

21 (3) That the defendant conceals himself or herself so that the  
22 ordinary process of law cannot be served upon him or her; or

23 (4) That the defendant has absconded or absented himself or  
24 herself from his or her usual place of abode in this state, so that  
25 the ordinary process of law cannot be served upon him or her; or

26 (5) That the defendant has removed or is about to remove any of  
27 his or her property from this state, with intent to delay or defraud  
28 his or her creditors; or

29 (6) That the defendant has assigned, secreted, or disposed of, or  
30 is about to assign, secrete, or dispose of, any of his or her  
31 property, with intent to delay or defraud his or her creditors; or

32 (7) That the defendant is about to convert his or her property,  
33 or a part thereof, into money, for the purpose of placing it beyond  
34 the reach of his or her creditors; or

35 (8) That the defendant has been guilty of a fraud in contracting  
36 the debt or incurring the obligation for which the action is brought;  
37 or

1 (9) That the damages for which the action is brought are for  
2 injuries arising from the commission of some felony, gross  
3 misdemeanor, or misdemeanor(~~(; or~~

4 ~~(10) That the object for which the action is brought is to~~  
5 ~~recover on a contract, express or implied)).~~

6 NEW SECTION. **Sec. 8.** The following acts or parts of acts are  
7 each repealed:

8 (1) RCW 7.48.050 (Moral nuisances—Definitions) and 1990 c 152 s  
9 1, 1979 c 1 s 1 (Initiative Measure No. 335, approved November 8,  
10 1977), & 1913 c 127 s 1;

11 (2) RCW 7.48.052 (Moral nuisances) and 1990 c 152 s 2, 1988 c 141  
12 s 1, & 1979 c 1 s 2 (Initiative Measure No. 335, approved November 8,  
13 1977);

14 (3) RCW 7.48.054 (Moral nuisance—Personal property—Effects of  
15 notice) and 1990 c 152 s 3 & 1979 c 1 s 3 (Initiative Measure No.  
16 335, approved November 8, 1977);

17 (4) RCW 7.48.056 (Abate moral nuisance—Enjoin owner) and 1979 c 1  
18 s 4 (Initiative Measure No. 335, approved November 8, 1977);

19 (5) RCW 7.48.058 (Maintaining action to abate moral nuisance—  
20 Bond) and 2011 c 336 s 212 & 1979 c 1 s 5 (Initiative Measure No.  
21 335, approved November 8, 1977);

22 (6) RCW 7.48.060 (Moral nuisance—Jurisdiction—Filing a  
23 complaint) and 1979 c 1 s 6 (Initiative Measure No. 335, approved  
24 November 8, 1977) & 1913 c 127 s 2;

25 (7) RCW 7.48.062 (Moral nuisance—Restraining order—Violations)  
26 and 1979 c 1 s 7 (Initiative Measure No. 335, approved November 8,  
27 1977);

28 (8) RCW 7.48.064 (Moral nuisance—Hearing—Notice—Consolidation  
29 with trial) and 1979 c 1 s 8 (Initiative Measure No. 335, approved  
30 November 8, 1977);

31 (9) RCW 7.48.066 (Finding of moral nuisance—Orders) and 1979 c 1  
32 s 9 (Initiative Measure No. 335, approved November 8, 1977);

33 (10) RCW 7.48.068 (Abatement of moral nuisance by owner—Effect on  
34 injunction) and 1979 c 1 s 10 (Initiative Measure No. 335, approved  
35 November 8, 1977);

36 (11) RCW 7.48.070 (Moral nuisance—Priority of action on calendar)  
37 and 1979 c 1 s 11 (Initiative Measure No. 335, approved November 8,  
38 1977) & 1913 c 127 s 3;

1 (12) RCW 7.48.072 (Moral nuisance—Effects of admission or finding  
2 of guilt) and 1979 c 1 s 12 (Initiative Measure No. 335, approved  
3 November 8, 1977);

4 (13) RCW 7.48.074 (Moral nuisance—Evidence of reputation—  
5 Admissibility) and 1979 c 1 s 13 (Initiative Measure No. 335,  
6 approved November 8, 1977);

7 (14) RCW 7.48.076 (Moral nuisance—Trial—Costs—Dismissal—  
8 Judgment) and 2011 c 336 s 213 & 1979 c 1 s 14 (Initiative Measure  
9 No. 335, approved November 8, 1977);

10 (15) RCW 7.48.078 (Moral nuisance—Judgment—Penalties—Disposal  
11 of personal property) and 2011 c 336 s 214 & 1979 c 1 s 15  
12 (Initiative Measure No. 335, approved November 8, 1977);

13 (16) RCW 7.48.080 (Moral nuisance—Violation of injunction—  
14 Contempt of court) and 1989 c 373 s 11, 1979 c 1 s 16 (Initiative  
15 Measure No. 335, approved November 8, 1977), & 1913 c 127 s 4;

16 (17) RCW 7.48.085 (Moral nuisance—Property owner may repossess)  
17 and 2011 c 336 s 215 & 1979 c 1 s 17 (Initiative Measure No. 335,  
18 approved November 8, 1977);

19 (18) RCW 7.48.090 (Moral nuisance—Contraband—Forfeitures) and  
20 1979 c 1 s 18 (Initiative Measure No. 335, approved November 8,  
21 1977), 1927 c 94 s 1, & 1913 c 127 s 5; and

22 (19) RCW 7.48.100 (Moral nuisance—Immunity of certain motion  
23 picture theater employees) and 2011 c 336 s 216, 1979 c 1 s 19  
24 (Initiative Measure No. 335, approved November 8, 1977), 1927 c 94 s  
25 2, & 1913 c 127 s 6.

26 **Sec. 9.** RCW 10.105.900 and 2003 c 39 s 6 are each amended to  
27 read as follows:

28 This chapter does not apply to property subject to forfeiture  
29 under chapter 66.32 RCW, RCW 69.50.505, 9.41.098, 9.46.231,  
30 9A.82.100, 9A.83.030, (~~(7.48.090,)~~) or 77.15.070.

31 NEW SECTION. **Sec. 10.** RCW 7.70.150 (Actions alleging violation  
32 of accepted standard of care—Certificate of merit required) and 2006  
33 c 8 s 304 are each repealed.

34 NEW SECTION. **Sec. 11.** The following acts or parts of acts are  
35 each repealed:

- 1 (1) RCW 9.81.010 (Definitions) and 1953 c 142 s 1 & 1951 c 254 s  
2 1;
- 3 (2) RCW 9.81.020 (Subversive activities made felony—Penalty) and  
4 2003 c 53 s 44 & 1951 c 254 s 2;
- 5 (3) RCW 9.81.030 (Membership in subversive organization is felony  
6 —Penalty) and 2003 c 53 s 45 & 1951 c 254 s 3;
- 7 (4) RCW 9.81.040 (Disqualification from voting or holding public  
8 office) and 1951 c 254 s 4;
- 9 (5) RCW 9.81.050 (Dissolution of subversive organizations—  
10 Disposition of property) and 1951 c 254 s 5;
- 11 (6) RCW 9.81.060 (Public employment—Subversive person ineligible)  
12 and 1951 c 254 s 11;
- 13 (7) RCW 9.81.070 (Public employment—Determining eligibility—  
14 Inquiries—Oath) and 1955 c 377 s 1 & 1951 c 254 s 12;
- 15 (8) RCW 9.81.080 (Public employment—Inquiries may be dispensed  
16 with, when) and 1955 c 377 s 2 & 1951 c 254 s 13;
- 17 (9) RCW 9.81.082 (Membership in subversive organization  
18 described) and 1955 c 377 s 3;
- 19 (10) RCW 9.81.083 (Communist party declared a subversive  
20 organization) and 1955 c 377 s 4;
- 21 (11) RCW 9.81.090 (Public employees—Discharge of subversive  
22 persons—Procedure—Hearing—Appeal) and 2011 c 336 s 328, 1971 c 81 s  
23 44, & 1951 c 254 s 15;
- 24 (12) RCW 9.81.110 (Misstatements are punishable as perjury—  
25 Penalty) and 1951 c 254 s 17; and
- 26 (13) RCW 9.81.120 (Constitutional rights—Censorship or  
27 infringement) and 1951 c 254 s 19.

28 NEW SECTION. **Sec. 12.** RCW 9.91.180 (Violent video or computer  
29 games) and 2003 c 365 s 2 are each repealed.

30 **Sec. 13.** RCW 7.80.120 and 2022 c 105 s 1 are each amended to  
31 read as follows:

32 (1) A person found to have committed a civil infraction shall be  
33 assessed a monetary penalty.

34 (a) The maximum penalty and the default amount for a class 1  
35 civil infraction shall be \$250, not including statutory assessments,  
36 except for an infraction of state law involving (i) potentially  
37 dangerous litter as specified in RCW 70A.200.060(4) (~~or violent~~

1 ~~video or computer games under RCW 9.91.180~~)), in which case the  
2 maximum penalty and default amount is \$500; or (ii) a person's  
3 refusal to submit to a test or tests pursuant to RCW 79A.60.040 and  
4 79A.60.700, in which case the maximum penalty and default amount is  
5 \$1,000; or (iii) the misrepresentation of service animals under RCW  
6 49.60.214, in which case the maximum penalty and default amount is  
7 \$500; or (iv) untraceable firearms pursuant to RCW 9.41.326 or  
8 unfinished frames or receivers pursuant to RCW 9.41.327, in which  
9 case the maximum penalty and default amount is \$500;

10 (b) The maximum penalty and the default amount for a class 2  
11 civil infraction shall be \$125, not including statutory assessments;

12 (c) The maximum penalty and the default amount for a class 3  
13 civil infraction shall be \$50, not including statutory assessments;  
14 and

15 (d) The maximum penalty and the default amount for a class 4  
16 civil infraction shall be \$25, not including statutory assessments.

17 (2) The supreme court shall prescribe by rule the conditions  
18 under which local courts may exercise discretion in assessing fines  
19 for civil infractions.

20 (3) Whenever a monetary penalty is imposed by a court under this  
21 chapter it is immediately payable. If the person is unable to pay at  
22 that time the court may grant an extension of the period in which the  
23 penalty may be paid. If the penalty is not paid on or before the time  
24 established for payment, the court may proceed to collect the penalty  
25 in the same manner as other civil judgments and may notify the  
26 prosecuting authority of the failure to pay.

27 (4) The court may also order a person found to have committed a  
28 civil infraction to make restitution.

29 NEW SECTION. **Sec. 14.** RCW 9.92.100 (Prevention of procreation)  
30 and 1909 c 249 s 35 are each repealed.

31 **Sec. 15.** RCW 9.94A.530 and 2008 c 231 s 4 are each amended to  
32 read as follows:

33 (1) The intersection of the column defined by the offender score  
34 and the row defined by the offense seriousness score determines the  
35 standard sentence range (see RCW 9.94A.510, (Table 1) and RCW  
36 9.94A.517, (Table 3)). The additional time for deadly weapon findings  
37 or for other adjustments as specified in RCW 9.94A.533 shall be added  
38 to the entire standard sentence range. The court may impose any



1 sentence within the range that it deems appropriate. All standard  
2 sentence ranges are expressed in terms of total confinement.

3 (2) In determining any sentence other than a sentence above the  
4 standard range, the trial court may rely on no more information than  
5 is admitted by the plea agreement, or admitted, acknowledged, or  
6 proved in a trial or at the time of sentencing, or proven pursuant to  
7 RCW 9.94A.537. (~~Acknowledgment includes not objecting to information~~  
8 ~~stated in the presentence reports and not objecting to criminal~~  
9 ~~history presented at the time of sentencing.)) Where the defendant  
10 disputes material facts, the court must either not consider the fact  
11 or grant an evidentiary hearing on the point. The facts shall be  
12 deemed proved at the hearing by a preponderance of the evidence,  
13 except as otherwise specified in RCW 9.94A.537. On remand for  
14 resentencing following appeal or collateral attack, the parties shall  
15 have the opportunity to present and the court to consider all  
16 relevant evidence regarding criminal history, including criminal  
17 history not previously presented.~~

18 (3) In determining any sentence above the standard sentence  
19 range, the court shall follow the procedures set forth in RCW  
20 9.94A.537. Facts that establish the elements of a more serious crime  
21 or additional crimes may not be used to go outside the standard  
22 sentence range except upon stipulation or when specifically provided  
23 for in RCW 9.94A.535(3)(d), (e), (g), and (h).

24 **Sec. 16.** RCW 9A.46.020 and 2011 c 64 s 1 are each amended to  
25 read as follows:

26 (1) A person is guilty of harassment if:

27 (a) Without lawful authority, the person knowingly threatens:

28 (i) To cause bodily injury immediately or in the future to the  
29 person threatened or to any other person; or

30 (ii) To cause physical damage to the property of a person other  
31 than the actor; or

32 (iii) To subject the person threatened or any other person to  
33 physical confinement or restraint; or

34 (iv) Maliciously to do any other act which is intended to  
35 substantially harm the person threatened or another with respect to  
36 his or her physical (~~or mental~~) health or safety; and

37 (b) The person by words or conduct places the person threatened  
38 in reasonable fear that the threat will be carried out. "Words or

1 conduct" includes, in addition to any other form of communication or  
2 conduct, the sending of an electronic communication.

3 (2) (a) Except as provided in (b) of this subsection, a person who  
4 harasses another is guilty of a gross misdemeanor.

5 (b) A person who harasses another is guilty of a class C felony  
6 if any of the following apply: (i) The person has previously been  
7 convicted in this or any other state of any crime of harassment, as  
8 defined in RCW 9A.46.060, of the same victim or members of the  
9 victim's family or household or any person specifically named in a  
10 no-contact or no-harassment order; (ii) the person harasses another  
11 person under subsection (1) (a) (i) of this section by threatening to  
12 kill the person threatened or any other person; (iii) the person  
13 harasses a criminal justice participant who is performing his or her  
14 official duties at the time the threat is made; or (iv) the person  
15 harasses a criminal justice participant because of an action taken or  
16 decision made by the criminal justice participant during the  
17 performance of his or her official duties. For the purposes of  
18 (b) (iii) and (iv) of this subsection, the fear from the threat must  
19 be a fear that a reasonable criminal justice participant would have  
20 under all the circumstances. Threatening words do not constitute  
21 harassment if it is apparent to the criminal justice participant that  
22 the person does not have the present and future ability to carry out  
23 the threat.

24 (3) Any criminal justice participant who is a target for threats  
25 or harassment prohibited under subsection (2) (b) (iii) or (iv) of this  
26 section, and any family members residing with him or her, shall be  
27 eligible for the address confidentiality program created under RCW  
28 40.24.030.

29 (4) For purposes of this section, a criminal justice participant  
30 includes any (a) federal, state, or local law enforcement agency  
31 employee; (b) federal, state, or local prosecuting attorney or deputy  
32 prosecuting attorney; (c) staff member of any adult corrections  
33 institution or local adult detention facility; (d) staff member of  
34 any juvenile corrections institution or local juvenile detention  
35 facility; (e) community corrections officer, probation, or parole  
36 officer; (f) member of the indeterminate sentence review board; (g)  
37 advocate from a crime victim/witness program; or (h) defense  
38 attorney.

1 (5) The penalties provided in this section for harassment do not  
2 preclude the victim from seeking any other remedy otherwise available  
3 under law.

4 **Sec. 17.** RCW 10.05.030 and 2021 c 215 s 116 are each amended to  
5 read as follows:

6 The arraignment judge upon consideration of the petition (~~and~~  
7 ~~with the concurrence of the prosecuting attorney~~) may continue the  
8 arraignment and refer such person for a diagnostic investigation and  
9 evaluation to:

10 (1) An approved substance use disorder treatment program as  
11 designated in chapter 71.24 RCW if the petition alleges a substance  
12 use disorder;

13 (2) An approved mental health center if the petition alleges a  
14 mental problem;

15 (3) The department of social and health services if the petition  
16 is brought under RCW 10.05.020(2); or

17 (4) An approved state-certified domestic violence treatment  
18 provider pursuant to RCW 43.20A.735 if the petition alleges a  
19 domestic violence behavior problem.

20 NEW SECTION. **Sec. 18.** RCW 10.52.100 (Identity of child victims  
21 of sexual assault not to be disclosed) and 1992 c 188 s 9 are each  
22 repealed.

23 NEW SECTION. **Sec. 19.** RCW 10.58.090 (Sex offenses—  
24 Admissibility) and 2008 c 90 s 2 are each repealed.

25 **Sec. 20.** RCW 10.95.035 and 2015 c 134 s 7 are each amended to  
26 read as follows:

27 (1) A person, who was sentenced prior to June 1, 2014, under this  
28 chapter or any prior law, to a term of life without the possibility  
29 of parole for an offense committed prior to their eighteenth  
30 birthday, shall be returned to the sentencing court or the sentencing  
31 court's successor for sentencing consistent with RCW 10.95.030.  
32 Release and supervision of a person who receives a minimum term of  
33 less than life will be governed by RCW 10.95.030.

34 (2) The court shall provide an opportunity for victims and  
35 survivors of victims of any crimes for which the offender has been  
36 convicted to present a statement personally or by representation.

1           (3) (~~The court's order setting a minimum term is subject to~~  
2 ~~review to the same extent as a minimum term decision by the parole~~  
3 ~~board before July 1, 1986.~~

4           (4)) A resentencing under this section shall not reopen the  
5 defendant's conviction to challenges that would otherwise be barred  
6 by RCW 10.73.090, 10.73.100, 10.73.140, or other procedural barriers.

7           **Sec. 21.** RCW 10.95.030 and 2015 c 134 s 5 are each amended to  
8 read as follows:

9           (1) Except as provided in subsections (2) and (3) of this  
10 section, any person convicted of the crime of aggravated first degree  
11 murder shall be sentenced to life imprisonment without possibility of  
12 release or parole. A person sentenced to life imprisonment under this  
13 section shall not have that sentence suspended, deferred, or commuted  
14 by any judicial officer and the indeterminate sentence review board  
15 or its successor may not parole such prisoner nor reduce the period  
16 of confinement in any manner whatsoever including but not limited to  
17 any sort of good-time calculation. The department of social and  
18 health services or its successor or any executive official may not  
19 permit such prisoner to participate in any sort of release or  
20 furlough program.

21           (2) If, pursuant to a special sentencing proceeding held under  
22 RCW 10.95.050, the trier of fact finds that there are not sufficient  
23 mitigating circumstances to merit leniency, the sentence shall be  
24 death. In no case, however, shall a person be sentenced to death if  
25 the person had an intellectual disability at the time the crime was  
26 committed, under the definition of intellectual disability set forth  
27 in (a) of this subsection. A diagnosis of intellectual disability  
28 shall be documented by a licensed psychiatrist or licensed  
29 psychologist designated by the court, who is an expert in the  
30 diagnosis and evaluation of intellectual disabilities. The defense  
31 must establish an intellectual disability by a preponderance of the  
32 evidence and the court must make a finding as to the existence of an  
33 intellectual disability.

34           (a) "Intellectual disability" means the individual has: (i)  
35 Significantly subaverage general intellectual functioning; (ii)  
36 existing concurrently with deficits in adaptive behavior; and (iii)  
37 both significantly subaverage general intellectual functioning and  
38 deficits in adaptive behavior were manifested during the  
39 developmental period.

1 (b) "General intellectual functioning" means the results obtained  
2 by assessment with one or more of the individually administered  
3 general intelligence tests developed for the purpose of assessing  
4 intellectual functioning.

5 (c) "Significantly subaverage general intellectual functioning"  
6 means intelligence quotient seventy or below.

7 (d) "Adaptive behavior" means the effectiveness or degree with  
8 which individuals meet the standards of personal independence and  
9 social responsibility expected for his or her age.

10 (e) "Developmental period" means the period of time between  
11 conception and the eighteenth birthday.

12 (3) (a) (i) Any person convicted of the crime of aggravated first  
13 degree murder for an offense committed prior to the person's  
14 sixteenth birthday shall be sentenced to a maximum term of life  
15 imprisonment and a minimum term of total confinement of twenty-five  
16 years.

17 (ii) Any person convicted of the crime of aggravated first degree  
18 murder for an offense committed when the person is at least sixteen  
19 years old but less than eighteen years old shall be sentenced to a  
20 maximum term of life imprisonment and a minimum term of total  
21 confinement of no less than twenty-five years. (~~(A minimum term of~~  
22 ~~life may be imposed, in which case the person will be ineligible for~~  
23 ~~parole or early release.)~~)

24 (b) In setting a minimum term, the court must take into account  
25 mitigating factors that account for the diminished culpability of  
26 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)  
27 including, but not limited to, the age of the individual, the youth's  
28 childhood and life experience, the degree of responsibility the youth  
29 was capable of exercising, and the youth's chances of becoming  
30 rehabilitated.

31 (c) A person sentenced under this subsection shall serve the  
32 sentence in a facility or institution operated, or utilized under  
33 contract, by the state. During the minimum term of total confinement,  
34 the person shall not be eligible for community custody, earned  
35 release time, furlough, home detention, partial confinement, work  
36 crew, work release, or any other form of early release authorized  
37 under RCW 9.94A.728, or any other form of authorized leave or absence  
38 from the correctional facility while not in the direct custody of a  
39 corrections officer. The provisions of this subsection shall not  
40 apply: (i) In the case of an offender in need of emergency medical

1 treatment; or (ii) for an extraordinary medical placement when  
2 authorized under RCW 9.94A.728(~~(3)~~) (1)(c).

3 (d) Any person sentenced pursuant to this subsection shall be  
4 subject to community custody under the supervision of the department  
5 of corrections and the authority of the indeterminate sentence review  
6 board. As part of any sentence under this subsection, the court shall  
7 require the person to comply with any conditions imposed by the  
8 board.

9 (e) No later than five years prior to the expiration of the  
10 person's minimum term, the department of corrections shall conduct an  
11 assessment of the offender and identify programming and services that  
12 would be appropriate to prepare the offender for return to the  
13 community. To the extent possible, the department shall make  
14 programming available as identified by the assessment.

15 (f) No later than one hundred eighty days prior to the expiration  
16 of the person's minimum term, the department of corrections shall  
17 conduct, and the offender shall participate in, an examination of the  
18 person, incorporating methodologies that are recognized by experts in  
19 the prediction of dangerousness, and including a prediction of the  
20 probability that the person will engage in future criminal behavior  
21 if released on conditions to be set by the board. The board may  
22 consider a person's failure to participate in an evaluation under  
23 this subsection in determining whether to release the person. The  
24 board shall order the person released, under such affirmative and  
25 other conditions as the board determines appropriate, unless the  
26 board determines by a preponderance of the evidence that, despite  
27 such conditions, it is more likely than not that the person will  
28 commit new criminal law violations if released. If the board does not  
29 order the person released, the board shall set a new minimum term not  
30 to exceed five additional years. The board shall give public safety  
31 considerations the highest priority when making all discretionary  
32 decisions regarding the ability for release and conditions of  
33 release.

34 (g) In a hearing conducted under (f) of this subsection, the  
35 board shall provide opportunities for victims and survivors of  
36 victims of any crimes for which the offender has been convicted to  
37 present statements as set forth in RCW 7.69.032. The procedures for  
38 victim and survivor of victim input shall be provided by rule. To  
39 facilitate victim and survivor of victim involvement, county  
40 prosecutor's offices shall ensure that any victim impact statements

1 and known contact information for victims of record and survivors of  
2 victims are forwarded as part of the judgment and sentence.

3 (h) An offender released by the board is subject to the  
4 supervision of the department of corrections for a period of time to  
5 be determined by the board. The department shall monitor the  
6 offender's compliance with conditions of community custody imposed by  
7 the court or board and promptly report any violations to the board.  
8 Any violation of conditions of community custody established or  
9 modified by the board are subject to the provisions of RCW 9.95.425  
10 through 9.95.440.

11 (i) An offender released or discharged under this section may be  
12 returned to the institution at the discretion of the board if the  
13 offender is found to have violated a condition of community custody.  
14 The offender is entitled to a hearing pursuant to RCW 9.95.435. The  
15 board shall set a new minimum term of incarceration not to exceed  
16 five years.

17 NEW SECTION. **Sec. 22.** RCW 18.108.190 (Inspection of premises by  
18 law enforcement personnel) and 1975 1st ex.s. c 280 s 20 are each  
19 repealed.

20 NEW SECTION. **Sec. 23.** RCW 35.13.165 (Termination of annexation  
21 proceedings in cities over four hundred thousand—Declarations of  
22 termination filed by property owners) and 1989 c 351 s 7 & 1981 c 332  
23 s 2 are each repealed.

24 NEW SECTION. **Sec. 24.** The following acts or parts of acts are  
25 each repealed:

- 26 (1) RCW 36.105.010 (Purpose) and 1991 c 363 s 99;
- 27 (2) RCW 36.105.020 (Definitions) and 1991 c 363 s 100;
- 28 (3) RCW 36.105.030 (Minimum requirements) and 1991 c 363 s 101;
- 29 (4) RCW 36.105.040 (Creation) and 1991 c 363 s 102;
- 30 (5) RCW 36.105.050 (Election of initial community councilmembers)  
31 and 2015 c 53 s 68 & 1991 c 363 s 103;
- 32 (6) RCW 36.105.060 (Community councilmembers—Election—Terms) and  
33 1991 c 363 s 104;
- 34 (7) RCW 36.105.070 (Responsibility of county legislative  
35 authority) and 1991 c 363 s 105;
- 36 (8) RCW 36.105.080 (Powers) and 1991 c 363 s 106;
- 37 (9) RCW 36.105.090 (Annexation) and 1991 c 363 s 107; and

1 (10) RCW 36.105.100 (Dissolution) and 1991 c 363 s 108.

2 NEW SECTION. **Sec. 25.** The following acts or parts of acts are  
3 each repealed:

4 (1) RCW 39.88.010 (Declaration) and 1982 1st ex.s. c 42 s 2;

5 (2) RCW 39.88.020 (Definitions) and 2011 c 336 s 815 & 1982 1st  
6 ex.s. c 42 s 3;

7 (3) RCW 39.88.030 (Authority—Limitations) and 1982 1st ex.s. c 42  
8 s 4;

9 (4) RCW 39.88.040 (Procedure for adoption of public improvement)  
10 and 1982 1st ex.s. c 42 s 5;

11 (5) RCW 39.88.050 (Notice of public improvement) and 1982 1st  
12 ex.s. c 42 s 6;

13 (6) RCW 39.88.060 (Disagreements between taxing districts) and  
14 1989 c 378 s 1 & 1982 1st ex.s. c 42 s 7;

15 (7) RCW 39.88.070 (Apportionment of taxes) and 1982 1st ex.s. c  
16 42 s 8;

17 (8) RCW 39.88.080 (Application of tax allocation revenues) and  
18 1982 1st ex.s. c 42 s 9;

19 (9) RCW 39.88.090 (General obligation bonds) and 1982 1st ex.s. c  
20 42 s 10;

21 (10) RCW 39.88.100 (Tax allocation bonds) and 1982 1st ex.s. c 42  
22 s 11;

23 (11) RCW 39.88.110 (Legal investments) and 1982 1st ex.s. c 42 s  
24 13;

25 (12) RCW 39.88.120 (Notice to state) and 1982 1st ex.s. c 42 s  
26 14;

27 (13) RCW 39.88.130 (Conclusive presumption of validity) and 1982  
28 1st ex.s. c 42 s 15;

29 (14) RCW 39.88.900 (Supplemental nature of chapter) and 1982 1st  
30 ex.s. c 42 s 16;

31 (15) RCW 39.88.905 (Short title) and 1982 1st ex.s. c 42 s 1; and

32 (16) RCW 39.88.910 (Captions not part of law—1982 1st ex.s. c 42)  
33 and 1982 1st ex.s. c 42 s 17.

34 NEW SECTION. **Sec. 26.** RCW 41.20.110 (Withdrawal of pension—  
35 Grounds) and 2012 c 117 s 30, 1937 c 24 s 5, & 1909 c 39 s 10 are  
36 each repealed.



1       **Sec. 27.** RCW 41.56.0251 and 2016 c 241 s 137 are each amended to  
2 read as follows:

3       In addition to the entities listed in RCW 41.56.020, this chapter  
4 applies to any charter school established under chapter 28A.710 RCW.  
5 (~~Any bargaining unit or units established at the charter school must~~  
6 ~~be limited to employees working in the charter school and must be~~  
7 ~~separate from other bargaining units in school districts, educational~~  
8 ~~service districts, or institutions of higher education.)) Any charter  
9 school established under chapter 28A.710 RCW is a separate employer  
10 from any school district, including the school district in which it  
11 is located.~~

12       **Sec. 28.** RCW 43.135.034 and 2020 c 218 s 4 are each amended to  
13 read as follows:

14       (1) (~~(a) Any action or combination of actions by the legislature~~  
15 ~~that raises taxes may be taken only if approved by a two-thirds vote~~  
16 ~~in both the house of representatives and the senate. Pursuant to the~~  
17 ~~referendum power set forth in Article II, section 1(b) of the state~~  
18 ~~Constitution, tax increases may be referred to the voters for their~~  
19 ~~approval or rejection at an election.~~

20       ~~(b))~~) For the purposes of this chapter, "raises taxes" means any  
21 action or combination of actions by the state legislature that  
22 increases state tax revenue deposited in any fund, budget, or  
23 account, regardless of whether the revenues are deposited into the  
24 general fund.

25       (2) The state or any political subdivision of the state may not  
26 impose any tax on intangible property listed in RCW 84.36.070 as that  
27 statute exists on January 1, 1993.

28       NEW SECTION.   **Sec. 29.** RCW 47.44.030 (Removal of facilities—  
29 Notice—Reimbursement, when) and 1984 c 7 s 234 & 1961 c 13 s  
30 47.44.030 are each repealed.

31       NEW SECTION.   **Sec. 30.** The following acts or parts of acts are  
32 each repealed:

33       (1) RCW 49.32.072 (Injunctions—Hearings and findings—Temporary  
34 orders—Security) and 2012 c 117 s 130 & 1933 ex.s. c 7 s 7;

35       (2) RCW 49.32.073 (Injunctions—Complaints, conditions precedent)  
36 and 1933 ex.s. c 7 s 8; and

1 (3) RCW 49.32.074 (Injunctions—Findings and order essential) and  
2 1933 ex.s. c 7 s 9.

3 NEW SECTION. **Sec. 31.** RCW 66.24.480 (Bottle clubs—License  
4 required) and 2012 c 117 s 281 & 1951 c 120 s 2 (adding a new section  
5 to Title 66 RCW) are each repealed.

6 NEW SECTION. **Sec. 32.** RCW 66.28.080 (Permit for music and  
7 dancing upon licensed premises) and 1969 ex.s. c 178 s 8, 1949 c 5 s  
8 7, & 1937 c 217 s 3 (adding new section 27-A to 1933 ex.s. c 62) are  
9 each repealed.

10 **Sec. 33.** RCW 35A.66.020 and 1967 ex.s. c 119 s 35A.66.020 are  
11 each amended to read as follows:

12 The qualified electors of any code city may petition for an  
13 election upon the question of whether the sale of liquor shall be  
14 permitted within the boundaries of such city as provided by chapter  
15 66.40 RCW, and shall be governed by the procedure therein(~~(, and may~~  
16 ~~regulate music, dancing and entertainment as authorized by RCW~~  
17 ~~66.28.080))): PROVIDED, That every code city shall enforce state laws  
18 relating to the investigation and prosecution of all violations of  
19 Title 66 RCW relating to control of alcoholic beverages and shall be  
20 entitled to retain the fines collected therefrom as therein provided.  
21 Every code city shall also share in the allocation and distribution  
22 of liquor profits and excise as provided in RCW 82.08.170, 66.08.190,  
23 and 66.08.210, and make reports of seizure as required by RCW  
24 66.32.090, and otherwise regulate by ordinances not in conflict with  
25 state law or liquor and cannabis board regulations.~~

26 NEW SECTION. **Sec. 34.** The following acts or parts of acts are  
27 each repealed:

28 (1) RCW 73.04.050 (Right to peddle, vend, sell goods without  
29 license—License fee on business established under act of congress  
30 prohibited) and 2012 c 117 s 504, 1945 c 144 s 9, & 1903 c 69 s 1;  
31 and

32 (2) RCW 73.04.060 (Right to peddle, vend, sell goods without  
33 license—Issuance of license) and 2012 c 117 s 505, 1945 c 144 s 10, &  
34 1903 c 69 s 2.

1        NEW SECTION.    **Sec. 35.**    RCW 85.05.130 (Assessment of benefited  
2 lands formerly omitted—Procedure—Appeals) and 2013 c 23 s 385, 1971  
3 c 81 s 157, 1913 c 89 s 1, 1901 c 111 s 1, & 1895 c 117 s 13 are each  
4 repealed.

5        **Sec. 36.**    RCW 9A.72.160 and 1985 c 327 s 1 are each amended to  
6 read as follows:

7        (1) A person is guilty of intimidating a judge if a person  
8 directs a threat to a judge because of a ruling or decision of the  
9 judge in any official proceeding, or if by use of a threat directed  
10 to a judge, a person attempts to influence a ruling or decision of  
11 the judge in any official proceeding.

12        (2) "Threat" as used in this section means:

13        (a) To communicate, directly or indirectly, the intent  
14 immediately to use force against any person who is present at the  
15 time; or

16        (b) Threats as defined in RCW 9A.04.110(~~((25))~~) (28).

17        (3) Intimidating a judge is a class B felony."

**SSB 5087 - S AMD 6**  
By Senator Wagoner

**NOT ADOPTED 02/01/2023**

18        On page 1, line 5 of the title, after "Constitution;" strike the  
19 remainder of the title and insert "amending RCW 2.43.040, 2.48.190,  
20 4.16.190, 48.140.010, 6.25.030, 10.105.900, 7.80.120, 9.94A.530,  
21 9A.46.020, 10.05.030, 10.95.035, 10.95.030, 41.56.0251, 43.135.034,  
22 35A.66.020, and 9A.72.160; and repealing RCW 2.48.210, 4.56.250,  
23 7.48.050, 7.48.052, 7.48.054, 7.48.056, 7.48.058, 7.48.060, 7.48.062,  
24 7.48.064, 7.48.066, 7.48.068, 7.48.070, 7.48.072, 7.48.074, 7.48.076,  
25 7.48.078, 7.48.080, 7.48.085, 7.48.090, 7.48.100, 7.70.150, 9.81.010,  
26 9.81.020, 9.81.030, 9.81.040, 9.81.050, 9.81.060, 9.81.070, 9.81.080,  
27 9.81.082, 9.81.083, 9.81.090, 9.81.110, 9.81.120, 9.91.180, 9.92.100,  
28 10.52.100, 10.58.090, 18.108.190, 35.13.165, 36.105.010, 36.105.020,  
29 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070,  
30 36.105.080, 36.105.090, 36.105.100, 39.88.010, 39.88.020, 39.88.030,  
31 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090,  
32 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905,

1 39.88.910, 41.20.110, 47.44.030, 49.32.072, 49.32.073, 49.32.074,  
2 66.24.480, 66.28.080, 73.04.050, 73.04.060, and 85.05.130."

EFFECT: Retains sections of the RCW related to the death penalty  
by removing 2 sections of the bill.

--- END ---