

2 **E2SHB 2319** - S AMD
3 By Senators Talmadge and Gaspard

4 ADOPTED AS AMENDED 3/4/94

5 Strike everything after the enacting clause and insert the
6 following:

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15 **PART I. INTENT**

16 NEW SECTION. **Sec. 101.** The legislature finds that the increasing
17 violence in our society causes great concern for the immediate health
18 and safety of our citizens and our social institutions. Youth violence
19 is increasing at an alarming rate and young people between the ages of
20 fifteen and twenty-four are at the highest risk of being perpetrators
21 and victims of violence. Additionally, random violence, including
22 homicide and the use of firearms, has dramatically increased over the
23 last decade.

24 The legislature finds that violence is abhorrent to the aims of a
25 free society and that it can not be tolerated. State efforts at

1 reducing violence must include changes in criminal penalties, reducing
2 the unlawful use of and access to firearms, increasing educational
3 efforts to encourage nonviolent means for resolving conflicts, and
4 allowing communities to design their prevention efforts.

5 The legislature finds that the problem of violence can be addressed
6 with many of the same approaches that public health programs have used
7 to control other problems such as infectious disease, tobacco use, and
8 traffic fatalities.

9 Addressing the problem of violence requires the concerted effort of
10 all communities and all parts of state and local governments. It is
11 the immediate purpose of chapter . . . , Laws of 1994 (this act) to:
12 (1) Prevent acts of violence by encouraging change in social norms and
13 individual behaviors that have been shown to increase the risk of
14 violence; (2) reduce the rate of at-risk children and youth, as defined
15 in RCW 70.190.010; (3) increase the severity and certainty of
16 punishment for youth and adults who commit violent acts; (4) reduce the
17 severity of harm to individuals when violence occurs; (5) empower
18 communities to focus their concerns and allow them to control the funds
19 dedicated to empirically supported preventive efforts in their region;
20 and (6) reduce the fiscal and social impact of violence on our society.

21 **Sec. 102.** RCW 74.14A.020 and 1983 c 192 s 2 are each amended to
22 read as follows:

23 (~~The department of social and health services~~) State efforts
24 shall address the needs of children and their families, including
25 emotionally disturbed and mentally ill children, potentially dependent
26 children, and families-in-conflict by:

27 (1) Serving children and families as a unit in the least
28 restrictive setting available and in close proximity to the family
29 home, consistent with the best interests and special needs of the
30 child;

31 (2) Ensuring that appropriate social and health services are
32 provided to the family unit both prior to and during the removal of a
33 child from the home and after family reunification;

34 (3) Ensuring that the safety and best interests of the child are
35 the paramount considerations when making placement and service delivery
36 decisions;

37 (4) Recognizing the interdependent and changing nature of families
38 and communities, building upon their inherent strengths, maintaining

1 their dignity and respect, and tailoring programs to their specific
2 circumstances;

3 (5) Developing and implementing comprehensive, preventive, and
4 early intervention social and health services which have demonstrated
5 the ability to delay or reduce the need for out-of-home placements and
6 ameliorate problems before they become chronic or severe;

7 ~~((4))~~ (6) Being sensitive to the family and community culture,
8 norms, values, and expectations, ensuring that all services are
9 provided in a culturally appropriate and relevant manner, and ensuring
10 participation of racial and ethnic minorities at all levels of
11 planning, delivery, and evaluation efforts;

12 (7)(a) Developing coordinated social and health services which:

13 ~~((a))~~ (i) Identify problems experienced by children and their
14 families early and provide services which are adequate in availability,
15 appropriate to the situation, and effective;

16 ~~((b))~~ (ii) Seek to bring about meaningful change before family
17 situations become irreversibly destructive and before disturbed
18 psychological behavioral patterns and health problems become severe or
19 permanent;

20 ~~((c))~~ (iii) Serve children and families in their own homes thus
21 preventing unnecessary out-of-home placement or institutionalization;

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

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

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

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

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

35 **PART II. PUBLIC HEALTH**

36 NEW SECTION. Sec. 201. The legislature recognizes that the state
37 patrol, the office of the administrator for the courts, the sheriffs'

1 and police chiefs' association, the department of social and health
2 services, the department of community development, the sentencing
3 guidelines commission, the department of corrections, and the
4 superintendent of public instruction each have comprehensive data and
5 analysis capabilities that have contributed greatly to our current
6 understanding of crime and violence, and their causes.

7 The legislature finds, however, that a single health-oriented
8 agency must be designated to provide consistent guidelines to all these
9 groups regarding the way in which their data systems collect this
10 important data. It is not the intent of the legislature by section 202
11 of this act to transfer data collection requirements from existing
12 agencies or to require the addition of major new data systems. It is
13 rather the intent to make only the minimum required changes in existing
14 data systems to increase compatibility and comparability, reduce
15 duplication, and to increase the usefulness of data collected by these
16 agencies in developing more accurate descriptions of violence.

17 NEW SECTION. **Sec. 202.** A new section is added to chapter 43.70
18 RCW to read as follows:

19 (1) The department of health shall develop, based on
20 recommendations in the public health improvement plan and in
21 consultation with affected groups or agencies, comprehensive rules for
22 the collection and reporting of data relating to acts of violence, at-
23 risk behaviors, and risk and protective factors. The data collection
24 and reporting rules shall be used by any public or private entity that
25 is required to report data relating to these behaviors and conditions.
26 The department may require any agency or program that is state-funded
27 or that accepts state funds and any licensed or regulated person or
28 professional to report these behaviors and conditions. To the extent
29 possible the department shall require the reports to be filed through
30 existing data systems. The department may also require reporting of
31 attempted acts of violence and of nonphysical injuries. For the
32 purposes of this section "acts of violence" means self-directed and
33 interpersonal behaviors that can result in suicide, homicide, and
34 nonfatal intentional injuries. "At-risk behaviors," "protective
35 factors," and "risk factors" have the same meanings as provided in RCW
36 70.190.010.

37 (2) The department is designated as the state-wide agency for the
38 coordination of all information relating to violence and other

1 intentional injuries, at-risk behaviors, and risk and protective
2 factors.

3 (3) The department shall provide necessary data to the local health
4 departments for use in planning by or evaluation of any community
5 network authorized under section 303 of this act.

6 (4) The department shall publish annual reports on intentional
7 injuries, unintentional injuries, rates of at-risk youth, and
8 associated risk and protective factors. The reports shall be submitted
9 to the legislative budget committee.

10 (5) The department shall by rule establish requirements for local
11 health departments to perform assessment related to at-risk behaviors
12 and risk and protective factors and to assist community networks in
13 policy development and in planning and other duties under chapter
14 . . . , Laws of 1994 (this act).

15 (6) The department may, consistent with its general authority and
16 directives under sections 201 through 205 of this act, contract with a
17 college or university that has experience in data collection relating
18 to the health and overall welfare of children to provide assistance to:

19 (a) State and local health departments in developing new sources of
20 data to track acts of violence, at-risk behaviors, and risk and
21 protective factors; and

22 (b) Local health departments to compile and effectively communicate
23 data in their communities.

24 NEW SECTION. **Sec. 203.** A new section is added to chapter 43.70
25 RCW to read as follows:

26 The public health services improvement plan developed under RCW
27 43.70.520 shall include:

28 (1) Minimum standards for state and local public health assessment,
29 performance measurement, policy development, and assurance regarding
30 social development to reduce at-risk behaviors and risk and protective
31 factors.

32 (2)(a) Measurable risk factors that are empirically linked to
33 violent criminal acts by juveniles, substance abuse, teen pregnancy and
34 male parentage, suicide attempts, and dropping out of school; and

35 (b) An evaluation of other factors to determine whether they are
36 empirically related risk factors, such as: Child abuse and neglect,
37 out-of-home placements, poverty, single-parent households, inadequate
38 nutrition, hunger, unemployment, lack of job skills, gang affiliation,

1 lack of recreational or cultural opportunities, domestic violence,
2 school absenteeism, court-ordered parenting plans, physical, emotional,
3 or behavioral problems requiring special needs assistance in K-12
4 schools, learning disabilities, and any other possible factors.

5 (3) Data collection and analysis standards on at-risk behaviors and
6 risk and protective factors for use by the local public health
7 departments and the state council and the local community networks to
8 ensure consistent and interchangeable data.

9 (4) Recommendations regarding any state or federal statutory
10 barriers affecting data collection or reporting.

11 The department shall provide an annual report to the legislative
12 budget committee on the implementation of this section.

13 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.70
14 RCW to read as follows:

15 The department, in consultation with the community public health
16 and safety council created in chapter 70.190 RCW, shall establish, by
17 rule, standards for local health departments and networks to use in
18 assessment, performance measurement, policy development, and assurance
19 regarding social development to prevent health problems caused by risk
20 factors empirically linked to: Violent criminal acts by juveniles,
21 substance abuse, teen pregnancy and male parentage, suicide attempts,
22 and dropping out of school. The standards shall be based on the
23 standards set forth in the public health improvement plan as required
24 by section 203 of this act.

25 The department, in consultation with the community public health
26 and safety council, shall review the definitions of at-risk children
27 and youth, protective factors, and risk factors contained in RCW
28 70.190.010 and make any suggested recommendations for change to the
29 legislature by January 1, 1995.

30 NEW SECTION. **Sec. 205.** A new section is added to chapter 43.70
31 RCW to read as follows:

32 The legislature encourages the use of a state-wide voluntary,
33 socially responsible policy to reduce the emphasis, amount, and type of
34 violence in all public media. The department shall develop a suggested
35 reporting format for use by the print, television, and radio media in
36 reporting their voluntary violence reduction efforts. Each area of the

1 public media may carry out the policy in whatever manner that area
2 deems appropriate.

3 **Sec. 206.** RCW 43.70.010 and 1989 1st ex.s. c 9 s 102 are each
4 amended to read as follows:

5 As used in this chapter, unless the context indicates otherwise:

6 (1) "Assessment" means the regular collection, analysis, and
7 sharing of information about health conditions, risks, and resources in
8 a community. Assessment activities identify trends in illness, injury,
9 and death and the factors that may cause these events. They also
10 identify environmental risk factors, community concerns, community
11 health resources, and the use of health services. Assessment includes
12 gathering statistical data as well as conducting epidemiologic and
13 other investigations and evaluations of health emergencies and specific
14 ongoing health problems;

15 (2) "Board" means the state board of health;

16 ~~((+2))~~ (3) "Council" means the health care access and cost control
17 council;

18 ~~((+3))~~ (4) "Department" means the department of health; ~~((and~~

19 ~~+4))~~ (5) "Policy development" means the establishment of social
20 norms, organizational guidelines, operational procedures, rules,
21 ordinances, or statutes that promote health or prevent injury, illness,
22 or death; and

23 (6) "Secretary" means the secretary of health.

24 **PART III. COMMUNITY NETWORKS**

25 **Sec. 301.** RCW 70.190.005 and 1992 c 198 s 1 are each amended to
26 read as follows:

27 The legislature finds that a primary goal of public involvement in
28 the lives of children has been to strengthen the family unit.

29 However, the legislature recognizes that traditional two-parent
30 families with one parent routinely at home are now in the minority. In
31 addition, extended family and natural community supports have eroded
32 drastically. The legislature recognizes that public policy assumptions
33 must be altered to account for this new social reality. Public effort
34 must be redirected to expand, support, strengthen, and help
35 ~~((refashion))~~ reconstruct family and community ~~((associations))~~
36 networks to ~~((care for))~~ assist in meeting the needs of children.

1 The legislature finds that a broad variety of services for children
2 and families has been independently designed over the years and that
3 the coordination and cost-effectiveness of these services will be
4 enhanced through the adoption of ~~((a common))~~ an approach ~~((to their~~
5 ~~delivery))~~ that allows communities to prioritize and coordinate
6 services to meet their local needs. The legislature further finds that
7 the most successful programs for reaching and working with at-risk
8 families and children treat individuals' problems in the context of the
9 family, offer a broad spectrum of services, are flexible in the use of
10 program resources, and use staff who are trained in crossing
11 traditional program categories in order to broker services necessary to
12 fully meet a family's needs.

13 The legislature further finds that eligibility criteria,
14 expenditure restrictions, and reporting requirements of state and
15 federal categorical programs often create barriers toward the effective
16 use of resources for addressing the multiple problems of at-risk
17 families and children.

18 The purposes of this chapter are (1) to modify public policy and
19 programs to empower communities to support and respond to the needs of
20 individual families and children and (2) to improve the responsiveness
21 of services for children and families at risk by facilitating greater
22 coordination and flexibility in the use of funds by state and local
23 service agencies.

24 **Sec. 302.** RCW 70.190.010 and 1992 c 198 s 3 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

28 (1) "Assessment" has the same meaning as provided in RCW 43.70.010.

29 (2) "At-risk" children and youth are those who risk the significant
30 loss of social, educational, or economic opportunities.

31 (3) "At-risk behaviors" means violent delinquent acts, substance
32 abuse, teen pregnancy and male parentage, suicide attempts, and
33 dropping out of school. At-risk children and youth also include those
34 who are victims of violence, abuse, neglect, and those who have been
35 removed from the custody of their parents.

36 (4) "Comprehensive plan" means a two-year plan that examines
37 available resources and unmet needs for a county or multicounty area,

1 barriers that limit the effective use of resources, and a plan to
2 address these issues that is broadly supported.

3 ~~((+2))~~ (5) "Participating state agencies" means the office of the
4 superintendent of public instruction, the department of social and
5 health services, the department of health, the employment security
6 department, the department of community, trade, and economic
7 development, and such other departments as may be specifically
8 designated by the governor.

9 ~~((+3) "Family policy")~~ (6) "Community public health and safety
10 council" or "council" means: The superintendent of public instruction,
11 the secretary of social and health services, the secretary of health,
12 the commissioner of the employment security department, and the
13 director of the department of community, trade, and economic
14 development or their designees~~((+))~~; one legislator from each caucus of
15 the senate and house of representatives~~((+and))~~; one representative of
16 the governor; one representative each appointed by the governor for
17 cities, towns, counties, federally recognized Indian tribes, school
18 districts, the children's commission, law enforcement agencies,
19 superior courts, public parks and recreation programs, and private
20 agency service providers; citizen representatives of community
21 organizations not associated with delivery of services affected by
22 chapter . . . , Laws of 1994 (this act); and two chief executive
23 officers of major Washington corporations appointed by the governor.

24 ~~((+4))~~ (7) "Outcome" or "outcome based" means defined and
25 measurable outcomes ~~((and indicators that make it possible for~~
26 ~~communities))~~ used to evaluate progress in ~~((meeting their goals and~~
27 ~~whether systems are fulfilling their responsibilities))~~ reducing the
28 rate of at-risk children and youth through reducing risk factors and
29 increasing protective factors.

30 ~~((+5))~~ (8) "Matching funds" means an amount no less than twenty-
31 five percent of the amount budgeted for a ~~((consortium's project))~~
32 community network's plan. Up to half of the ~~((consortium's))~~ community
33 network's matching funds may be in-kind goods and services. Funding
34 sources allowable for match include appropriate federal or local levy
35 funds, private charitable funding, and other charitable giving. Basic
36 education funds shall not be used as a match.

37 ~~((+6) "Consortium" means a diverse group of individuals that~~
38 ~~includes at least representatives of local service providers, service~~
39 ~~recipients, local government administering or funding children or~~

1 ~~family service programs, participating state agencies, school~~
2 ~~districts, existing children's commissions, ethnic and racial minority~~
3 ~~populations, and other interested persons organized for the purpose of~~
4 ~~designing and providing collaborative and coordinated services under~~
5 ~~this chapter. Consortiums shall represent a county, multicounty, or~~
6 ~~municipal service area. In addition, consortiums may represent Indian~~
7 ~~tribes applying either individually or collectively.))~~

8 (9) "Community public health and safety networks" or "community
9 networks" means authorities authorized under section 303 of this act.

10 (10) "Policy development" has the same meaning as provided in RCW
11 43.70.010.

12 (11) "Protective factors" means those factors determined by the
13 department of health to be empirically associated with behaviors that
14 contribute to socially acceptable and healthy nonviolent behaviors.
15 Protective factors include promulgation, identification, and acceptance
16 of community norms regarding appropriate behaviors in the area of
17 delinquency, early sexual activity, and alcohol and substance abuse,
18 educational opportunities, employment opportunities, and absence of
19 crime.

20 (12) "Risk factors" means those factors determined by the
21 department of health to be empirically associated with at-risk
22 behaviors that contribute to violence. Risk factors include
23 availability of drugs or alcohol, economic, educational, and social
24 deprivation, rejection of identification with the community, academic
25 failure, a family history of high substance abuse, crime, a lack of
26 acceptance of societal norms, and substance, child, and sexual abuse.

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

29 (1) The legislature intends to create community public health and
30 safety networks to reconnect parents and other citizens with children,
31 youth, families, and community institutions which support health and
32 safety. The networks should empower parents and other citizens by
33 being a means of expressing their attitudes, spirit, and perspectives
34 regarding safe and healthy family and community life. The legislature
35 intends that parent and other citizen perspectives exercise a
36 controlling influence over policy and program operations of
37 professional organizations concerned with children and family issues
38 within networks in a manner consistent with the Constitution and state

1 law. It is not the intent of the legislature that health, social
2 service, or educational professionals dominate community public health
3 and safety network processes or programs, but rather that these
4 professionals use their skills to lend support to parents and other
5 citizens in expressing their values as parents and other citizens
6 identify community needs and establish community priorities. To this
7 end, the legislature intends full participation of parents and other
8 citizens in community public health and safety networks. The intent is
9 that local community values are reflected in the operations of the
10 network.

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

14 (3) Each community public health and safety network shall be
15 composed of twenty-three people, thirteen of whom shall be citizens
16 with no direct fiduciary interest in health, education, social service,
17 or justice system organizations operating within the network area. In
18 selecting these members, first priority shall be given to citizen
19 members of community mobilization advisory boards, city or county
20 children's services commissions, human services advisory boards, or
21 other such organizations which may exist within the network. These
22 thirteen persons shall be selected as follows: Three by the chambers
23 of commerce located in the network, three by school board members of
24 the school districts within the network boundary, three by the county
25 legislative authorities of the counties within the network boundary,
26 three by the city legislative authorities of the cities within the
27 network boundary, and one high school student, selected by student
28 organizations within the network boundary. The remaining ten members
29 shall include local representation from the following groups and
30 entities: Cities, counties, federally recognized Indian tribes, parks
31 and recreation programs, law enforcement agencies, superior court
32 judges, state children's service workers from within the network area,
33 employment assistance workers from within the network area, private
34 social, educational, or health service providers from within the
35 network area, and broad-based nonsecular organizations.

36 (4) A list of the network members shall be submitted to the
37 governor by December 1, 1994, by the network chair who shall be
38 selected by network members at their first meeting. The list shall
39 become final unless the governor chooses other members within twenty

1 days after the list is submitted. The governor shall accept the list
2 unless he or she believes the proposed list does not adequately
3 represent all parties identified in subsection (3) of this section or
4 a member has a conflict of interest between his or her membership and
5 his or her livelihood. Members of the community network shall serve
6 terms of three years.

7 The terms of the initial members of each network shall be as
8 follows: (a) One-third shall serve for one year; (b) one-third shall
9 serve for two years; and (c) one-third shall serve for three years.
10 Initial members may agree which shall serve fewer than three years or
11 the decision may be made by lot. The same process shall be used in the
12 selection of the chair and members for subsequent terms. Any vacancy
13 occurring during the term may be filled by the chair for the balance of
14 the unexpired term.

15 (5) The network shall select a public entity as the lead
16 administrative and fiscal agency for the network. In making the
17 selection, the network shall consider: (a) Experience in administering
18 prevention and intervention programs; (b) the relative geographical
19 size of the network and its members; (c) budgeting and fiscal capacity;
20 and (d) how diverse a population each entity represents.

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

23 The community public health and safety networks shall:

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

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

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

34 (4) Distribute funds to local programs that reflect the locally
35 established priorities and as provided in section 325 of this act;

36 (5) Comply with outcome-based standards;

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

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

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

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

12 (2) The community network's plan may also include funding of
13 community-based home visitor programs which are designed to reduce the
14 incidence of child abuse and neglect with the network. The program may
15 provide parents with education and support either in parents' homes or
16 in other locations comfortable for parents, beginning with the birth of
17 their first baby. The program may make the following services
18 available to the families:

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

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

24 (c) Parenting education and skills development;

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

26 (e) Parent support groups; and

27 (f) Service coordination for individual families, and assistance
28 with accessing services, provided in a manner that ensures that
29 individual families have only one individual or agency to which they
30 look for service coordination. Where appropriate for a family, service
31 coordination may be conducted through interdisciplinary or interagency
32 teams.

33 These programs are intended to be voluntary for the parents
34 involved.

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

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

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

- 1 (ii) Provide skills and needs assessments for each youth recruited;
2 (iii) Provide career and occupational counseling to each youth
3 recruited;
4 (iv) Identify businesses willing to provide employment and training
5 opportunities for at-risk youth;
6 (v) Match each youth recruited with a business that meets his or
7 her skills and training needs;
8 (vi) Provide employment and training opportunities that prepare the
9 individual for demand occupations; and
10 (vii) Include, to the extent possible, collaboration of business,
11 labor, education and training, community organizations, and local
12 government;
13 (b) Employment assistance, including job development, school-to-
14 work placement, employment readiness training, basic skills,
15 apprenticeships, job mentoring, and private sector and community
16 service employment;
17 (c) Education assistance, including tutoring, mentoring,
18 interactions with role models, entrepreneurial education and projects,
19 and employment reentry assistance services;
20 (d) Peer-to-peer, group, and individual counseling, including
21 crisis intervention, for at-risk youth and their parents;
22 (e) Youth coalitions that provide opportunities to develop
23 leadership skills and gain appropriate respect, recognition, and
24 rewards for their positive contribution to their community;
25 (f) Technical assistance to applicants to increase their
26 organizational capacity and to improve the likelihood of a successful
27 application; and
28 (g) Technical assistance and training resources to successful
29 applicants.

30 NEW SECTION. **Sec. 306.** A new section is added to chapter 70.190
31 RCW to read as follows:

32 (1) A community network that has its membership finalized under
33 section 303(4) of this act shall, upon application to the council, be
34 eligible to receive planning grants and technical assistance from the
35 council. Planning grants may be funded through available federal funds
36 for family preservation services. After receiving the planning grant
37 the region will be given up to one year to submit the long-term

1 community plan. Upon application the community networks are eligible
2 to receive funds appropriated under section 325 of this act.

3 (2) The council shall enter into biennial contracts with community
4 networks as part of the grant process. The contracts shall be
5 consistent with available resources, and shall be distributed in
6 accordance with the distribution formula developed pursuant to section
7 320 of this act.

8 (3) No later than February 1 of each odd-numbered year following
9 the initial contract between the council and a network, the council
10 shall request from the network its plan for the upcoming biennial
11 contract period.

12 (4) The council shall notify the community networks of their
13 allocation of available resources at least sixty days prior to the
14 start of a new biennial contract period.

15 NEW SECTION. **Sec. 307.** A new section is added to chapter 70.190
16 RCW to read as follows:

17 The community public health and safety council shall:

18 (1) Establish network boundaries no later than July 1, 1994. There
19 is a presumption that no county may be divided between two or more
20 community networks and no network shall have fewer than forty thousand
21 population. When approving multicounty networks, considering dividing
22 a county between networks, or creating a network with a population of
23 less than forty thousand, the council must consider: (a) Common
24 economic, geographic, and social interests; (b) historical and existing
25 shared governance; and (c) the size and location of population centers.
26 Individuals and groups within any area shall be given ample opportunity
27 to propose network boundaries in a manner designed to assure full
28 consideration of their expressed wishes;

29 (2) Develop a technical assistance and training program to assist
30 communities in creating and developing community networks and plans;

31 (3) Approve the structure, purpose, goals, plan, and performance
32 measurements of each community network;

33 (4) Identify all prevention and early intervention programs and
34 funds, including all programs funded under RCW 69.50.520, in addition
35 to the programs set forth in section 308 of this act, which could be
36 transferred, in all or part, to the community networks, and report
37 their findings and recommendations to the governor and the legislature
38 regarding any appropriate program transfers by January 1 of each year;

1 (5) Reward community networks that show exceptional success as
2 provided in section 320 of this act;

3 (6) Seek every opportunity to maximize federal and other funding
4 that is consistent with the plans approved by the council for the
5 purpose and goals of this chapter;

6 (7) Review the state-funded out-of-home placement rate before the
7 end of each contract to determine whether the region has sufficiently
8 reduced the rate. If the council determines that there has not been a
9 sufficient reduction in the rate, it may reduce the immediately
10 succeeding grant to the network;

11 (8)(a) The council shall monitor the implementation of programs
12 contracted by participating state agencies by reviewing periodic
13 reports on the extent to which services were delivered to intended
14 populations, the quality of services, and the extent to which service
15 outcomes were achieved at the conclusion of service interventions.
16 This monitoring shall include provision for periodic feedback to
17 community networks;

18 (b) The legislature intends that this monitoring be used by the
19 legislative budget committee, together with public health data on at-
20 risk behaviors and risk and protective factors to produce an external
21 evaluation of the effectiveness of the networks and their programs.
22 For this reason, and to conserve public funds, the council shall not
23 conduct or contract for the conduct of control group studies, quasi-
24 experimental design studies, or other analysis efforts to attempt to
25 determine the impact of network programs on at-risk behaviors or risk
26 and protective factors; and

27 (9) Review the implementation of chapter . . . , Laws of 1994 (this
28 act) and report its recommendations to the legislature annually. The
29 report shall use measurable performance standards to evaluate the
30 implementation.

31 NEW SECTION. **Sec. 308.** A new section is added to chapter 70.190
32 RCW to read as follows:

33 (1) The council, and each network, shall annually review all state
34 and federal funded programs serving individuals, families, or
35 communities to determine whether a network may be better able to
36 integrate and coordinate these services within the community.

37 (2) The council, and each network, shall specifically review and
38 report, to the governor and the legislature, on the feasibility and

1 desirability of decategorizing and granting, all or part of, the
2 following program funds to the networks:

3 (a) Consolidated juvenile services;

4 (b) Family preservation and support services;

5 (c) Readiness to learn;

6 (d) Community mobilization;

7 (e) Violence prevention;

8 (f) Community-police partnership;

9 (g) Child care;

10 (h) Early intervention and educational services, including but not
11 limited to, birth to three, birth to six, early childhood education and
12 assistance, and headstart;

13 (i) Crisis residential care;

14 (j) Victims' assistance;

15 (k) Foster care;

16 (l) Adoption support;

17 (m) Continuum of care; and

18 (n) Drug and alcohol abuse prevention and early intervention in
19 schools.

20 (3) In determining the desirability of decategorizing these
21 programs the report shall analyze whether:

22 (a) The program is an integral part of the community plan without
23 decategorization;

24 (b) The program is already adequately integrated and coordinated
25 with other programs that are, or will be, funded by the network;

26 (c) The network could develop the capacity to provide the program's
27 services;

28 (d) The program goals might receive greater community support and
29 reinforcement through the network;

30 (e) The program presently ensures that adequate follow-up efforts
31 are utilized, and whether the network could improve on those efforts
32 through decategorization of the funds;

33 (f) The decategorization would benefit the community; and

34 (g) The decategorization would assist the network in achieving its
35 goals.

36 (4) If the council or a network determines that a program should
37 not be decategorized, the council or network shall make recommendations
38 regarding programmatic changes that are necessary to improve the

1 coordination and integration of services and programs, regardless of
2 the funding source for those programs.

3 (5) Upon the request of the council or a network, the governor may
4 order the decategorization of all or part of any program specified in
5 the request.

6 NEW SECTION. **Sec. 309.** A new section is added to chapter 70.190
7 RCW to read as follows:

8 (1) The participating state agencies shall execute an interagency
9 agreement to ensure the coordination of their local program efforts
10 regarding children. This agreement shall recognize and give specific
11 planning, coordination, and program administration responsibilities to
12 community networks, after the approval under section 310 of this act of
13 their comprehensive community plans. The community networks shall
14 encourage the development of integrated, regionally based children,
15 youth, and family activities and services with adequate local
16 flexibility to accomplish the purposes stated in section 101 of this
17 act and RCW 74.14A.020.

18 (2) The community networks shall exercise the planning,
19 coordinating, and program administration functions specified by the
20 state interagency agreement in addition to other activities required by
21 law, and shall participate in the planning process required by chapter
22 71.36 RCW.

23 (3) Any state or federal funds identified for contracts with
24 community networks shall be transferred with no reductions.

25 NEW SECTION. **Sec. 310.** A new section is added to chapter 70.190
26 RCW to read as follows:

27 The council shall only disburse funds to a community network after
28 a comprehensive community plan has been prepared by the network and
29 approved by the council or as provided in section 325 of this act. In
30 approving the plan the council shall consider whether the network:

31 (1) Promoted input from the widest practical range of agencies and
32 affected parties;

33 (2) Reviewed the indicators of violence data compiled by the local
34 public health departments and incorporated a response to those
35 indicators in the plan;

36 (3) Obtained a declaration by the largest health department in the
37 region, ensuring that the plan met minimum standards for assessment and

1 policy development relating to social development according to section
2 204 of this act;

3 (4) Included a specific mechanism of data collection and
4 transmission based on the rules established under section 204 of this
5 act;

6 (5) Considered all relevant causes of violence in its community and
7 did not isolate only one or a few of the elements to the exclusion of
8 others and demonstrated evidence of building community capacity through
9 effective neighborhood and community development; and

10 (6) Committed to make measurable reductions in the rate of at-risk
11 children and youth by reducing the rate of state-funded out-of-home
12 placements and make reductions in at least three of the following rates
13 of youth: Violent criminal acts, substance abuse, pregnancy and male
14 parentage, suicide attempts, or dropping out of school.

15 **Sec. 311.** RCW 43.101.240 and 1989 c 271 s 423 are each amended to
16 read as follows:

17 (1) The criminal justice training commission in cooperation with
18 the United States department of justice department of community
19 relations (region X) shall conduct an assessment of successful
20 community-police partnerships throughout the United States. The
21 commission shall develop training for local law enforcement agencies
22 targeted toward those communities where there has been a substantial
23 increase in drug crimes. The purpose of the training is to facilitate
24 cooperative community-police efforts and enhanced community protection
25 to reduce drug abuse and related crimes. The training shall include
26 but not be limited to conflict management, ethnic sensitivity, cultural
27 awareness, and effective community policing. ~~((The commission shall
28 report its findings and progress to the legislature by January 1990.))~~

29 (2) Local law enforcement agencies are encouraged to form
30 community-police partnerships in ~~((areas of substantial drug crimes))~~
31 all neighborhoods and particularly areas with high rates of criminal
32 activity. These partnerships are encouraged to organize citizen-police
33 task forces which meet on a regular basis to promote greater citizen
34 involvement in combatting drug abuse and to reduce tension between
35 police and citizens. Partnerships that are formed are encouraged to
36 report to the criminal justice training commission of their formation
37 and progress.

1 (~~(3) The sum of one hundred fifty thousand dollars, or as much~~
2 ~~thereof as may be necessary, is appropriated for the biennium ending~~
3 ~~June 30, 1991, from the drug enforcement and education account to the~~
4 ~~criminal justice training commission for the purposes of subsection (1)~~
5 ~~of this section.))~~)

6 NEW SECTION. **Sec. 312.** A new section is added to chapter 70.190
7 RCW to read as follows:

8 If there exist any federal restrictions against the transfer of
9 funds, for the programs enumerated in section 308 of this act, to the
10 community networks, the council shall assist the governor in
11 immediately applying to the federal government for waivers of the
12 federal restrictions. The council shall also assist the governor in
13 coordinating efforts to make any changes in federal law necessary to
14 meet the purpose and intent of chapter . . . , Laws of 1994 (this act).

15 NEW SECTION. **Sec. 313.** A new section is added to chapter 70.190
16 RCW to read as follows:

17 For grant funds awarded under this chapter, no state agency may
18 require any other program requirements, except those necessary to meet
19 federal funding standards or requirements. None of the grant funds
20 awarded to the community networks shall be considered as new
21 entitlements.

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

24 The implementation of community networks shall be included in all
25 federal and state plans affecting the state's children, youth, and
26 families. The plans shall be consistent with the intent and
27 requirements of this chapter.

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

30 To the extent that any power or duty of the council (~~created~~
31 ~~according to chapter 198, Laws of 1992))~~) may duplicate efforts of
32 existing councils, commissions, advisory committees, or other entities,
33 the governor is authorized to take necessary actions to eliminate such
34 duplication. This shall include authority to consolidate similar

1 councils or activities in a manner consistent with the goals of this
2 chapter (~~(198, Laws of 1992)~~).

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

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

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

11 ~~(b))~~ community networks;

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

14 ~~(c))~~ (3) An interagency agreement has been prepared by the
15 ~~((family policy))~~ council and the participating local service and
16 support agencies that governs the use of funds, specifies the
17 relationship of the project to the principles listed in RCW 74.14A.025,
18 and identifies specific outcomes and indicators; and

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

23 ~~(e) The consortium has provided written agreements that identify a~~
24 ~~lead agency that will assume fiscal and programmatic responsibility for~~
25 ~~the project, and identify participants in a consortium council with~~
26 ~~broad participation and that shall have responsibility for ensuring~~
27 ~~effective coordination of resources; and~~

28 ~~(f))~~ (4) The ~~((consortium))~~ community network has designed into
29 its comprehensive plan standards for accountability. Accountability
30 standards include, but are not limited to, the public hearing process
31 eliciting public comment about the appropriateness of the proposed
32 comprehensive plan. The ~~((consortium))~~ community network must submit
33 reports to the ~~((family policy))~~ council outlining the public response
34 regarding the appropriateness and effectiveness of the comprehensive
35 plan.

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

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

4 **Sec. 317.** RCW 70.190.040 and 1993 c 336 s 901 are each amended to
5 read as follows:

6 (1) The legislature finds that helping children to arrive at school
7 ready to learn is an important part of improving student learning.

8 (2) To the extent funds are appropriated, the ~~((family policy))~~
9 council shall ~~((award))~~ include those funds in grants to ~~((community-~~
10 ~~based consortiums that submit comprehensive plans that include~~
11 ~~strategies to improve readiness to learn))~~ community networks.

12 **Sec. 318.** RCW 70.190.900 and 1992 c 198 s 11 are each amended to
13 read as follows:

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

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

20 The office of financial management shall review the administration
21 of funds for programs identified under section 308 of this act and
22 propose legislation to complete interdepartmental transfers of funds or
23 programs as necessary. The office of financial management shall review
24 statutes that authorize the programs identified under section 308 of
25 this act and suggest legislation to eliminate statutory requirements
26 that may interfere with the administration of that policy.

27 NEW SECTION. **Sec. 320.** A new section is added to chapter 43.41
28 RCW to read as follows:

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

34 (a) The number of arrests and convictions for juvenile violent
35 offenses;

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

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

4 (d) The number of child and teenage suicides and attempted
5 suicides; and

6 (e) The high school graduation rate.

7 (2) In developing the formula, the office of financial management
8 shall reserve five percent of the funds for the purpose of rewarding
9 community networks.

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

15 (4) The office of financial management shall submit the
16 distribution formula to the community public health and safety council
17 and to the appropriate committees of the legislature by December 20,
18 1994.

19 NEW SECTION. **Sec. 321.** A new section is added to chapter 70.190
20 RCW to read as follows:

21 If a community network is unable or unwilling to assume powers and
22 duties authorized under this chapter by June 30, 1998, or the
23 legislative budget committee makes a recommendation under section 801
24 of this act, the governor may transfer all funds and programs available
25 to a community network to a single state agency whose statutory
26 purpose, mission, goals, and operating philosophy most closely supports
27 the principles and purposes of section 101 of this act and RCW
28 74.14A.020, for the purpose of integrating the programs and services.

29 NEW SECTION. **Sec. 322.** The secretary of social and health
30 services and the insurance commissioner shall conduct a study regarding
31 liability issues and insurance rates for private nonprofit group homes
32 that contract with the department for client placement. The secretary
33 and commissioner shall report their findings and recommendations to the
34 legislature by November 15, 1994.

35 NEW SECTION. **Sec. 323.** A new section is added to chapter 43.20A
36 RCW to read as follows:

1 The secretary of social and health services shall make all of the
2 department's evaluation and research materials and data on private
3 nonprofit group homes available to group home contractors. The
4 department may delete any information from the materials that
5 identifies a specific client or contractor, other than the contractor
6 requesting the materials.

7 NEW SECTION. **Sec. 324.** The governor shall appoint the initial
8 members of the community public health and safety council by May 1,
9 1994.

10 NEW SECTION. **Sec. 325.** Any funds appropriated to the violence
11 reduction and drug enforcement account in the 1993-95 supplemental
12 budget for purposes of community networks shall only be available upon
13 application of a network to the council. The application shall
14 identify the programs and a plan for expenditure of the funds. The
15 application and plan shall demonstrate the effectiveness of the program
16 in terms of reaching its goals and provide clear and substantial
17 evidence that additional funds will substantially improve the ability
18 of the program to increase its effectiveness.

19 This section shall expire June 30, 1995.

20 NEW SECTION. **Sec. 326.** RCW 70.190.900 and 1994 c . . . s 318
21 (section 318 of this act) & 1992 c 198 s 11 are each repealed.

22 NEW SECTION. **Sec. 327.** Section 326 of this act shall take effect
23 July 1, 1995.

24 **PART IV. PUBLIC SAFETY**

25 **Sec. 401.** RCW 43.06.260 and 1969 ex.s. c 186 s 7 are each amended
26 to read as follows:

27 After the proclamation of a state of emergency as provided in RCW
28 43.06.010 any person (~~sixteen~~) fourteen years of age or over who
29 violates any provision of RCW 43.06.010(~~(, and)~~) or 43.06.200 through
30 43.06.270 shall be (~~prosecuted as an adult~~) subject to a decline
31 hearing under RCW 13.40.110.

1 NEW SECTION. **Sec. 402.** A new section is added to chapter 35.21
2 RCW to read as follows:

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

10 (2) The ordinance shall: (a) Contain clear specific prohibitions
11 in terms of location, conduct, and ages; and (b) accommodate (i)
12 juveniles acting in the course of their employment, (ii) juveniles
13 engaged in organized school activities, (iii) the physical well-being
14 of the juvenile, and (iv) juveniles who are in the presence of their
15 parents.

16 NEW SECTION. **Sec. 403.** A new section is added to chapter 35A.11
17 RCW to read as follows:

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

25 (2) The ordinance shall: (a) Contain clear specific prohibitions
26 in terms of location, conduct, and ages; and (b) accommodate (i)
27 juveniles acting in the course of their employment, (ii) juveniles
28 engaged in organized school activities, (iii) the physical well-being
29 of the juvenile, and (iv) juveniles who are in the presence of their
30 parents.

31 NEW SECTION. **Sec. 404.** A new section is added to chapter 36.32
32 RCW to read as follows:

33 (1) The legislative authority of any county has the authority to
34 enact an ordinance, for the purpose of preserving the public safety or
35 reducing acts of violence by or against juveniles that are occurring at
36 such rates as to be beyond the capacity of the police to assure public
37 safety, establishing times and conditions under which juveniles may be

1 present on the public streets, in the public parks, or in any other
2 public place during specified hours.

3 (2) The ordinance shall: (a) Contain clear specific prohibitions
4 in terms of location, conduct, and ages; and (b) accommodate (i)
5 juveniles acting in the course of their employment, (ii) juveniles
6 engaged in organized school activities, (iii) the physical well-being
7 of the juvenile, and (iv) juveniles who are in the presence of their
8 parents.

9 **Sec. 405.** RCW 46.20.265 and 1991 c 260 s 1 are each amended to
10 read as follows:

11 (1) In addition to any other authority to revoke driving privileges
12 under this chapter, the department shall revoke all driving privileges
13 of a juvenile when the department receives notice from a court pursuant
14 to section 407 or 408 of this act, RCW 13.40.265, 66.44.365, 69.41.065,
15 69.50.420, 69.52.070, or a substantially similar municipal ordinance
16 adopted by a local legislative authority, or from a diversion unit
17 pursuant to RCW 13.40.265. The revocation shall be imposed without
18 hearing.

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

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

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

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

31 (4)(a) If the department receives notice pursuant to RCW
32 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
33 diversion agreement for which the juvenile's driving privileges were
34 revoked, the department shall reinstate any driving privileges revoked
35 under this section as provided in (b) of this subsection.

36 (b) If the diversion agreement was for the juvenile's first
37 violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the
38 department shall not reinstate the juvenile's privilege to drive until

1 the later of ninety days after the date the juvenile turns sixteen or
2 ninety days after the juvenile entered into a diversion agreement for
3 the offense. If the diversion agreement was for the juvenile's second
4 or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52
5 RCW, the department shall not reinstate the juvenile's privilege to
6 drive until the later of the date the juvenile turns seventeen or one
7 year after the juvenile entered into the second or subsequent diversion
8 agreement.

9 **Sec. 406.** RCW 13.40.265 and 1989 c 271 s 116 are each amended to
10 read as follows:

11 (1)(a) If a juvenile thirteen years of age or older is found by
12 juvenile court to have committed an offense that is a violation of
13 chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify
14 the department of licensing within twenty-four hours after entry of the
15 judgment.

16 (b) Except as otherwise provided in (c) of this subsection, upon
17 petition of a juvenile who has been found by the court to have
18 committed an offense that is a violation of chapter 9.41, 66.44, 69.41,
19 69.50, or 69.52 RCW, the court may at any time the court deems
20 appropriate notify the department of licensing that the juvenile's
21 driving privileges should be reinstated.

22 (c) If the offense is the juvenile's first violation of chapter
23 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition
24 the court for reinstatement of the juvenile's privilege to drive
25 revoked pursuant to RCW 46.20.265 until ninety days after the date the
26 juvenile turns sixteen or ninety days after the judgment was entered,
27 whichever is later. If the offense is the juvenile's second or
28 subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52
29 RCW, the juvenile may not petition the court for reinstatement of the
30 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until
31 the date the juvenile turns seventeen or one year after the date
32 judgment was entered, whichever is later.

33 (2)(a) If a juvenile enters into a diversion agreement with a
34 diversion unit pursuant to RCW 13.40.080 concerning an offense that is
35 a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the
36 diversion unit shall notify the department of licensing within twenty-
37 four hours after the diversion agreement is signed.

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

4 NEW SECTION. **Sec. 407.** A new section is added to chapter 9.41 RCW
5 to read as follows:

6 (1) If a juvenile thirteen years of age or older and under the age
7 of eighteen is found by a court to have committed any offense that is
8 a violation of this chapter, the court shall notify the department of
9 licensing within twenty-four hours after entry of the judgment.

10 (2) Except as otherwise provided in subsection (3) of this section,
11 upon petition of a juvenile whose privilege to drive has been revoked
12 pursuant to RCW 46.20.265, the court may at any time the court deems
13 appropriate notify the department of licensing to reinstate the
14 juvenile's privilege to drive.

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

26 NEW SECTION. **Sec. 408.** A new section is added to chapter 9.94A
27 RCW to read as follows:

28 Upon conviction of any person under age eighteen of an offense
29 involving the use of a deadly weapon as defined in RCW 9A.04.110 or a
30 violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court
31 shall notify the department of licensing of the conviction.

32 **Sec. 409.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are
33 each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XV	Aggravated Murder 1 (RCW 10.95.020)
4	XIV	Murder 1 (RCW 9A.32.030)
5		Homicide by abuse (RCW 9A.32.055)
6	XIII	Murder 2 (RCW 9A.32.050)
7	XII	Assault 1 (RCW 9A.36.011)
8		Assault of a Child 1 (RCW 9A.36.120)
9	XI	Rape 1 (RCW 9A.44.040)
10		Rape of a Child 1 (RCW 9A.44.073)
11	X	Kidnapping 1 (RCW 9A.40.020)
12		Rape 2 (RCW 9A.44.050)
13		Rape of a Child 2 (RCW 9A.44.076)
14		Child Molestation 1 (RCW 9A.44.083)
15		Damaging building, etc., by explosion with
16		threat to human being (RCW
17		70.74.280(1))
18		Over 18 and deliver heroin or narcotic
19		from Schedule I or II to someone
20		under 18 (RCW 69.50.406)
21		Leading Organized Crime (RCW
22		9A.82.060(1)(a))
23	IX	Assault of a Child 2 (RCW 9A.36.130)
24		Robbery 1 (RCW 9A.56.200)
25		Manslaughter 1 (RCW 9A.32.060)
26		Explosive devices prohibited (RCW
27		70.74.180)
28		Indecent Liberties (with forcible
29		compulsion) (RCW 9A.44.100(1)(a))
30		Endangering life and property by
31		explosives with threat to human being
32		(RCW 70.74.270)

1 Over 18 and deliver narcotic from Schedule
 2 III, IV, or V or a nonnarcotic from
 3 Schedule I-V to someone under 18 and
 4 3 years junior (RCW 69.50.406)
 5 Controlled Substance Homicide (RCW
 6 69.50.415)
 7 Sexual Exploitation (RCW 9.68A.040)
 8 Inciting Criminal Profiteering (RCW
 9 9A.82.060(1)(b))

10 VIII Arson 1 (RCW 9A.48.020)
 11 Promoting Prostitution 1 (RCW 9A.88.070)
 12 Selling for profit (controlled or
 13 counterfeit) any controlled substance
 14 (RCW 69.50.410)
 15 Manufacture, deliver, or possess with
 16 intent to deliver heroin or cocaine
 17 (RCW 69.50.401(a)(1)(i))
 18 Manufacture, deliver, or possess with
 19 intent to deliver methamphetamine
 20 (RCW 69.50.401(a)(1)(ii))
 21 Vehicular Homicide, by being under the
 22 influence of intoxicating liquor or
 23 any drug or by the operation of any
 24 vehicle in a reckless manner (RCW
 25 46.61.520)

26 VII Burglary 1 (RCW 9A.52.020)
 27 Vehicular Homicide, by disregard for the
 28 safety of others (RCW 46.61.520)
 29 Introducing Contraband 1 (RCW 9A.76.140)
 30 Indecent Liberties (without forcible
 31 compulsion) (RCW 9A.44.100(1) (b) and
 32 (c))
 33 Child Molestation 2 (RCW 9A.44.086)
 34 Dealing in depictions of minor engaged in
 35 sexually explicit conduct (RCW
 36 9.68A.050)

1 Sending, bringing into state depictions of
2 minor engaged in sexually explicit
3 conduct (RCW 9.68A.060)
4 Involving a minor in drug dealing (RCW
5 69.50.401(f))

6 VI Bribery (RCW 9A.68.010)
7 Manslaughter 2 (RCW 9A.32.070)
8 Rape of a Child 3 (RCW 9A.44.079)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Damaging building, etc., by explosion with
12 no threat to human being (RCW
13 70.74.280(2))
14 Endangering life and property by
15 explosives with no threat to human
16 being (RCW 70.74.270)
17 Incest 1 (RCW 9A.64.020(1))
18 Manufacture, deliver, or possess with
19 intent to deliver narcotics from
20 Schedule I or II (except heroin or
21 cocaine) (RCW 69.50.401(a)(1)(i))
22 Intimidating a Judge (RCW 9A.72.160)
23 Bail Jumping with Murder 1 (RCW
24 9A.76.170(2)(a))

25 V Criminal Mistreatment 1 (RCW 9A.42.020)
26 Reckless Endangerment 1 (RCW 9A.36.045)
27 Rape 3 (RCW 9A.44.060)
28 Sexual Misconduct with a Minor 1 (RCW
29 9A.44.093)
30 Child Molestation 3 (RCW 9A.44.089)
31 Kidnapping 2 (RCW 9A.40.030)
32 Extortion 1 (RCW 9A.56.120)
33 Incest 2 (RCW 9A.64.020(2))
34 Perjury 1 (RCW 9A.72.020)
35 Extortionate Extension of Credit (RCW
36 9A.82.020)

1 Advancing money or property for
2 extortionate extension of credit (RCW
3 9A.82.030)
4 Extortionate Means to Collect Extensions
5 of Credit (RCW 9A.82.040)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Bail Jumping with class A Felony (RCW
9 9A.76.170(2)(b))
10 Delivery of imitation controlled substance
11 by person eighteen or over to person
12 under eighteen (RCW 69.52.030(2))

13 IV Residential Burglary (RCW 9A.52.025)
14 Theft of Livestock 1 (RCW 9A.56.080)
15 Robbery 2 (RCW 9A.56.210)
16 Assault 2 (RCW 9A.36.021)
17 Escape 1 (RCW 9A.76.110)
18 Arson 2 (RCW 9A.48.030)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090, 9A.72.100)
21 Malicious Harassment (RCW 9A.36.080)
22 Threats to Bomb (RCW 9.61.160)
23 Willful Failure to Return from Furlough
24 (RCW 72.66.060)
25 Hit and Run « Injury Accident (RCW
26 46.52.020(4))
27 Vehicular Assault (RCW 46.61.522)
28 Manufacture, deliver, or possess with
29 intent to deliver narcotics from
30 Schedule III, IV, or V or
31 nonnarcotics from Schedule I-V
32 (except marijuana or
33 methamphetamines) (RCW
34 69.50.401(a)(1)(ii) through (iv))
35 Influencing Outcome of Sporting Event (RCW
36 9A.82.070)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))
5 Possession of Stolen Firearm 1 (RCW
6 9A.56.-- (section 416 of this act))
7 Reckless Endangerment 2 (RCW 9A.36.-- (section 411 of this
8 act))
9 Theft of Firearm 1 (RCW 9A.56.-- (section
10 413 of this act))
11 Unlawful Possession of Firearm by Felon
12 (RCW 9.41.040)

13 III Criminal mistreatment 2 (RCW 9A.42.030)
14 Extortion 2 (RCW 9A.56.130)
15 Unlawful Imprisonment (RCW 9A.40.040)
16 Assault 3 (RCW 9A.36.031)
17 Assault of a Child 3 (RCW 9A.36.140)
18 Custodial Assault (RCW 9A.36.100)
19 ((~~Unlawful possession of firearm or pistol by felon (RCW~~
20 ~~9.41.040))~~)
21 Harassment (RCW 9A.46.020)
22 Promoting Prostitution 2 (RCW 9A.88.080)
23 Willful Failure to Return from Work
24 Release (RCW 72.65.070)
25 Burglary 2 (RCW 9A.52.030)
26 Introducing Contraband 2 (RCW 9A.76.150)
27 Communication with a Minor for Immoral
28 Purposes (RCW 9.68A.090)
29 Patronizing a Juvenile Prostitute (RCW
30 9.68A.100)
31 Escape 2 (RCW 9A.76.120)
32 Perjury 2 (RCW 9A.72.030)
33 Bail Jumping with class B or C Felony (RCW
34 9A.76.170(2)(c))
35 Intimidating a Public Servant (RCW
36 9A.76.180)
37 Tampering with a Witness (RCW 9A.72.120)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(ii))
4 Delivery of a material in lieu of a
5 controlled substance (RCW
6 69.50.401(c))
7 Manufacture, distribute, or possess with
8 intent to distribute an imitation
9 controlled substance (RCW
10 69.52.030(1))
11 Recklessly Trafficking in Stolen Property
12 (RCW 9A.82.050(1))
13 Theft of livestock 2 (RCW 9A.56.080)
14 Securities Act violation (RCW 21.20.400)
15 Possession of Stolen Firearm 2 (RCW
16 9A.56.-- (section 417 of this act))
17 Theft of Firearm 2 (RCW 9A.56.-- (section
18 414 of this act))

19 II Malicious Mischief 1 (RCW 9A.48.070)
20 Possession of Stolen Property 1 (RCW
21 9A.56.150)
22 Theft 1 (RCW 9A.56.030)
23 Possession of controlled substance that is
24 either heroin or narcotics from
25 Schedule I or II (RCW 69.50.401(d))
26 Possession of phencyclidine (PCP) (RCW
27 69.50.401(d))
28 Create, deliver, or possess a counterfeit
29 controlled substance (RCW
30 69.50.401(b))
31 Computer Trespass 1 (RCW 9A.52.110)
32 ((~~Reckless Endangerment 1 (RCW~~
33 ~~9A.36.045))
34 Escape from Community Custody (RCW
35 72.09.310)~~

1 I Theft 2 (RCW 9A.56.040)
2 Possession of Stolen Property 2 (RCW
3 9A.56.160)
4 Forgery (RCW 9A.60.020)
5 Taking Motor Vehicle Without Permission
6 (RCW 9A.56.070)
7 Vehicle Prowl 1 (RCW 9A.52.095)
8 Attempting to Elude a Pursuing Police
9 Vehicle (RCW 46.61.024)
10 Malicious Mischief 2 (RCW 9A.48.080)
11 Reckless Burning 1 (RCW 9A.48.040)
12 Unlawful Issuance of Checks or Drafts (RCW
13 9A.56.060)
14 Unlawful Use of Food Stamps (RCW 9.91.140
15 (2) and (3))
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forged Prescription (RCW 69.41.020)
19 Forged Prescription for a Controlled
20 Substance (RCW 69.50.403)
21 Possess Controlled Substance that is a
22 Narcotic from Schedule III, IV, or V
23 or Non-narcotic from Schedule I-V
24 (except phencyclidine) (RCW
25 69.50.401(d))

26 **Sec. 410.** RCW 9A.36.045 and 1989 c 271 s 109 are each amended to
27 read as follows:

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

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

1 (3) Reckless endangerment in the first degree is a class ((E)) B
2 felony.

3 NEW SECTION. **Sec. 411.** A new section is added to chapter 9A.36
4 RCW to read as follows:

5 (1) A person is guilty of reckless endangerment in the second
6 degree when he or she recklessly discharges a firearm or uses any other
7 deadly weapon as defined in RCW 9.94A.125 in conduct not amounting to
8 reckless endangerment in the first degree but which creates a
9 substantial risk of death or serious physical injury to another person.

10 (2) Reckless endangerment in the second degree is a class C felony.

11 **Sec. 412.** RCW 9A.36.050 and 1989 c 271 s 110 are each amended to
12 read as follows:

13 (1) A person is guilty of reckless endangerment in the ((second))
14 third degree when he or she recklessly engages in conduct not amounting
15 to reckless endangerment in the first or second degree but which
16 creates a substantial risk of death or serious physical injury to
17 another person.

18 (2) Reckless endangerment in the ((second)) third degree is a gross
19 misdemeanor.

20 NEW SECTION. **Sec. 413.** A new section is added to chapter 9A.56
21 RCW to read as follows:

22 (1) A person is guilty of theft of a firearm in the first degree if
23 he or she commits theft of:

24 (a) A firearm or firearms in excess of one thousand dollars in
25 value; or

26 (b) A total of three or more firearms; or

27 (c) A firearm or firearms of any value taken from the person of
28 another.

29 (2) The definition of theft and the defense allowed against the
30 prosecution of theft under RCW 9A.56.020 shall apply to the theft of a
31 firearm in the first degree.

32 (3) Theft of a firearm in the first degree is a class B felony.

33 NEW SECTION. **Sec. 414.** A new section is added to chapter 9A.56
34 RCW to read as follows:

1 (1) A person is guilty of theft of a firearm in the second degree
2 if he or she commits theft of any firearm or firearms which does not
3 amount to theft of a firearm in the first degree.

4 (2) The definition of theft and the defense allowed against the
5 prosecution of theft under RCW 9A.56.020 shall apply to the theft of a
6 firearm in the second degree.

7 (3) Theft of a firearm in the second degree is a class C felony.

8 **Sec. 415.** RCW 9A.56.040 and 1987 c 140 s 2 are each amended to
9 read as follows:

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

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

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

18 (c) An access device; or

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

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

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

24 NEW SECTION. **Sec. 416.** A new section is added to chapter 9A.56
25 RCW to read as follows:

26 (1) A person is guilty of possessing a stolen firearm in the first
27 degree if he or she possesses a stolen firearm or firearms which:

28 (a) Exceed one thousand dollars in value; or

29 (b) Total three or more firearms.

30 (2) The definition of possessing stolen property and the defense
31 allowed against the prosecution of possessing stolen property under RCW
32 9A.56.020 shall apply to possessing a stolen firearm in the first
33 degree.

34 (3) Possessing a stolen firearm in the first degree is a class B
35 felony.

1 NEW SECTION. **Sec. 417.** A new section is added to chapter 9A.56
2 RCW to read as follows:

3 (1) A person is guilty of possessing a stolen firearm in the second
4 degree if he or she possesses a stolen firearm or firearms not
5 amounting to possessing a stolen firearm in the first degree.

6 (2) The definition of possessing stolen property and the defense
7 allowed against the prosecution of possessing stolen property under RCW
8 9A.56.020 shall apply to possessing a stolen firearm in the second
9 degree.

10 (3) Possessing a stolen firearm in the second degree is a class C
11 felony.

12 **Sec. 418.** RCW 9A.56.160 and 1987 c 140 s 4 are each amended to
13 read as follows:

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

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

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

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

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

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

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

27 NEW SECTION. **Sec. 419.** A new section is added to chapter 9.41 RCW
28 to read as follows:

29 Upon conviction of any person of any offense that disqualifies the
30 offender from ownership of a pistol the court shall: (1) Immediately
31 revoke the concealed pistol license of the offender, if any; (2) order
32 the immediate surrender of the license to the court; (3) destroy the
33 license, unless an appeal of the conviction is timely filed, in which
34 case the court shall retain possession of the license until a final
35 determination of the appeal; and (4) notify the department of licensing
36 of the revocation.

1 If the license has not otherwise expired, the court shall restore,
2 without cost, the license of a person whose conviction is reversed on
3 appeal. The person shall also be eligible for relicensing without
4 consideration of the original conviction. Upon restoration, the court
5 shall immediately notify the department of licensing.

6 NEW SECTION. Sec. 420. A new section is added to chapter 9.41 RCW
7 to read as follows:

8 Upon receipt of notice from the court under section 419 of this
9 act, the department shall correct its records to reflect the revocation
10 or restoration of the concealed pistol license.

11 **Sec. 421.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
12 each reenacted and amended to read as follows:

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

15 (1) (~~("Short firearm" or "pistol" as used in this chapter means any~~
16 ~~firearm with a barrel less than twelve inches in length))~~ "Ammunition"
17 means ammunition or cartridge cases, primers, bullets, or propellant
18 powder designed for use in any firearm.

19 (2) "Crime of violence" (~~(as used in this chapter)~~) means:

20 (a) Any of the following felonies, as now existing or hereafter
21 amended: Any felony defined under any law as a class A felony or an
22 attempt to commit a class A felony, criminal solicitation of or
23 criminal conspiracy to commit a class A felony, manslaughter in the
24 first degree, manslaughter in the second degree, indecent liberties if
25 committed by forcible compulsion, rape in the second degree, kidnapping
26 in the second degree, arson in the second degree, assault in the second
27 degree, assault of a child in the second degree, extortion in the first
28 degree, residential burglary, reckless endangerment in the first
29 degree, burglary in the second degree, ((and)) robbery in the second
30 degree, and malicious harassment;

31 (b) Any conviction or adjudication for a felony offense in effect
32 at any time prior to (~~(July 1, 1976))~~ the effective date of this
33 section, which is comparable to a felony classified as a crime of
34 violence in subsection (2)(a) of this section; and

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

1 (3) "Deadly weapon" has the same definition as in RCW 9A.04.110.
2 (4) "Dealer" means:
3 (a) Any person engaged in the business of selling firearms at
4 wholesale or retail;
5 (b) Any person engaged in the business of repairing firearms or of
6 making or fitting special barrels, stocks, or trigger mechanisms to
7 firearms; or
8 (c) Any person who is a pawnbroker.
9 (5)(a) "Engaged in the business" means:
10 (i) As applied to a dealer as defined in subsection (4)(a) of this
11 section, a person who devotes time, attention, and labor to dealing in
12 firearms as a regular course of trade or business with the principal
13 objective of livelihood and profit through the repetitive purchase and
14 resale of firearms, but such term shall not include a person who makes
15 occasional sales, exchanges, or purchases of firearms for the
16 enhancement of a personal collection or for a hobby, or who sells all
17 or part of his or her personal collection of firearms;
18 (ii) As applied to a dealer as defined in subsection (4)(b) of this
19 section, a person who devotes time, attention, and labor to engaging in
20 such activity as a regular course of trade or business with the
21 principal objective of livelihood and profit, but such term shall not
22 include a person who makes occasional repairs of firearms, or who
23 occasionally fits special barrels, stocks, or trigger mechanisms to
24 firearms.
25 (b) For the purpose of this subsection, "with the principal
26 objective of livelihood and profit" means that the intent underlying
27 the sale or disposition of firearms is predominantly one of obtaining
28 livelihood and pecuniary gain, as opposed to other intents, such as
29 improving or liquidating a personal firearms collection.
30 (c) The possession of a federal firearms license under 18 U.S.C.
31 Sec. 923 does not constitute conclusive proof that the holder is a
32 person engaged in business as a dealer.
33 (6) "Firearm" ((as used in this chapter)) means a weapon or device
34 from which a projectile may be fired by an explosive such as gunpowder.
35 ~~((4) "Commercial seller" as used in this chapter means a person~~
36 ~~who has a federal firearms license.))~~
37 (7) "Machine gun" means any firearm known as a machine gun,
38 mechanical rifle, submachine gun, or any other mechanism or instrument
39 not requiring that the trigger be pressed for each shot and having a

1 reservoir clip, disc, drum, belt, or other separable mechanical device
2 for storing, carrying, or supplying ammunition which can be loaded into
3 the firearm, mechanism, or instrument, and fired therefrom at the rate
4 of five or more shots per second.

5 (8) "Most serious offense" means any of the following felonies or
6 a felony attempt to commit any of the following felonies, as now
7 existing or hereafter amended:

8 (a) Any crime of violence;

9 (b) Child molestation in the second degree;

10 (c) Controlled substance homicide;

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

12 (e) Indecent liberties;

13 (f) Leading organized crime;

14 (g) Promoting prostitution in the first degree;

15 (h) Rape in the third degree;

16 (i) Sexual exploitation;

17 (j) Vehicular assault;

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

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

24 (m) Any other felony with a deadly weapon verdict under RCW
25 9.94A.125; or

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

31 (9) "Pistol" means any firearm with a barrel less than twelve
32 inches in length.

33 **Sec. 422.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are
34 each reenacted and amended to read as follows:

35 (1) A person is guilty of the crime of unlawful possession of a
36 ~~((short firearm or))~~ pistol, if, having previously been convicted or,
37 as a juvenile, adjudicated in this state or elsewhere of a crime of
38 violence, a most serious offense, a domestic violence offense

1 enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW
2 9A.46.060, or of a felony in which a firearm was used or displayed, the
3 person owns or has in his or her possession any (~~short firearm or~~)
4 pistol.

5 (2) Unlawful possession of a (~~short firearm or~~) pistol shall be
6 punished as a class C felony under chapter 9A.20 RCW.

7 (3) As used in this section, a person has been "convicted or
8 adjudicated" at such time as a plea of guilty has been accepted or a
9 verdict of guilty has been filed, notwithstanding the pendency of any
10 future proceedings including but not limited to sentencing or
11 disposition, post-trial or post-factfinding motions, and appeals. A
12 person shall not be precluded from possession if the conviction or
13 adjudication has been the subject of a pardon, annulment, certificate
14 of rehabilitation, or other equivalent procedure based on a finding of
15 the rehabilitation of the person convicted or adjudicated or the
16 conviction or disposition has been the subject of a pardon, annulment,
17 or other equivalent procedure based on a finding of innocence.

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

25 (5) Notwithstanding subsection (1) of this section, a person
26 convicted of an offense other than murder, manslaughter, robbery, rape,
27 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
28 violations with respect to controlled substances under RCW 69.50.401(a)
29 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
30 and who received a dismissal of the charge under RCW 9.95.240, shall
31 not be precluded from ownership, possession, or control of a firearm as
32 a result of the conviction.

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

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

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

10 **Sec. 423.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each
11 amended to read as follows:

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

16 (2) A person who is in possession of an unloaded pistol shall not
17 leave the unloaded pistol in a vehicle unless the unloaded pistol is
18 locked within the vehicle and concealed from view from outside the
19 vehicle.

20 (3) A person shall not carry or place a loaded pistol in any
21 vehicle unless the person has a concealed pistol license (~~(to carry a~~
22 ~~concealed weapon)~~) and: (a) The pistol is on the licensee's person,
23 (b) the licensee is within the vehicle at all times that the pistol is
24 there, or (c) the licensee is away from the vehicle and the pistol is
25 locked within the vehicle and concealed from view from outside the
26 vehicle.

27 **Sec. 424.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read
28 as follows:

29 The provisions of RCW 9.41.050 shall not apply to marshals,
30 sheriffs, prison or jail wardens or their deputies, (~~(policemen)~~)
31 police officers or other law enforcement officers, or to members of the
32 army, navy or marine corps of the United States or of the national
33 guard or organized reserves when on duty, or to regularly enrolled
34 members of any organization duly authorized to purchase or receive such
35 (~~(weapons)~~) pistols from the United States or from this state, or to
36 regularly enrolled members of clubs organized for the purpose of target
37 shooting or modern and antique firearm collecting or to individual

1 hunters: PROVIDED, Such members are at, or are going to or from their
2 places of target practice, or their collector's gun shows and exhibits,
3 or are on a hunting, camping or fishing trip, or to officers or
4 employees of the United States duly authorized to carry a concealed
5 pistol, or to any person engaged in the business of manufacturing,
6 repairing, or dealing in firearms or the agent or representative of any
7 such person having in his or her possession, using, or carrying a
8 pistol in the usual or ordinary course of such business, or to any
9 person while carrying a pistol unloaded and in a secure wrapper from
10 the place of purchase to his or her home or place of business or to a
11 place of repair or back to his or her home or place of business or in
12 moving from one place of abode or business to another.

13 **Sec. 425.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
14 as follows:

15 (1) The judge of a court of record, the chief of police of a
16 municipality, or the sheriff of a county, shall within thirty days
17 after the filing of an application of any person issue a license to
18 such person to carry a pistol concealed on his or her person within
19 this state for four years from date of issue, for the purposes of
20 protection or while engaged in business, sport, or while traveling.
21 However, if the applicant does not have a valid permanent Washington
22 driver's license or Washington state identification card or has not
23 been a resident of the state for the previous consecutive ninety days,
24 the issuing authority shall have up to sixty days after the filing of
25 the application to issue a license. Such applicant's constitutional
26 right to bear arms shall not be denied, unless he or she:

27 (a) Is ineligible to (~~own~~) possess a pistol under the provisions
28 of RCW 9.41.040; or

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

30 (c) Is subject to a court order or injunction regarding firearms
31 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

32 (d) Is free on bond or personal recognizance pending trial, appeal,
33 or sentencing for a crime of violence; or

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

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

1 (g) Has been convicted of any of the following offenses: Assault
2 in the third degree, indecent liberties, malicious mischief in the
3 first degree, possession of stolen property in the first or second
4 degree, or theft in the first or second degree. Any person who becomes
5 ineligible for a concealed pistol (~~(permit)~~) license as a result of a
6 conviction for a crime listed in this subsection (1)(g) and then
7 successfully completes all terms of his or her sentence, as evidenced
8 by a certificate of discharge issued under RCW 9.94A.220 in the case of
9 a sentence under chapter 9.94A RCW, and has not again been convicted of
10 any crime and is not under indictment for any crime, may, one year or
11 longer after such successful sentence completion, petition the district
12 court for a declaration that the person is no longer ineligible for a
13 concealed pistol (~~(permit)~~) license under this subsection (1)(g).

14 (2) In the event the issuing authority is unable to determine
15 whether the applicant has been convicted of an offense that
16 disqualifies the applicant from receiving a license, the issuing
17 authority may extend the period in which a decision is to be made by
18 not more than thirty days if the applicant is notified of the delay by
19 certified mail and is provided an opportunity to present to the issuing
20 authority evidence that he or she has not been convicted of any
21 disqualifying offense. If, at the end of the extended period the
22 issuing authority is unable to determine whether a disqualifying
23 conviction has been entered, the application shall be approved.

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

30 (~~(+3)~~) (4) The license shall be revoked by the issuing authority
31 immediately upon conviction of a crime which makes such a person
32 ineligible to (~~own~~) possess a pistol or upon the third conviction for
33 a violation of this chapter within five calendar years.

34 (~~(+4)~~) (5) Upon an order to forfeit a firearm under RCW
35 9.41.098(1)(d) the issuing authority shall:

- 36 (a) On the first forfeiture, revoke the license for one year;
37 (b) On the second forfeiture, revoke the license for two years;
38 (c) On the third or subsequent forfeiture, revoke the license for
39 five years.

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

6 ~~((5))~~ (6) The license application shall be in triplicate, in form
7 to be prescribed by the department of licensing, and shall bear the
8 full name, street address, ~~((and)) date and place of birth, race,~~
9 gender, description, fingerprints, ~~((and)) signature of the licensee,~~
10 and the licensee's driver's license number or state identification card
11 number if used for identification in applying for the license. The
12 application shall also include a statement that the applicant is
13 eligible to possess a pistol under RCW 9.41.040. The license
14 application shall contain a warning substantially as follows:

15 CAUTION: Although state and local laws do not differ, federal
16 law and state law on the possession of firearms differ. If you
17 are prohibited by federal law from possessing a firearm, you
18 may be prosecuted in federal court. A state license is not a
19 defense to a federal prosecution.

20 The license application shall contain a description of the major
21 differences between state and federal law and an explanation of the
22 fact that local laws and ordinances on firearms are preempted by state
23 law and must be consistent with state law. The ~~((application shall
24 contain questions about the applicant's place of birth, whether the
25 applicant is a United States citizen, and if not a citizen whether the
26 applicant has declared the intent to become a citizen))~~ applicant shall
27 also provide the following information: Citizenship and whether he or
28 she has been required to register with the state or federal government
29 and ~~((any)) has an~~ identification or registration number~~((, if~~
30 applicable)). The applicant shall not be required to produce a birth
31 certificate or other evidence of citizenship. ~~((An applicant who is
32 not a citizen shall provide documentation showing resident alien status
33 and the applicant's intent to become a citizen. A person who makes a
34 false statement regarding citizenship on the application is guilty of
35 a misdemeanor.))~~ A person who is not a citizen of the United States~~((,~~
36 ~~or has not declared his or her intention to become a citizen))~~ shall
37 meet the additional requirements of RCW 9.41.170.

1 Upon approval of the application by the issuing authority, the
2 original ((thereof)) application and license shall be delivered to the
3 licensee((, the)); a duplicate of the license shall within seven days
4 be sent ((by registered mail)) to the director of licensing; and
5 ((the)) a triplicate of the license shall be preserved for six years,
6 by the issuing authority ((issuing said license)). If the application
7 is denied, notice of the denial shall be sent to the applicant and the
8 director of licensing by the issuing authority within five days of
9 denial.

10 The department of licensing shall enter the information on the
11 application record and license into its data bank. The department
12 shall make available in an on-line format all information received
13 under this subsection and subsection (5) of this section. The form of
14 the application and license shall be as determined by the director of
15 licensing.

16 ~~((+6))~~ (7) The fee for the original issuance of a four-year
17 license shall be ((twenty-three)) thirty dollars((: PROVIDED, That)).
18 No other ((additional charges by any)) branch or unit of government
19 ((shall be borne by)) may impose any additional charges on the
20 applicant for the issuance of the license((: PROVIDED FURTHER, That)).

21 The fee shall be distributed as follows:

22 (a) Four dollars shall be paid to the state general fund;

23 (b) ~~((Four))~~ Five dollars shall be paid to the agency taking the
24 fingerprints of the person licensed;

25 (c) ~~((Twelve))~~ Fifteen dollars and fifty cents shall be paid to the
26 issuing authority solely for the purpose of enforcing this chapter;
27 ((and))

28 (d) Three dollars to the firearms range account in the general
29 fund; and

30 (e) Two dollars and fifty cents to the department of licensing
31 solely for the purpose of enforcing this chapter.

32 ~~((+7))~~ (8) The fee for the renewal of such license shall be
33 ((fifteen)) twenty dollars((: PROVIDED, That)). No other ((additional
34 charges by any)) branch or unit of government ((shall be borne by)) may
35 impose any additional charges on the applicant for the renewal of the
36 license((: PROVIDED FURTHER, That)).

37 The renewal fee shall be distributed as follows:

38 (a) Four dollars shall be paid to the state general fund;

1 (b) (~~Eight~~) Ten dollars shall be paid to the issuing authority
2 solely for the purpose of enforcing this chapter; (~~and~~)

3 (c) Three dollars to the firearms range account in the general
4 fund; and

5 (d) Three dollars to the department of licensing.

6 (~~(8)~~) (9) Methods of payment shall be (by cash, check, or money
7 order at the option of the applicant. Additional methods of payment
8 may be allowed) determined at the option of the issuing authority.

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

16 (a) Three dollars shall be deposited in the state wildlife fund and
17 used exclusively for the printing and distribution of a pamphlet on the
18 legal limits of the use of firearms, firearms safety, and the
19 preemptive nature of state law. The pamphlet shall be given to each
20 applicant for a license; and

21 (b) Seven dollars shall be paid to the issuing authority for the
22 purpose of enforcing this chapter.

23 (~~(10)~~) (11) Notwithstanding the requirements of subsections (1)
24 through (~~(9)~~) (10) of this section, the chief of police of the
25 municipality or the sheriff of the county of the applicant's residence
26 may issue a temporary emergency license for good cause pending review
27 under subsection (1) of this section.

28 (~~(11)~~) (12) A political subdivision of the state shall not: (a)
29 Modify the requirements of this (~~section or~~) chapter(~~, nor may a~~
30 political subdivision)); (b) refuse to accept a completed application;
31 or (c) ask the applicant to voluntarily submit any information not
32 required by this section. A civil suit may be brought to enjoin a
33 wrongful refusal to accept a completed application or to issue a
34 license or a wrongful modification of the requirements of this
35 (~~section or~~) chapter. The civil suit may be brought in the county in
36 which the application was made or in Thurston county at the discretion
37 of the petitioner. Any person who prevails against a public agency in
38 any action in the courts for a violation of this chapter shall be

1 awarded costs, including reasonable attorneys' fees, incurred in
2 connection with such legal action.

3 (13) A person who knowingly makes a false statement regarding
4 residency, identity, citizenship, or other required information on an
5 application for a concealed pistol license is guilty of a misdemeanor.
6 Each false statement is a separate offense.

7 (14) A person may apply for a license only in, and such license may
8 be issued only in, the municipality or the county in which the
9 applicant resides.

10 **Sec. 426.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
11 as follows:

12 (1) No person (~~(shall)~~) may deliver a pistol or ammunition usable
13 only in a pistol to any person under the age of (~~(twenty-one)~~) eighteen
14 or to one who he or she has reasonable cause to believe (~~(has been~~
15 convicted of a crime of violence, or is a drug addict, an habitual
16 drunkard, or of unsound mind)) is ineligible to possess a pistol under
17 RCW 9.41.040. No dealer may deliver a pistol or ammunition usable only
18 in a pistol to any person under the age of twenty-one or to one who he
19 or she has reasonable cause to believe is ineligible to possess a
20 pistol under RCW 9.41.040. Violation of this subsection is a gross
21 misdemeanor for the first offense and a class C felony punishable under
22 chapter 9A.20 RCW for all subsequent offenses.

23 (2) Any person who makes an unlawful delivery under this section
24 within one thousand feet of any public or private elementary or
25 secondary school premises is guilty of a class C felony punishable
26 under chapter 9A.20 RCW.

27 (3) The minimum sentence for a violation of this section is ninety
28 days of confinement.

29 **Sec. 427.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read
30 as follows:

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

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

1 (b) The (~~seller~~) dealer is notified in writing by the chief of
2 police of the municipality or the sheriff of the county that the
3 purchaser (~~meets the requirements of~~) is eligible to possess a pistol
4 under RCW 9.41.040 and that the application to purchase is (~~granted~~)
5 approved by the chief of police or sheriff; or

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

16 (2) In any case under subsection (1)(c) of this section where the
17 applicant has an outstanding warrant for his or her arrest from any
18 court of competent jurisdiction for a felony or misdemeanor, the
19 (~~seller~~) dealer shall hold the delivery of the pistol until the
20 warrant for arrest is served and satisfied by appropriate court
21 appearance. The local jurisdiction for purposes of the sale shall
22 confirm the existence of outstanding warrants within seventy-two hours
23 after notification of the application to purchase a pistol is received.
24 The local jurisdiction shall also immediately confirm the satisfaction
25 of the warrant on request of the (~~seller~~) dealer so that the hold may
26 be released if the warrant was for a crime other than a crime of
27 violence.

28 (3) In any case where the chief or sheriff of the local
29 jurisdiction has reasonable grounds based on the following
30 circumstances: (a) Open criminal charges, (b) pending criminal
31 proceedings, (c) pending commitment proceedings, (d) an outstanding
32 warrant for a crime of violence, or (e) an arrest for a crime of
33 violence if the records of disposition have not yet been reported or
34 entered sufficiently to determine eligibility to purchase a pistol, the
35 local jurisdiction may hold the sale and delivery of the pistol beyond
36 five days up to thirty days in order to confirm existing records in
37 this state or elsewhere. After thirty days, the hold will be lifted
38 unless an extension of the thirty days is approved by a local district
39 court or municipal court for good cause shown. An applicant shall be

1 notified of each hold placed on the sale by local law enforcement and
2 of any application to the court for additional hold period to confirm
3 records or confirm the identity of the applicant.

4 (4) At the time of applying for the purchase of a pistol, the
5 purchaser shall sign in triplicate and deliver to the ~~((seller))~~ dealer
6 an application containing his or her full name, street address, date
7 and place of birth, ~~((and))~~ race, and gender; the date and hour of the
8 application; the applicant's driver's license number or state
9 identification card number; ~~((and))~~ a description of the ~~((weapon))~~
10 pistol, including~~((r))~~ the make, model, caliber and manufacturer's
11 number; and a statement that the purchaser is eligible to ~~((own))~~
12 possess a pistol under RCW 9.41.040. The application shall contain a
13 warning substantially as follows:

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

19 The purchaser shall be given a copy of the department of fish and
20 wildlife pamphlet on the legal limits of the use of firearms, firearms
21 safety, and the fact that local laws and ordinances on firearms are
22 preempted by state law and must be consistent with state law.

23 The ~~((seller))~~ dealer shall, by the end of the business day, sign
24 and attach his or her address and deliver the original of the
25 application and such other documentation as required under subsection
26 (1) of this section to the chief of police of the municipality or the
27 sheriff of the county of which the ~~((seller))~~ dealer is a resident.
28 The dealer shall send the duplicate to the director of licensing within
29 seven days, and retain the triplicate for six years. The ~~((seller))~~
30 dealer shall deliver the pistol to the purchaser following the period
31 of time specified in this section unless the ~~((seller))~~ dealer is
32 notified in writing by the chief of police of the municipality or the
33 sheriff of the county, whichever is applicable, denying the purchaser's
34 application to purchase and the grounds thereof. The application shall
35 not be denied unless the purchaser ~~((fails to meet the requirements~~
36 specified in)) is not eligible to possess a pistol under RCW 9.41.040.
37 The chief of police of the municipality or the county sheriff shall

1 maintain a file containing the original of the application to purchase
2 a pistol.

3 (5) Sales by wholesalers to dealers are exempt from the provisions
4 of this section.

5 (6) A person who knowingly makes a false statement regarding
6 residency, identity, citizenship, or other required information on the
7 application to purchase a pistol is guilty of a misdemeanor. Each
8 false statement is a separate offense.

9 **Sec. 428.** RCW 9.41.095 and 1969 ex.s. c 227 s 3 are each amended
10 to read as follows:

11 Any person whose application to purchase a pistol as provided in
12 RCW 9.41.090 (~~as now or hereinafter amended~~) is denied shall have a
13 right to appeal to the legislative body of the municipality or of the
14 county, whichever is applicable, for a review of the denial at a public
15 hearing to be conducted within fifteen days after denial. It shall be
16 the duty of the law enforcement officer recommending the denial to
17 appear at such hearing and to present proof relating to the grounds for
18 denial. In the event that the evidence so presented does not sustain
19 one of the grounds for denial enumerated in RCW 9.41.090, the
20 legislative authority shall authorize the sale.

21 Any person aggrieved by a determination of the appropriate
22 legislative body not to permit the sale of such weapon is entitled to
23 judicial review by the superior court in the appropriate county.

24 **Sec. 429.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
25 as follows:

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

28 (a) Found concealed on a person not authorized by RCW 9.41.060 or
29 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
30 defense to forfeiture if the person possessed a valid Washington
31 concealed pistol license within the preceding two years and has not
32 become ineligible for a concealed pistol license in the interim.
33 Before the firearm may be returned, the person must pay the past due
34 renewal fee and the current renewal fee;

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

1 (c) Found in the possession or under the control of a person at the
2 time the person committed or was arrested for committing a crime of
3 violence or a crime in which a firearm was used or displayed or a
4 felony violation of the Uniform Controlled Substances Act, chapter
5 69.50 RCW;

6 (d) Found concealed on a person who is in any place in which a
7 concealed pistol license is required, and who is under the influence of
8 any drug or under the influence of intoxicating liquor, having 0.10
9 grams or more of alcohol per two hundred ten liters of breath or 0.10
10 percent or more by weight of alcohol in the person's blood, as shown by
11 analysis of the person's breath, blood, or other bodily substance;

12 (e) Found in the possession of a person prohibited from possessing
13 the firearm under RCW 9.41.040;

14 (f) Found in the possession of a person free on bail or personal
15 recognizance pending trial, appeal, or sentencing for a crime of
16 violence or a crime in which a firearm was used or displayed, except
17 that violations of Title 77 RCW shall not result in forfeiture under
18 this section;

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

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

25 (i) Known to have been used in the commission of a crime of
26 violence or a crime in which a firearm was used or displayed or a
27 felony violation of the ((~~Uniformed~~ [Uniform])) Uniform Controlled
28 Substances Act, chapter 69.50 RCW.

29 (2) Upon order of forfeiture, the court in its discretion shall
30 order destruction of any firearm that is illegal for any person to
31 possess. A court may temporarily retain forfeited firearms needed for
32 evidence.

33 (a) Except as provided in (b), (c), and (d) of this subsection,
34 firearms that are: (i) Judicially forfeited and no longer needed for
35 evidence; or (ii) forfeited due to a failure to make a claim under RCW
36 63.32.010 or 63.40.010; may be disposed of in any manner determined by
37 the local legislative authority. Any proceeds of an auction or trade
38 may be retained by the legislative authority. This subsection (2)(a)
39 applies only to firearms that come into the possession of the law

1 enforcement agency after June 30, 1993, and applies only if the law
2 enforcement agency has complied with (b) of this subsection.

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

8 (b) Except as provided in (c) of this subsection, of the
9 inventoried firearms a law enforcement agency shall destroy illegal
10 firearms, may retain a maximum of ten percent of legal forfeited
11 firearms for agency use, and shall either:

12 (i) Comply with the provisions for the auction of firearms in RCW
13 9.41.098 that were in effect immediately preceding May 7, 1993; or

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

28 (c) Antique firearms as defined by RCW 9.41.150 and firearms
29 recognized as curios, relics, and firearms of particular historical
30 significance by the United States treasury department bureau of
31 alcohol, tobacco, and firearms are exempt from destruction and shall be
32 disposed of by auction or trade to (~~commercial sellers~~) dealers.

33 (d) Firearms in the possession of the Washington state patrol on or
34 after May 7, 1993, that are judicially forfeited and no longer needed
35 for evidence, or forfeited due to a failure to make a claim under RCW
36 63.35.020, must be disposed of as follows: (i) Firearms illegal for
37 any person to possess must be destroyed; (ii) the Washington state
38 patrol may retain a maximum of ten percent of legal firearms for agency
39 use; and (iii) all other legal firearms must be auctioned or traded to

1 ((commercial-sellers)) dealers. The Washington state patrol may retain
2 any proceeds of an auction or trade.

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

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

17 **Sec. 430.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read
18 as follows:

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

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

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

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

1 ~~((1))~~ (5)(a) A licensing authority shall, within forty-five days
2 after the filing of an application of any person for a dealer's
3 license, determine whether to grant the license. However, if the
4 applicant does not have a valid permanent Washington driver's license
5 or Washington state identification card, or has not been a resident of
6 the state for the previous consecutive ninety days, the licensing
7 authority shall have up to seventy-five days to determine whether to
8 issue a license. No person shall qualify for a license under this
9 section without first receiving a federal firearms license and
10 undergoing fingerprinting and a background check. In addition, no
11 person ineligible to possess a firearm under RCW 9.41.040 or ineligible
12 for a concealed pistol license under RCW 9.41.070 shall qualify for a
13 dealer's license.

14 (b) A dealer shall require every employee who may sell a firearm in
15 the course of his or her employment to undergo fingerprinting and a
16 background check. An employee must be eligible to own, possess, or
17 control a firearm, and eligible for a concealed pistol license, before
18 being permitted to sell a firearm. Every employee shall comply with
19 requirements concerning purchase applications and restrictions on
20 delivery of pistols that are applicable to dealers.

21 (6)(a) The business shall be carried on only in the building
22 designated in the license.

23 ~~((2))~~ (b) The license or a copy thereof, certified by the issuing
24 authority, shall be displayed on the premises where it can easily be
25 read.

26 ~~((3))~~ (c) No pistol ~~((shall))~~ may be sold ~~((a))~~ in violation of
27 any provisions of RCW 9.41.010 through 9.41.160 (as recodified by this
28 act), nor ~~((b) shall))~~ may a pistol be sold under any circumstances
29 unless the purchaser is personally known to the ~~((seller))~~ dealer or
30 shall present clear evidence of his or her identity.

31 ~~((4) A true record in triplicate shall be made of every pistol~~
32 ~~sold, in a book kept for the purpose, the form of which may be~~
33 ~~prescribed by the director of licensing and shall be personally signed~~
34 ~~by the purchaser and by the person effecting the sale, each in the~~
35 ~~presence of the other, and shall contain the date of sale, the caliber,~~
36 ~~make, model and manufacturer's number of the weapon, the name, address,~~
37 ~~occupation, color and place of birth of the purchaser and a statement~~
38 ~~signed by the purchaser that he has never been convicted in this state~~
39 ~~or elsewhere of a crime of violence. One copy shall within six hours~~

1 ~~be sent by registered mail to the chief of police of the municipality~~
2 ~~or the sheriff of the county of which the dealer is a resident; the~~
3 ~~duplicate the dealer shall within seven days send to the director of~~
4 ~~licensing; the triplicate the dealer shall retain for six years.~~

5 ~~(5) This section shall not apply to sales at wholesale.))~~ (d) The
6 license fee for pistols shall be one hundred fifty dollars. The
7 license fee for firearms other than pistols shall be one hundred fifty
8 dollars. The license fee for ammunition shall be one hundred fifty
9 dollars. Any dealer who obtains any license under subsection (1), (2),
10 or (3) of this section may also obtain the remaining licenses without
11 payment of any fee. The fees received under this section shall be
12 deposited in the violence reduction and drug enforcement account under
13 RCW 69.50.520 for the purpose of providing firearm safety training
14 through the department of fish and wildlife in whatever manner the
15 director deems appropriate.

16 ~~((+6+))~~ (7) The dealer's licenses authorized to be issued by this
17 section are general licenses covering all sales by the licensee within
18 the effective period of the licenses. The department shall provide a
19 single application form for dealer's licenses.

20 ~~((+7+))~~ (8) Except as provided in RCW 9.41.090 ((as now or
21 hereinafter amended)), every city, town, and political subdivision of
22 this state is prohibited from requiring the purchaser to secure a
23 permit to purchase or from requiring the dealer to secure an individual
24 permit for each sale.

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

27 **Sec. 431.** RCW 9.41.140 and 1961 c 124 s 10 are each amended to
28 read as follows:

29 No person ~~((shall))~~ may change, alter, remove, or obliterate the
30 name of the maker, model, manufacturer's number, or other mark of
31 identification on any ~~((pistol))~~ firearm. Possession of any ~~((pistol))~~
32 firearm upon which any such mark shall have been changed, altered,
33 removed, or obliterated, shall be prima facie evidence that the
34 possessor has changed, altered, removed, or obliterated the same. This
35 shall not apply to replacement barrels in old ~~((revolvers))~~ firearms,
36 which barrels are produced by current manufacturers and ~~((therefor))~~ do
37 not have the markings on the barrels of the original manufacturers who
38 are no longer in business.

1 **Sec. 432.** RCW 9.41.170 and 1979 c 158 s 3 are each amended to read
2 as follows:

3 (~~It shall be unlawful for any person who is not a citizen of the~~
4 ~~United States, or who has not declared his intention to become a~~
5 ~~citizen of the United States, to carry or have in his possession at any~~
6 ~~time any shotgun, rifle, or other firearm, without first having~~
7 ~~obtained a license from the director of licensing, and such license is~~
8 ~~not to be issued by the director of licensing except upon the~~
9 ~~certificate of the consul domiciled in the state and representing the~~
10 ~~country of such alien, that he is a responsible person and upon the~~
11 ~~payment for the license of the sum of fifteen dollars: PROVIDED,~~
12 ~~That)) (1) It is a class C felony for any person who is not a citizen
13 of the United States to carry or possess any firearm, without first
14 having obtained an alien firearm license from the director of
15 licensing. Except as provided in subsection (2) of this section, the
16 director of licensing may issue an alien firearm license only upon
17 receiving from the consul domiciled in this state representing the
18 country of the alien, a certified copy of the alien's criminal history
19 in the alien's country indicating the alien is not ineligible under RCW
20 9.41.040 to own, possess, or control a firearm, and the consul's
21 attestation that the alien is a responsible person.~~

22 (2)(a) Subject to the additional requirements of (b) of this
23 subsection, the director of licensing may issue an alien firearm
24 license without a certified copy of the alien's criminal history or the
25 consul's attestation required by subsection (1) of this section, if the
26 alien has been a resident of this state for at least two years and:
27 (i) The alien is from a country without a consul domiciled within this
28 state, or (ii) the consul has failed to provide, within ninety days
29 after a request by the alien, the criminal history or attestation
30 required by subsection (1) of this section.

31 (b) Before issuing an alien firearm license under this subsection
32 (2), the director of licensing shall ask the local law enforcement
33 agency of the jurisdiction in which the alien resides to complete a
34 background check to determine the alien's eligibility under RCW
35 9.41.040 to own, possess, or control a firearm. The law enforcement
36 agency shall complete a background check within thirty days after the
37 request, unless the alien does not have a valid Washington driver's
38 license or Washington state identification card. In the latter case,

1 the law enforcement agency shall complete the background check within
2 sixty days after the request.

3 A signed application for an alien firearm license shall constitute
4 a waiver of confidentiality and written request that the department of
5 social and health services, mental health institutions, and other
6 health care facilities release information relevant to the applicant's
7 eligibility for an alien firearm license to an inquiring law
8 enforcement agency.

9 (3) The fee for an alien firearm license shall be twenty-five
10 dollars, and the license shall be valid for four years from the date of
11 issue.

12 (4) This section shall not apply to Canadian citizens resident in
13 a province which has an enactment or public policy providing
14 substantially similar privilege to residents of the state of Washington
15 and who are carrying or possessing weapons for the purpose of using
16 them in the hunting of game while such persons are in the act of
17 hunting, or while on a hunting trip, or while such persons are
18 competing in a bona fide trap or skeet shoot or any other organized
19 contest where rifles, pistols, or shotguns are used ((as to weapons
20 used in such contest)). Nothing in this section ((shall be construed
21 to)) allows aliens to hunt or fish in this state without first having
22 obtained a regular hunting or fishing license. ((Any person violating
23 the provisions of this section shall be guilty of a misdemeanor.))

24 **Sec. 433.** RCW 9.41.180 and 1992 c 7 s 8 are each amended to read
25 as follows:

26 Except as provided in RCW 9.41.185, every person who ((shall)) sets
27 a so-called trap, spring pistol, rifle, or other deadly weapon((, shall
28 be punished as follows:

29 (1) If no injury result therefrom to any human being, by
30 imprisonment in the county jail for not more than one year or by a fine
31 of not more than one thousand dollars, or by both.

32 (2) If injuries not fatal result therefrom to any human being, by
33 imprisonment in a state correctional facility for not more than twenty
34 years.

35 (3) If the death of a human being results therefrom, by
36 imprisonment in a state correctional facility for not more than twenty
37 years)) is guilty of a gross misdemeanor.

1 **Sec. 434.** RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each
2 amended to read as follows:

3 (1) It is unlawful for any person to manufacture, own, buy, sell,
4 loan, furnish, transport, or have in his or her possession (~~(or under~~
5 ~~control)~~), any machine gun, or any part thereof capable of use or
6 assembling or repairing any machine gun(~~(:—PROVIDED, HOWEVER, That~~
7 ~~such limitation)~~).

8 (2) This section shall not apply to:

9 (a) Any peace officer in the discharge of official duty, or to any
10 officer or member of the armed forces of the United States or the state
11 of Washington(~~(:—PROVIDED FURTHER, That this section does not apply~~
12 to)) in the discharge of official duty; or

13 (b) A person, including an employee of such person, who or which is
14 exempt from or licensed under the National Firearms Act (26 U.S.C.
15 section 5801 et seq.), and engaged in the production, manufacture, or
16 testing of weapons or equipment to be used or purchased by the armed
17 forces of the United States, and having a United States government
18 industrial security clearance.

19 (3) Any person violating this section is guilty of a class C felony
20 punishable under chapter 9A.20 RCW.

21 **Sec. 435.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read
22 as follows:

23 (~~(No minor under the age of fourteen years shall handle or have in~~
24 ~~his possession or under his control, except while accompanied by or~~
25 ~~under the immediate charge of his parent or guardian or other adult~~
26 ~~approved for the purpose of this section by the parent or guardian, or~~
27 ~~while under the supervision of a certified safety instructor at an~~
28 ~~established gun range or firearm training class, any firearm of any~~
29 ~~kind for hunting or target practice or for other purposes.)) (1) Except
30 as provided in this section, no person: (a) Under the age of eighteen
31 may handle, possess, or control any pistol or ammunition usable only in
32 a pistol; or (b) under the age of fourteen may handle, possess, or
33 control any firearm or ammunition.~~

34 (2) Subsection (1) of this section shall not apply to any person:

35 (a) While in the presence of the person's parent, guardian, or
36 other adult approved for the purpose of this section by the parent or
37 guardian;

1 (b) While engaged in hunting when in possession of a valid license
2 issued under RCW 77.32.101; or

3 (c) While under the supervision of a certified safety instructor at
4 an established gun range or at a firearm training class.

5 (3) This section shall not apply to any peace officer in the
6 discharge of official duty, or to any officer or member of the armed
7 forces of the United States or the state of Washington in the discharge
8 of official duty.

9 (4) Every person violating ((any of the foregoing provisions)) this
10 section, or aiding or knowingly permitting any such ((minor)) person
11 under the age of eighteen to violate ((the same)) this section, shall
12 be guilty of a gross misdemeanor for a first offense, and a class C
13 felony punishable under chapter 9A.20 RCW for each subsequent offense.

14 (5) Nothing in this section shall interfere with the right to use
15 a firearm in self-defense as set forth in chapter 9A.16 RCW.

16 **Sec. 436.** RCW 9.41.250 and 1959 c 143 s 1 are each amended to read
17 as follows:

18 ((Every)) It is unlawful for any person ((who shall)) to
19 manufacture, own, buy, sell ((or dispose of)), loan, furnish,
20 transport, or have in his or her possession any ((instrument or))
21 deadly weapon ((of the kind usually known as slung shot, sand club, or
22 metal knuckles, or spring blade knife, or any knife the blade of which
23 is automatically released by a spring mechanism or other mechanical
24 device, or any knife having a blade which opens, or falls, or is
25 ejected into position by the force of gravity, or by an outward,
26 downward, or centrifugal thrust or movement; who shall furtively carry
27 with intent to conceal any dagger, dirk, pistol, or other dangerous
28 weapon; or who shall use any contrivance or device for suppressing the
29 noise of any firearm, shall be guilty of a gross)) other than a firearm
30 or motor vehicle. A violation of this section is a misdemeanor. This
31 section does not apply to law enforcement or any person engaged in
32 military activities sponsored by the federal or state governments.

33 **Sec. 437.** RCW 9.41.260 and 1909 c 249 s 283 are each amended to
34 read as follows:

35 Every proprietor, lessee or occupant of any place of amusement, or
36 any plat of ground or building, who shall allow it to be used for the
37 exhibition of skill in throwing any sharp instrument or in shooting any

1 bow (~~gun, pistol~~) or firearm of any description, at or toward any
2 human being, shall be guilty of a misdemeanor.

3 **Sec. 438.** RCW 9.41.270 and 1969 c 8 s 1 are each amended to read
4 as follows:

5 (1) It (~~shall be unlawful~~) is a class C felony punishable under
6 chapter 9A.20 RCW for anyone to aim any firearm, whether loaded or not,
7 at or towards any human being, or to carry, exhibit, display, or draw
8 any (~~firearm, dagger, sword, knife or other cutting or stabbing~~
9 instrument, club, or any other weapon apparently capable of producing
10 bodily harm,)) deadly weapon in a manner, under circumstances, and at
11 a time and place that either manifests an intent to intimidate another
12 or that warrants alarm for the safety of other persons.

13 (2) (~~Any person violating the provisions of subsection (1) above~~
14 ~~shall be guilty of a gross misdemeanor~~) It is a gross misdemeanor to
15 willfully discharge any firearm, air gun, or other deadly weapon or
16 throw any deadly weapon in a public place, or in any place where any
17 reasonable person believes a person might be endangered thereby,
18 although no injury results; or to use any contrivance or device for
19 suppressing the noise of any firearm. A public place shall not include
20 any location at which firearms are authorized to be lawfully
21 discharged.

22 (3) It is a misdemeanor to carry a concealed deadly weapon, except
23 for a pistol when the person carrying the pistol is licensed under RCW
24 9.41.070.

25 (4) For purposes of this section, "reasonable" means a conclusion
26 that a person of ordinary intelligence, given the circumstances during
27 which a belief is held or an event occurred, would be expected to
28 reach, or an action that a person of ordinary intelligence would be
29 expected to take.

30 (5) Subsection (1) of this section shall not apply to or affect the
31 following:

32 (a) Any act committed by a person while in his or her place of
33 abode or fixed place of business for the purpose of preventing any
34 criminal act;

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

1 (c) Any person acting for the purpose of protecting himself or
2 herself against the use of presently threatened unlawful force by
3 another, or for the purpose of protecting another against the use of
4 such unlawful force by a third person;

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

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

9 **Sec. 439.** RCW 9.41.280 and 1993 c 347 s 1 are each amended to read
10 as follows:

11 (1) It is unlawful for a person to carry onto public or private
12 elementary or secondary school premises, school-provided
13 transportation, or areas of facilities while being used exclusively by
14 public or private schools:

15 (a) Any ~~((firearm; or~~
16 ~~(b) Any dangerous))~~ deadly weapon ~~((as defined in RCW 9.41.250));~~
17 or

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

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

24 ~~(e))~~ (b) Any air gun, including any air pistol or air rifle,
25 designed to propel a BB, pellet, or other projectile by the discharge
26 of compressed air, carbon dioxide, or other gas.

27 (2) Any such person violating subsection (1) of this section is
28 guilty of a gross misdemeanor. If any person is convicted of a
29 violation of subsection (1) of this section, and the deadly weapon used
30 in the violation was a firearm, the person shall lose his or her
31 concealed pistol license, if any. The court shall send notice of the
32 revocation to the department of licensing, and the city, town, or
33 county which issued the license.

34 Any violation of subsection (1) of this section by elementary or
35 secondary school students constitutes grounds for expulsion from the
36 state's public schools in accordance with RCW 28A.600.010. However,
37 any violation of subsection (1)(a) of this section by an elementary or
38 secondary school student involving a firearm shall result in expulsion

1 in accordance with RCW 28A.600.010. An appropriate school authority
2 shall promptly notify law enforcement and the student's parent or
3 guardian regarding any allegation or indication of such violation.

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

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

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

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

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

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

18 (f) Any person who has been issued a license under RCW 9.41.070,
19 while picking up or dropping off a student;

20 (g) Any person legally in possession of a (~~firearm or dangerous~~)
21 deadly weapon that is secured within an attended vehicle or concealed
22 from view within a locked unattended vehicle while conducting
23 legitimate business at the school;

24 (h) Any person who is in lawful possession of an unloaded firearm,
25 secured in a vehicle while conducting legitimate business at the
26 school; or

27 (i) Any law enforcement officer of the federal, state, or local
28 government agency.

29 (4) Except as provided in subsection (3)(b), (c), (e), and (i) of
30 this section, firearms are not permitted in a public or private school
31 building.

32 (5) "GUN-FREE ZONE" signs shall be posted around school facilities
33 giving warning of the prohibition of the possession of firearms on
34 school grounds.

35 NEW SECTION. Sec. 440. A new section is added to chapter 9.41 RCW
36 to read as follows:

37 (1) A person who possesses a stolen firearm is guilty of a class C
38 felony punishable under chapter 9A.20 RCW.

1 (2) A person who commits theft of a firearm with a value less than
2 one thousand five hundred dollars is guilty of a class C felony
3 punishable under chapter 9A.20 RCW.

4 (3) A person who commits theft of a firearm with a value of one
5 thousand five hundred dollars or more is guilty of a class B felony
6 punishable under chapter 9A.20 RCW.

7 (4) It shall be a defense to any prosecution under this section,
8 which the defendant shall prove by a preponderance of the evidence,
9 that he or she did not know, at any time while in possession of the
10 firearm, that it was stolen.

11 **Sec. 441.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to
12 read as follows:

13 (1) TABLE 1
14 Sentencing Grid

15 SERIOUSNESS	16 OFFENDER SCORE									
	17 SCORE	0	1	2	3	4	5	6	7	8
19 XV	Life Sentence without Parole/Death Penalty									
20	<hr/>									
21 XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
22	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
23	320	333	347	361	374	388	416	450	493	548
24	<hr/>									
25 XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
26	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
27	164	178	192	205	219	233	260	288	342	397
28	<hr/>									
29 XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
30	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
31	123	136	147	160	171	184	216	236	277	318
32	<hr/>									
33										

1	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
2		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
3		102	114	125	136	147	158	194	211	245	280
4											
5	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
6		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
7		68	75	82	89	96	102	130	144	171	198
8											
9	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
10		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
11		41	48	54	61	68	75	102	116	144	171
12											
13	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
14		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
15		27	34	41	48	54	61	89	102	116	144
16											
17	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
18		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
19		20	27	34	41	48	54	75	89	102	116
20											
21	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
22		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
23		14	20	27	34	41	48	61	75	89	102
24											
25	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
26		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
27		12	14	17	20	29	43	54	68	82	96
28											
29	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
30		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
31		9	12	14	17	20	29	43	57	70	84
32											
33	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
34		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
35		3	8	12	12	16	22	29	43	57	68
36											
37	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
38		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
39		Days	6	9	12	14	18	22	29	43	57

1
2
3
4
5

I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
	Days	Days	5	6	8	12	14	18	22	29

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

10 (2) For persons convicted of the anticipatory offenses of criminal
11 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
12 presumptive sentence is determined by locating the sentencing grid
13 sentence range defined by the appropriate offender score and the
14 seriousness level of the completed crime, and multiplying the range by
15 75 percent.

16 (3) The following additional times shall be added to the
17 presumptive sentence if the offender or an accomplice was armed with a
18 deadly weapon as defined in this chapter and the offender is being
19 sentenced for one of the crimes listed in this subsection. If the
20 offender or an accomplice was armed with a deadly weapon and the
21 offender is being sentenced for an anticipatory offense under chapter
22 9A.28 RCW to commit one of the crimes listed in this subsection, the
23 following times shall be added to the presumptive range determined
24 under subsection (2) of this section:

25 (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW
26 9A.56.200), or Kidnapping 1 (RCW 9A.40.020), but if the offense was
27 committed with a firearm, the 24-month time period may be increased up
28 to 36 months;

29 (b) 18 months for Burglary 1 (RCW 9A.52.020), but if the offense
30 was committed with a firearm, the 18-month time period may be increased
31 up to 30 months;

32 (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault
33 of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2
34 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW
35 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug
36 offense, but if the offense was committed with a firearm, the 12-month
37 time period may be increased up to 18 months.

1 (4) If the offender committed an offense listed in subsection
2 (3)(a) through (c) of this section while the offender or an accomplice
3 was armed with a firearm, and the offender had a prior conviction for
4 an offense committed with a firearm, then the following times may be
5 added to the presumptive range determined under subsection (2) of this
6 section:

7 (a) For a second conviction for an offense committed while armed
8 with a firearm, up to 60 months;

9 (b) For a third or subsequent conviction for an offense committed
10 while armed with a firearm, up to 84 months.

11 (5) If an offender or an accomplice was armed with a firearm and
12 fired upon a law enforcement officer while resisting arrest under RCW
13 9A.76.040, up to 60 months may be added to the presumptive sentence.

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

26 (a) Eighteen months for offenses committed under RCW
27 69.50.401(a)(1)(i) or 69.50.410;

28 (b) Fifteen months for offenses committed under RCW
29 69.50.401(a)(1)(ii), (iii), and (iv);

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

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

34 ~~((+5))~~ (7) An additional twenty-four months shall be added to the
35 presumptive sentence for any ranked offense involving a violation of
36 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

37 **Sec. 442.** RCW 9.94A.370 and 1989 c 124 s 2 are each amended to
38 read as follows:

1 (1) The intersection of the column defined by the offender score
2 and the row defined by the offense seriousness score determines the
3 presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The
4 additional time for deadly weapon findings or for (~~these offenses~~)
5 other circumstances enumerated in RCW 9.94A.310(~~((4) that were~~
6 ~~committed in a state correctional facility or county jail))~~ (3) through
7 (7) shall be added to the entire presumptive sentence range. The court
8 may impose any sentence within the range that it deems appropriate.
9 All presumptive sentence ranges are expressed in terms of total
10 confinement.

11 (2) In determining any sentence, the trial court may rely on no
12 more information than is admitted by the plea agreement, or admitted,
13 acknowledged, or proved in a trial or at the time of sentencing.
14 Acknowledgement includes not objecting to information stated in the
15 presentence reports. Where the defendant disputes material facts, the
16 court must either not consider the fact or grant an evidentiary hearing
17 on the point. The facts shall be deemed proved at the hearing by a
18 preponderance of the evidence. Facts that establish the elements of a
19 more serious crime or additional crimes may not be used to go outside
20 the presumptive sentence range except upon stipulation or when
21 specifically provided for in RCW 9.94A.390(2) (c), (d), and (e).

22 **Sec. 443.** RCW 4.24.190 and 1992 c 205 s 116 are each amended to
23 read as follows:

24 (1) The parent or parents of any minor child under the age of
25 eighteen years who is living with the parent or parents and who shall
26 willfully or maliciously destroy property, real or personal or mixed,
27 or who shall willfully and maliciously inflict personal injury on
28 another person, shall be liable to the owner of such property or to the
29 person injured in a civil action at law for damages in an amount not to
30 exceed (~~five~~) ten thousand dollars. This section shall in no way
31 limit the amount of recovery against the parent or parents for their
32 own common law negligence.

33 (2)(a) A parent or guardian is liable for any damages arising from
34 the illegal or unlawful use of a firearm by his or her minor child when
35 the parent or guardian knowingly or negligently allows his or her minor
36 child to possess a firearm with the awareness that this creates a
37 substantial risk of harm.

1 (b) A parent or guardian is presumed to have "awareness of a
2 substantial risk of harm" if: (i) His or her minor child has been
3 convicted of a "crime of violence" or "most serious offense" as defined
4 in RCW 9.41.010; or (ii) the parent had previous knowledge of the
5 child's illegal possession of a firearm.

6 (3) The prevailing party shall be entitled to costs and attorneys'
7 fees in such amount as the court shall deem reasonable.

8 NEW SECTION. Sec. 444. A new section is added to chapter 4.24
9 RCW to read as follows:

10 No person who owns, operates, is employed by, or volunteers at a
11 program approved under RCW 77.32.155 shall be liable for any injury
12 that occurs while the person who suffered the injury is participating
13 in the course, unless the injury is the result of willful or
14 intentional misconduct.

15 **Sec. 445.** RCW 9.94A.125 and 1983 c 163 s 3 are each amended to
16 read as follows:

17 In a criminal case wherein there has been a special allegation and
18 evidence establishing that the accused or an accomplice was armed with
19 a deadly weapon at the time of the commission of the crime, the court
20 shall make a finding of fact of whether or not the accused or an
21 accomplice was armed with a deadly weapon at the time of the commission
22 of the crime, or if a jury trial is had, the jury shall, if it
23 ~~((find{s})~~) finds the defendant guilty, also find a special verdict as
24 to whether or not the defendant or an accomplice was armed with a
25 deadly weapon at the time of the commission of the crime.

26 For purposes of this section, ~~((a))~~ "deadly weapon ((is an
27 implement or instrument which has the capacity to inflict death and
28 from the manner in which it is used, is likely to produce or may easily
29 and readily produce death))" shall have the same definition as "deadly
30 weapon" under RCW 9A.04.110. ~~((The following instruments are included~~
31 ~~in the term deadly weapon: Blackjack, sling shot, billy, sand club,~~
32 ~~sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any~~
33 ~~other firearm, any knife having a blade longer than three inches, any~~
34 ~~razor with an unguarded blade, any metal pipe or bar used or intended~~
35 ~~to be used as a club, any explosive, and any weapon containing~~
36 ~~poisonous or injurious gas.))~~

1 **Sec. 446.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to
2 read as follows:

3 (1) The prosecutor, respondent, or the court on its own motion
4 may, before a hearing on the information on its merits, file a motion
5 requesting the court to transfer the respondent for adult criminal
6 prosecution and the matter shall be set for a hearing on the question
7 of declining jurisdiction. Unless waived by the court, the parties,
8 and their counsel, a decline hearing shall be held where:

9 (a) The respondent is fifteen, sixteen, or seventeen years of age
10 and the information alleges a class A felony or an attempt,
11 solicitation, or conspiracy to commit a class A felony; ((or))

12 (b) The respondent is fourteen years of age or over and the
13 information alleges a violation of RCW 43.06.010 or 43.06.200 through
14 43.06.270;

15 (c) The respondent is seventeen years of age and the information
16 alleges assault in the second degree, extortion in the first degree,
17 indecent liberties, child molestation in the second degree, kidnapping
18 in the second degree, or robbery in the second degree; or

19 (d) The information alleges a crime of violence or most serious
20 offense as defined in RCW 9.94A.030 in which a juvenile, age twelve or
21 over, has used a deadly weapon.

22 (2) The court after a decline hearing may order the case
23 transferred for adult criminal prosecution upon a finding that the
24 declination would be in the best interest of the juvenile or the
25 public. The court shall consider the relevant reports, facts,
26 opinions, and arguments presented by the parties and their counsel.

27 (3) When the respondent is transferred for criminal prosecution or
28 retained for prosecution in juvenile court, the court shall set forth
29 in writing its finding which shall be supported by relevant facts and
30 opinions produced at the hearing.

31 **Sec. 447.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to
32 read as follows:

33 The juvenile courts in the several counties of this state, shall
34 have exclusive original jurisdiction over all proceedings:

35 (1) Under the interstate compact on placement of children as
36 provided in chapter 26.34 RCW;

1 (2) Relating to children alleged or found to be dependent as
2 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(~~
3 ~~as now or hereafter amended)~~);

4 (3) Relating to the termination of a parent and child relationship
5 as provided in RCW 13.34.180 through 13.34.210(~~(~~
6 ~~as now or hereafter~~
7 ~~amended)~~);

8 (4) To approve or disapprove alternative residential placement as
9 provided in RCW 13.32A.170;

10 (5) Relating to juveniles alleged or found to have committed
11 offenses, traffic infractions, or violations as provided in RCW
12 13.40.020 through 13.40.230, (~~(~~
13 ~~as now or hereafter amended)~~), unless:

14 (a) The juvenile court transfers jurisdiction of a particular
15 juvenile to adult criminal court pursuant to RCW 13.40.110(~~(~~
16 ~~as now or~~
17 ~~hereafter amended)~~); or

18 (b) The statute of limitations applicable to adult prosecution for
19 the offense, traffic infraction, or violation has expired; or

20 (c) The alleged offense or infraction is a traffic, fish, boating,
21 or game offense or traffic infraction committed by a juvenile sixteen
22 years of age or older and would, if committed by an adult, be tried or
23 heard in a court of limited jurisdiction, in which instance the
24 appropriate court of limited jurisdiction shall have jurisdiction over
25 the alleged offense or infraction: PROVIDED, That if such an alleged
26 offense or infraction and an alleged offense or infraction subject to
27 juvenile court jurisdiction arise out of the same event or incident,
28 the juvenile court may have jurisdiction of both matters: PROVIDED
29 FURTHER, That the jurisdiction under this subsection does not
30 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
31 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of
32 limited jurisdiction which confine juveniles for an alleged offense or
33 infraction may place juveniles in juvenile detention facilities under
34 an agreement with the officials responsible for the administration of
35 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

36 (d) The juvenile is sixteen or seventeen years old and the alleged
37 offense is: (i) A serious violent offense as defined in RCW 9.94A.030
38 committed on or after the effective date of this section; or (ii) a
39 violent offense as defined in RCW 9.94A.030 committed on or after the
effective date of this section and the juvenile has a criminal history
consisting of: (A) One or more prior serious violent offenses; (B) two
or more prior violent offenses; or (C) three or more of any combination

1 of the following offenses: Any class A felony, any class B felony,
2 vehicular assault, or manslaughter in the second degree, all of which
3 must have been committed after the juvenile's thirteenth birthday and
4 prosecuted separately. In such a case the adult criminal court shall
5 have exclusive original jurisdiction.

6 If the juvenile challenges the state's determination of the
7 juvenile's criminal history, the state may establish the offender's
8 criminal history by a preponderance of the evidence. If the criminal
9 history consists of adjudications entered upon a plea of guilty, the
10 state shall not bear a burden of establishing the knowing and
11 voluntariness of the plea;

12 (6) Under the interstate compact on juveniles as provided in
13 chapter 13.24 RCW;

14 (7) Relating to termination of a diversion agreement under RCW
15 13.40.080 (~~as now or hereafter amended~~), including a proceeding in
16 which the divertee has attained eighteen years of age; and

17 (8) Relating to court validation of a voluntary consent to foster
18 care placement under chapter 13.34 RCW, by the parent or Indian
19 custodian of an Indian child, except if the parent or Indian custodian
20 and child are residents of or domiciled within the boundaries of a
21 federally recognized Indian reservation over which the tribe exercises
22 exclusive jurisdiction.

23 **Sec. 448.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to
24 read as follows:

25 For the purposes of this chapter:

26 (1) "Serious offender" means a person fifteen years of age or
27 older who has committed an offense which if committed by an adult would
28 be:

29 (a) A class A felony, or an attempt to commit a class A felony;

30 (b) Manslaughter in the first degree; or

31 (c) Assault in the second degree, extortion in the first degree,
32 child molestation in the second degree, kidnapping in the second
33 degree, robbery in the second degree, residential burglary, or burglary
34 in the second degree, where such offenses include the infliction of
35 bodily harm upon another or where during the commission of or immediate
36 withdrawal from such an offense the perpetrator is armed with a deadly
37 weapon or firearm as defined in RCW 9A.04.110;

1 (2) "Community service" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender as punishment for committing an offense. Community service
4 may be performed through public or private organizations or through
5 work crews;

6 (3) "Community supervision" means an order of disposition by the
7 court of an adjudicated youth not committed to the department. A
8 community supervision order for a single offense may be for a period of
9 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
10 one year for other offenses. Community supervision is an
11 individualized program comprised of one or more of the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (c) Monitoring and reporting requirements;

15 (4) Community-based sanctions may include one or more of the
16 following:

17 (a) A fine, not to exceed one hundred dollars;

18 (b) Community service not to exceed one hundred fifty hours of
19 service;

20 (5) "Community-based rehabilitation" means one or more of the
21 following: Attendance of information classes; counseling, outpatient
22 substance abuse treatment programs, outpatient mental health programs,
23 anger management classes, or other services; or attendance at school or
24 other educational programs appropriate for the juvenile as determined
25 by the school district. Placement in community-based rehabilitation
26 programs is subject to available funds;

27 (6) "Monitoring and reporting requirements" means one or more of
28 the following: Curfews; requirements to remain at home, school, work,
29 or court-ordered treatment programs during specified hours;
30 restrictions from leaving or entering specified geographical areas;
31 requirements to report to the probation officer as directed and to
32 remain under the probation officer's supervision; and other conditions
33 or limitations as the court may require which may not include
34 confinement;

35 (7) "Confinement" means physical custody by the department of
36 social and health services in a facility operated by or pursuant to a
37 contract with the state, or physical custody in a detention facility
38 operated by or pursuant to a contract with any county. The county may
39 operate or contract with vendors to operate county detention

1 facilities. The department may operate or contract to operate
2 detention facilities for juveniles committed to the department.
3 Pretrial confinement or confinement of less than thirty-one days
4 imposed as part of a disposition or modification order may be served
5 consecutively or intermittently, in the discretion of the court and may
6 be served in a detention group home, detention foster home, or with
7 electronic monitoring. Detention group homes and detention foster
8 homes used for confinement shall not also be used for the placement of
9 dependent children. Confinement in detention group homes and detention
10 foster homes and electronic monitoring are subject to available funds;

11 (8) "Court", when used without further qualification, means the
12 juvenile court judge(s) or commissioner(s);

13 (9) "Criminal history" includes all criminal complaints against
14 the respondent for which, prior to the commission of a current offense:

15 (a) The allegations were found correct by a court. If a
16 respondent is convicted of two or more charges arising out of the same
17 course of conduct, only the highest charge from among these shall count
18 as an offense for the purposes of this chapter; or

19 (b) The criminal complaint was diverted by a prosecutor pursuant
20 to the provisions of this chapter on agreement of the respondent and
21 after an advisement to the respondent that the criminal complaint would
22 be considered as part of the respondent's criminal history;

23 (10) "Department" means the department of social and health
24 services;

25 (11) "Detention facility" means a county facility for the physical
26 confinement of a juvenile alleged to have committed an offense or an
27 adjudicated offender subject to a disposition or modification order;

28 (12) "Diversion unit" means any probation counselor who enters
29 into a diversion agreement with an alleged youthful offender, or any
30 other person or entity except a law enforcement official or entity,
31 with whom the juvenile court administrator has contracted to arrange
32 and supervise such agreements pursuant to RCW 13.40.080, or any person
33 or entity specially funded by the legislature to arrange and supervise
34 diversion agreements in accordance with the requirements of this
35 chapter;

36 (13) "Institution" means a juvenile facility established pursuant
37 to chapters 72.05 and 72.16 through 72.20 RCW;

1 (14) "Juvenile," "youth," and "child" mean any individual who is
2 under the chronological age of eighteen years and who has not been
3 previously transferred to adult court;

4 (15) "Juvenile offender" means any juvenile who has been found by
5 the juvenile court to have committed an offense, including a person
6 eighteen years of age or older over whom jurisdiction has been extended
7 under RCW 13.40.300;

8 (16) "Manifest injustice" means a disposition that would either
9 impose an excessive penalty on the juvenile or would impose a serious,
10 and clear danger to society in light of the purposes of this chapter;

11 (17) "Middle offender" means a person who has committed an offense
12 and who is neither a minor or first offender nor a serious offender;

13 (18) "Minor or first offender" means a person (~~sixteen years of~~
14 ~~age or younger~~) whose current offense(s) and criminal history fall
15 entirely within one of the following categories:

16 (a) Four misdemeanors;

17 (b) Two misdemeanors and one gross misdemeanor;

18 (c) One misdemeanor and two gross misdemeanors;

19 (d) Three gross misdemeanors;

20 (e) One class C felony except manslaughter in the second degree
21 and one misdemeanor or gross misdemeanor;

22 (f) One class B felony except: Any felony which constitutes an
23 attempt to commit a class A felony; manslaughter in the first degree;
24 assault in the second degree; extortion in the first degree; indecent
25 liberties; kidnapping in the second degree; robbery in the second
26 degree; burglary in the second degree; residential burglary; vehicular
27 homicide; or arson in the second degree.

28 For purposes of this definition, current violations shall be
29 counted as misdemeanors;

30 (19) "Offense" means an act designated a violation or a crime if
31 committed by an adult under the law of this state, under any ordinance
32 of any city or county of this state, under any federal law, or under
33 the law of another state if the act occurred in that state;

34 (20) "Respondent" means a juvenile who is alleged or proven to
35 have committed an offense;

36 (21) "Restitution" means financial reimbursement by the offender
37 to the victim, and shall be limited to easily ascertainable damages for
38 injury to or loss of property, actual expenses incurred for medical
39 treatment for physical injury to persons, lost wages resulting from

1 physical injury, and costs of the victim's counseling reasonably
2 related to the offense if the offense is a sex offense. Restitution
3 shall not include reimbursement for damages for mental anguish, pain
4 and suffering, or other intangible losses. Nothing in this chapter
5 shall limit or replace civil remedies or defenses available to the
6 victim or offender;

7 (22) "Secretary" means the secretary of the department of social
8 and health services;

9 (23) "Services" mean services which provide alternatives to
10 incarceration for those juveniles who have pleaded or been adjudicated
11 guilty of an offense or have signed a diversion agreement pursuant to
12 this chapter;

13 (24) "Sex offense" means an offense defined as a sex offense in
14 RCW 9.94A.030;

15 (25) "Sexual motivation" means that one of the purposes for which
16 the respondent committed the offense was for the purpose of his or her
17 sexual gratification;

18 (26) "Foster care" means temporary physical care in a foster
19 family home or group care facility as defined in RCW 74.15.020 and
20 licensed by the department, or other legally authorized care;

21 (27) "Violation" means an act or omission, which if committed by
22 an adult, must be proven beyond a reasonable doubt, and is punishable
23 by sanctions which do not include incarceration.

24 **Sec. 449.** RCW 13.40.0354 and 1989 c 407 s 6 are each amended to
25 read as follows:

26 The total current offense points for use in the standards range
27 matrix of schedules D-1, D-2, and D-3 are computed as follows:

28 (1) The disposition offense category is determined by the offense
29 of conviction. Offenses are divided into ten levels of seriousness,
30 ranging from low (seriousness level E) to high (seriousness level A+),
31 see schedule A, RCW 13.40.0357.

32 (2) The prior offense increase factor is summarized in schedule B,
33 RCW 13.40.0357. The increase factor is determined for each prior
34 offense by using the time span and the offense category in the prior
35 offense increase factor grid. Time span is computed from the date of
36 the prior offense to the date of the current offense. The total
37 increase factor is determined by totalling the increase factors for
38 each prior offense and adding a constant factor of 1.0.

1 (3) The current offense points are summarized in schedule C, RCW
 2 13.40.0357. The current offense points are determined for each current
 3 offense by locating the juvenile's age on the horizontal axis and using
 4 the offense category on the vertical axis. The juvenile's age is
 5 determined as of the time of the current offense and is rounded down to
 6 the nearest whole number.

7 (4) The total current offense points are determined for each
 8 current offense by multiplying the total increase factor by the current
 9 offense points. The total current offense points are rounded down to
 10 the nearest whole number.

11 (5) All current offense points calculated in schedules D-1, D-2,
 12 and D-3 shall be increased by a factor of five percent if the offense
 13 is committed by a juvenile who is in a program of parole under this
 14 chapter.

15 **Sec. 450.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to
 16 read as follows:

17 SCHEDULE A
 18 DESCRIPTION AND OFFENSE CATEGORY

19	20	21	22	23	24
	JUVENILE				JUVENILE
	DISPOSITION				DISPOSITION
	OFFENSE				CATEGORY FOR ATTEMPT,
	CATEGORY	DESCRIPTION (RCW CITATION)			BAILJUMP, CONSPIRACY,
					OR SOLICITATION

25		Arson and Malicious Mischief			
26	A	Arson 1 (9A.48.020)			B+
27	B	Arson 2 (9A.48.030)			C
28	C	Reckless Burning 1 (9A.48.040)			D
29	D	Reckless Burning 2 (9A.48.050)			E
30	B	Malicious Mischief 1 (9A.48.070)			C
31	C	Malicious Mischief 2 (9A.48.080)			D
32	D	Malicious Mischief 3 (<\$50 is			
33		E class) (9A.48.090)			E
34	E	Tampering with Fire Alarm			
35		Apparatus (9.40.100)			E

1	A	Possession of Incendiary Device	
2		(9.40.120)	B+
3		Assault and Other Crimes	
4		Involving Physical Harm	
5	A	Assault 1 (9A.36.011)	B+
6	B+	Assault 2 (9A.36.021)	C+
7	C+	Assault 3 (9A.36.031)	D+
8	D+	Assault 4 (9A.36.041)	E
9	D+	Reckless Endangerment	
10		(9A.36.050)	E
11	C+	Promoting Suicide Attempt	
12		(9A.36.060)	D+
13	D+	Coercion (9A.36.070)	E
14	C+	Custodial Assault (9A.36.100)	D+
15		Burglary and Trespass	
16	B+	Burglary 1 (9A.52.020)	C+
17	B	Burglary 2 (9A.52.030)	C
18	D	Burglary Tools (Possession of)	
19		(9A.52.060)	E
20	D	Criminal Trespass 1 (9A.52.070)	E
21	E	Criminal Trespass 2 (9A.52.080)	E
22	D	Vehicle Prowling (9A.52.100)	E
23		Drugs	
24	E	Possession/Consumption of Alcohol	
25		(66.44.270)	E
26	C	Illegally Obtaining Legend Drug	
27		(69.41.020)	D
28	C+	Sale, Delivery, Possession of Legend	
29		Drug with Intent to Sell	
30		(69.41.030)	D+
31	E	Possession of Legend Drug	
32		(69.41.030)	E
33	B+	Violation of Uniform Controlled	
34		Substances Act - Narcotic Sale	
35		(69.50.401(a)(1)(i))	B+

1	C	Violation of Uniform Controlled	
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(a)(1)(ii))	C
4	E	Possession of Marihuana <40 grams	
5		(69.50.401(e))	E
6	C	Fraudulently Obtaining Controlled	
7		Substance (69.50.403)	C
8	C+	Sale of Controlled Substance	
9		for Profit (69.50.410)	C+
10	E	((Glue Sniffing (9.47A.050))	E
11		<u>Unlawful Inhalation (9.47A.020)</u>	
12	B	Violation of Uniform Controlled	
13		Substances Act - Narcotic	
14		Counterfeit Substances	
15		(69.50.401(b)(1)(i))	B
16	C	Violation of Uniform Controlled	
17		Substances Act - Nonnarcotic	
18		Counterfeit Substances	
19		(69.50.401(b)(1) (ii), (iii), (iv))	C
20	C	Violation of Uniform Controlled	
21		Substances Act - Possession of a	
22		Controlled Substance	
23		(69.50.401(d))	C
24	C	Violation of Uniform Controlled	
25		Substances Act - Possession of a	
26		Controlled Substance	
27		(69.50.401(c))	C
28		Firearms and Weapons	
29	((C+	Committing Crime when Armed	
30		(9.41.025)	D+))
31	E	Carrying Loaded Pistol Without	
32		Permit (9.41.050)	E
33	E	Use of Firearms by Minor (<14)	
34		(9.41.240)	E
35	D+	Possession of (Dangerous) <u>Deadly</u>	
36		Weapon (9.41.250)	E
37	D	Intimidating Another Person by use	
38		of <u>Deadly</u> Weapon (9.41.270)	E

1		Homicide	
2	A+	Murder 1 (9A.32.030)	A
3	A+	Murder 2 (9A.32.050)	B+
4	B+	Manslaughter 1 (9A.32.060)	C+
5	C+	Manslaughter 2 (9A.32.070)	D+
6	B+	Vehicular Homicide (46.61.520)	C+
7		Kidnapping	
8	A	Kidnap 1 (9A.40.020)	B+
9	B+	Kidnap 2 (9A.40.030)	C+
10	C+	Unlawful Imprisonment	
11		(9A.40.040)	D+
12	((D	Custodial Interference	
13		(9A.40.050)	E))
14		Obstructing Governmental Operation	
15	E	Obstructing a Public Servant	
16		(9A.76.020)	E
17	E	Resisting Arrest (9A.76.040)	E
18	B	Introducing Contraband 1	
19		(9A.76.140)	C
20	C	Introducing Contraband 2	
21		(9A.76.150)	D
22	E	Introducing Contraband 3	
23		(9A.76.160)	E
24	B+	Intimidating a Public Servant	
25		(9A.76.180)	C+
26	B+	Intimidating a Witness	
27		(9A.72.110)	C+
28	((E	Criminal Contempt	
29		(9.23.010)	E))
30		Public Disturbance	
31	C+	Riot with Weapon (9A.84.010)	D+
32	D+	Riot Without Weapon	
33		(9A.84.010)	E
34	E	Failure to Disperse (9A.84.020)	E
35	E	Disorderly Conduct (9A.84.030)	E

1		Sex Crimes	
2	A	Rape 1 (9A.44.040)	B+
3	A-	Rape 2 (9A.44.050)	B+
4	C+	Rape 3 (9A.44.060)	D+
5	A-	Rape of a Child 1 (9A.44.073)	B+
6	B	Rape of a Child 2 (9A.44.076)	C+
7	B	Incest 1 (9A.64.020(1))	C
8	C	Incest 2 (9A.64.020(2))	D
9	D+	((Public Indecency)) <u>Indecent Exposure</u>	
10		(Victim <14) (9A.88.010)	E
11	E	((Public Indecency)) <u>Indecent Exposure</u>	
12		(Victim 14 or over) (9A.88.010)	E
13	B+	Promoting Prostitution 1	
14		(9A.88.070)	C+
15	C+	Promoting Prostitution 2	
16		(9A.88.080)	D+
17	E	O & A (Prostitution) (9A.88.030)	E
18	B+	Indecent Liberties (9A.44.100)	C+
19	B+	Child Molestation 1 (9A.44.083)	C+
20	C+	Child Molestation 2 (9A.44.086)	C
21		Theft, Robbery, Extortion, and Forgery	
22	B	Theft 1 (9A.56.030)	C
23	C	Theft 2 (9A.56.040)	D
24	D	Theft 3 (9A.56.050)	E
25	B	Theft of Livestock (9A.56.080)	C
26	C	Forgery (((9A.56.020))) <u>(9A.60.020)</u>	D
27	A	Robbery 1 (9A.56.200)	B+
28	B+	Robbery 2 (9A.56.210)	C+
29	B+	Extortion 1 (9A.56.120)	C+
30	C+	Extortion 2 (9A.56.130)	D+
31	B	Possession of Stolen Property 1	
32		(9A.56.150)	C
33	C	Possession of Stolen Property 2	
34		(9A.56.160)	D
35	D	Possession of Stolen Property 3	
36		(9A.56.170)	E
37	C	Taking Motor Vehicle Without	
38		Owner's Permission (9A.56.070)	D

1		Motor Vehicle Related Crimes	
2	E	Driving Without a License	
3		(46.20.021)	E
4	C	Hit and Run - Injury	
5		(46.52.020(4))	D
6	D	Hit and Run-Attended	
7		(46.52.020(5))	E
8	E	Hit and Run-Unattended	
9		(46.52.010)	E
10	C	Vehicular Assault (46.61.522)	D
11	C	Attempting to Elude Pursuing	
12		Police Vehicle (46.61.024)	D
13	E	Reckless Driving (46.61.500)	E
14	D	Driving While Under the Influence	
15		(46.61.515)	E
16		((B+ Negligent Homicide by Motor	
17		Vehicle (46.61.520) -----	C+))
18	D	Vehicle Prowling (9A.52.100)	E
19	C	Taking Motor Vehicle Without	
20		Owner's Permission (9A.56.070)	D
21		Other	
22	B	Bomb Threat (9.61.160)	C
23	C	Escape 1 (9A.76.110)	C
24	C	Escape 2 (9A.76.120)	C
25	D	Escape 3 (9A.76.130)	E
26	C	Failure to Appear in Court	
27		(10.19.130)	D
28		((E Tampering with Fire Alarm	
29		Apparatus (9.40.100) -----	E))
30	E	Obscene, Harassing, Etc.,	
31		Phone Calls (9.61.230)	E
32	A	Other Offense Equivalent to an	
33		Adult Class A Felony	B+
34	B	Other Offense Equivalent to an	
35		Adult Class B Felony	C
36	C	Other Offense Equivalent to an	
37		Adult Class C Felony	D

1	D	Other Offense Equivalent to an	
2		Adult Gross Misdemeanor	E
3	E	Other Offense Equivalent to an	
4		Adult Misdemeanor	E
5	V	Violation of Order of Restitution,	
6		Community Supervision, or	
7		Confinement {13.40.200)	V

8 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
 9 and the standard range is established as follows:

- 10 1st escape or attempted escape during 12-month period - 4 weeks
- 11 confinement
- 12 2nd escape or attempted escape during 12-month period - 8 weeks
- 13 confinement
- 14 3rd and subsequent escape or attempted escape during 12-month
- 15 period - 12 weeks confinement

16 If the court finds that a respondent has violated terms of an order,
 17 it may impose a penalty of up to 30 days of confinement.

18 SCHEDULE B
 19 PRIOR OFFENSE INCREASE FACTOR

20 For use with all CURRENT OFFENSES occurring on or after July 1,
 21 1989.

22 TIME SPAN

23	OFFENSE	0-12	13-24	25 Months
24	CATEGORY	Months	Months	or More
25			
26	A+	.9	.9	.9
27	A	.9	.8	.6
28	A-	.9	.8	.5
29	B+	.9	.7	.4
30	B	.9	.6	.3
31	C+	.6	.3	.2

1	C	.5	.2	.2
2	D+	.3	.2	.1
3	D	.2	.1	.1
4	E	.1	.1	.1

5 Prior history - Any offense in which a diversion agreement or counsel
6 and release form was signed, or any offense which has been adjudicated
7 by court to be correct prior to the commission of the current
8 offense(s).

9
10 SCHEDULE C
CURRENT OFFENSE POINTS

11 For use with all CURRENT OFFENSES occurring on or after July 1,
12 1989.

13 AGE

14 OFFENSE	12 &						
15 CATEGORY	Under	13	14	15	16	17	
16							
17 A+	STANDARD	RANGE	180-224	WEEKS			
18 A	250	300	350	375	375	375	
19 A-	150	150	150	200	200	200	
20 B+	110	110	120	130	140	150	
21 B	45	45	50	50	57	57	
22 C+	44	44	49	49	55	55	
23 C	40	40	45	45	50	50	
24 D+	16	18	20	22	24	26	
25 D	14	16	18	20	22	24	
26 E	4	4	4	6	8	10	

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-1

3 This schedule may only be used for minor/first offenders. After the
4 determination is made that a youth is a minor/first offender, the court
5 has the discretion to select sentencing option A, B, or C.

6 MINOR/FIRST OFFENDER

7 OPTION A

8 STANDARD RANGE

9		Community		
10		Supervision	Service	
11	Points		Hours	Fine
12	1-9	0-3 months	and/or 0-8	and/or 0-\$10
13	10-19	0-3 months	and/or 0-8	and/or 0-\$10
14	20-29	0-3 months	and/or 0-16	and/or 0-\$10
15	30-39	0-3 months	and/or 8-24	and/or 0-\$25
16	40-49	3-6 months	and/or 16-32	and/or 0-\$25
17	50-59	3-6 months	and/or 24-40	and/or 0-\$25
18	60-69	6-9 months	and/or 32-48	and/or 0-\$50
19	70-79	6-9 months	and/or 40-56	and/or 0-\$50
20	80-89	9-12 months	and/or 48-64	and/or 10-\$100
21	90-109	9-12 months	and/or 56-72	and/or 10-\$100

22 OR

23 OPTION B

24 STATUTORY OPTION

25 0-12 Months Community Supervision

26 0-150 Hours Community Service

27 0-100 Fine

28 A term of community supervision with a maximum of 150 hours, \$100.00
29 fine, and 12 months supervision.

30 OR

OPTION C
MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5), as now or hereafter amended,~~) 13.40.030(2) shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A
STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
110-129				8-12
130-149				13-16

1	150-199	21-28
2	200-249	30-40
3	250-299	52-65
4	300-374	80-100
5	375+	103-129

6 Middle offenders with more than 110 points do not have to be committed.
7 They may be assigned community supervision under option B.
8 All A+ offenses 180-224 weeks

9 OR

10

11 OPTION B

12 STATUTORY OPTION

13 0-12 Months Community Supervision

14 0-150 Hours Community Service

15 0-100 Fine

16 The court may impose a determinate disposition of community supervision
17 and/or up to 30 days confinement; in which case, if confinement has
18 been imposed, the court shall state either aggravating or mitigating
19 factors as set forth in RCW 13.40.150(~~(, as now or hereafter amended)~~).

20 OR

21

22 OPTION C

23 MANIFEST INJUSTICE

24 If the court determines that a disposition under A or B would
25 effectuate a manifest injustice, the court shall sentence the juvenile
26 to a maximum term and the provisions of RCW (~~(13.40.030(5), as now or~~
27 ~~hereafter amended,)~~) 13.40.030(2) shall be used to determine the range.

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-3

3 This schedule may only be used for serious offenders. After the
4 determination is made that a youth is a serious offender, the court has
5 the discretion to select sentencing option A or B.

6 SERIOUS OFFENDER

7 OPTION A

8 STANDARD RANGE

9	Points	Institution Time
10	0-129	8-12 weeks
11	130-149	13-16 weeks
12	150-199	21-28 weeks
13	200-249	30-40 weeks
14	250-299	52-65 weeks
15	300-374	80-100 weeks
16	375+	103-129 weeks
17	All A+	
18	Offenses	180-224 weeks

19 OR

21 OPTION B

22 MANIFEST INJUSTICE

23 A disposition outside the standard range shall be determined and shall
24 be comprised of confinement or community supervision or a combination
25 thereof. When a judge finds a manifest injustice and imposes a
26 sentence of confinement exceeding 30 days, the court shall sentence the
27 juvenile to a maximum term, and the provisions of RCW (~~(13.40.030(5),~~
28 ~~as now or hereafter amended,~~) 13.40.030(2) shall be used to determine
29 the range.

30 **Sec. 451.** RCW 13.40.080 and 1992 c 205 s 108 are each amended to
31 read as follows:

1 (1) A diversion agreement shall be a contract between a juvenile
2 accused of an offense and a diversionary unit whereby the juvenile
3 agrees to fulfill certain conditions in lieu of prosecution. The
4 juvenile's custodial parent or parents or guardian shall be parties to
5 the diversion agreement. Such agreements may be entered into only
6 after the prosecutor, or probation counselor pursuant to this chapter,
7 has determined that probable cause exists to believe that a crime has
8 been committed and that the juvenile committed it. Such agreements
9 shall be entered into as expeditiously as possible.

10 (2) A diversion agreement shall be limited to:

11 (a) Community service not to exceed one hundred fifty hours, not
12 to be performed during school hours if the juvenile is attending
13 school;

14 (b) Restitution limited to the amount of actual loss incurred by
15 the victim, and to an amount the juvenile has the means or potential
16 means to pay;

17 (c) Attendance at up to ten hours of counseling and/or up to
18 twenty hours of educational or informational sessions at a community
19 agency: PROVIDED, That the state shall not be liable for costs
20 resulting from the diversionary unit exercising the option to permit
21 diversion agreements to mandate attendance at up to ten hours of
22 counseling and/or up to twenty hours of educational or informational
23 sessions; and

24 (d) A fine, not to exceed one hundred dollars. In determining the
25 amount of the fine, the diversion unit shall consider only the
26 juvenile's financial resources and whether the juvenile has the means
27 to pay the fine. The diversion unit shall not consider the financial
28 resources of the juvenile's parents, guardian, or custodian in
29 determining the fine to be imposed.

30 (3) In assessing periods of community service to be performed and
31 restitution to be paid by a juvenile who has entered into a diversion
32 agreement, the court officer to whom this task is assigned shall
33 consult with victims who have contacted the diversionary unit and, to
34 the extent possible, involve members of the community. Such members of
35 the community shall meet with the juvenile and advise the court officer
36 as to the terms of the diversion agreement and shall supervise the
37 juvenile in carrying out its terms.

38 (4) A diversion agreement may not exceed a period of six months
39 and may include a period extending beyond the eighteenth birthday of

1 the divertee. Any restitution assessed during its term may not exceed
2 an amount which the juvenile could be reasonably expected to pay during
3 this period. If additional time is necessary for the juvenile to
4 complete restitution to the victim, the time period limitations of this
5 subsection may be extended by an additional six months.

6 (5) The juvenile shall retain the right to be referred to the
7 court at any time prior to the signing of the diversion agreement.

8 (6) Divertees and potential divertees shall be afforded due
9 process in all contacts with a diversionary unit regardless of whether
10 the juveniles are accepted for diversion or whether the diversion
11 program is successfully completed. Such due process shall include, but
12 not be limited to, the following:

13 (a) A written diversion agreement shall be executed stating all
14 conditions in clearly understandable language;

15 (b) Violation of the terms of the agreement shall be the only
16 grounds for termination;

17 (c) No divertee may be terminated from a diversion program without
18 being given a court hearing, which hearing shall be preceded by:

19 (i) Written notice of alleged violations of the conditions of the
20 diversion program; and

21 (ii) Disclosure of all evidence to be offered against the
22 divertee;

23 (d) The hearing shall be conducted by the juvenile court and shall
24 include:

25 (i) Opportunity to be heard in person and to present evidence;

26 (ii) The right to confront and cross-examine all adverse
27 witnesses;

28 (iii) A written statement by the court as to the evidence relied
29 on and the reasons for termination, should that be the decision; and

30 (iv) Demonstration by evidence that the divertee has substantially
31 violated the terms of his or her diversion agreement.

32 (e) The prosecutor may file an information on the offense for
33 which the divertee was diverted:

34 (i) In juvenile court if the divertee is under eighteen years of
35 age; or

36 (ii) In superior court or the appropriate court of limited
37 jurisdiction if the divertee is eighteen years of age or older.

38 (7) The diversion unit shall, subject to available funds, be
39 responsible for providing interpreters when juveniles need interpreters

1 to effectively communicate during diversion unit hearings or
2 negotiations.

3 (8) The diversion unit shall be responsible for advising a
4 diveree of his or her rights as provided in this chapter.

5 (9) The diversion unit may refer a juvenile to community-based
6 counseling or treatment programs.

7 (10) The right to counsel shall inure prior to the initial
8 interview for purposes of advising the juvenile as to whether he or she
9 desires to participate in the diversion process or to appear in the
10 juvenile court. The juvenile may be represented by counsel at any
11 critical stage of the diversion process, including intake interviews
12 and termination hearings. The juvenile shall be fully advised at the
13 intake of his or her right to an attorney and of the relevant services
14 an attorney can provide. For the purpose of this section, intake
15 interviews mean all interviews regarding the diversion agreement
16 process.

17 The juvenile shall be advised that a diversion agreement shall
18 constitute a part of the juvenile's criminal history as defined by RCW
19 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
20 of such advisement shall be obtained from the juvenile, and the
21 document shall be maintained by the diversionary unit together with the
22 diversion agreement, and a copy of both documents shall be delivered to
23 the prosecutor if requested by the prosecutor. The supreme court shall
24 promulgate rules setting forth the content of such advisement in simple
25 language.

26 (11) When a juvenile enters into a diversion agreement, the
27 juvenile court may receive only the following information for
28 dispositional purposes:

- 29 (a) The fact that a charge or charges were made;
30 (b) The fact that a diversion agreement was entered into;
31 (c) The juvenile's obligations under such agreement;
32 (d) Whether the alleged offender performed his or her obligations
33 under such agreement; and
34 (e) The facts of the alleged offense.

35 (12) A diversionary unit may refuse to enter into a diversion
36 agreement with a juvenile. When a diversionary unit refuses to enter
37 a diversion agreement with a juvenile, it shall immediately refer such
38 juvenile to the court for action and shall forward to the court the
39 criminal complaint and a detailed statement of its reasons for refusing

1 to enter into a diversion agreement. The diversionary unit shall also
2 immediately refer the case to the prosecuting attorney for action if
3 such juvenile violates the terms of the diversion agreement.

4 (13) A diversionary unit may, in instances where it determines
5 that the act or omission of an act for which a juvenile has been
6 referred to it involved no victim, or where it determines that the
7 juvenile referred to it has no prior criminal history and is alleged to
8 have committed an illegal act involving no threat of or instance of
9 actual physical harm and involving not more than fifty dollars in
10 property loss or damage and that there is no loss outstanding to the
11 person or firm suffering such damage or loss, counsel and release or
12 release such a juvenile without entering into a diversion agreement.
13 A diversion unit's authority to counsel and release a juvenile under
14 this subsection shall include the authority to refer the juvenile to
15 community-based counseling or treatment programs. Any juvenile
16 released under this subsection shall be advised that the act or
17 omission of any act for which he or she had been referred shall
18 constitute a part of the juvenile's criminal history as defined by RCW
19 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
20 of such advisement shall be obtained from the juvenile, and the
21 document shall be maintained by the unit, and a copy of the document
22 shall be delivered to the prosecutor if requested by the prosecutor.
23 The supreme court shall promulgate rules setting forth the content of
24 such advisement in simple language. A juvenile determined to be
25 eligible by a diversionary unit for release as provided in this
26 subsection shall retain the same right to counsel and right to have his
27 or her case referred to the court for formal action as any other
28 juvenile referred to the unit.

29 (14) A diversion unit may supervise the fulfillment of a diversion
30 agreement entered into before the juvenile's eighteenth birthday and
31 which includes a period extending beyond the diverttee's eighteenth
32 birthday.

33 (15) If a fine required by a diversion agreement cannot reasonably
34 be paid due to a change of circumstance, the diversion agreement may be
35 modified at the request of the diverttee and with the concurrence of the
36 diversion unit to convert an unpaid fine into community service. The
37 modification of the diversion agreement shall be in writing and signed
38 by the diverttee and the diversion unit. The number of hours of

1 community service in lieu of a monetary penalty shall be converted at
2 the rate of the prevailing state minimum wage per hour.

3 (16) Fines imposed under this section shall be collected and paid
4 into the county general fund in accordance with procedures established
5 by the juvenile court administrator under RCW 13.04.040 and may be used
6 only for juvenile services. In the expenditure of funds for juvenile
7 services, there shall be a maintenance of effort whereby counties
8 exhaust existing resources before using amounts collected under this
9 section.

10 **Sec. 452.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to
11 read as follows:

12 (1) When the respondent is found to be a serious offender, the
13 court shall commit the offender to the department for the standard
14 range of disposition for the offense, as indicated in option A of
15 schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and
16 (6) of this section.

17 If the court concludes, and enters reasons for its conclusion,
18 that disposition within the standard range would effectuate a manifest
19 injustice the court shall impose a disposition outside the standard
20 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
21 court's finding of manifest injustice shall be supported by clear and
22 convincing evidence.

23 A disposition outside the standard range shall be determinate and
24 shall be comprised of confinement or community supervision, or a
25 combination thereof. When a judge finds a manifest injustice and
26 imposes a sentence of confinement exceeding thirty days, the court
27 shall sentence the juvenile to a maximum term, and the provisions of
28 RCW 13.40.030(2)(~~(, as now or hereafter amended,)~~) shall be used to
29 determine the range. A disposition outside the standard range is
30 appealable under RCW 13.40.230(~~(, as now or hereafter amended,)~~) by the
31 state or the respondent. A disposition within the standard range is
32 not appealable under RCW 13.40.230 (~~(as now or hereafter amended)~~).

33 (2) Where the respondent is found to be a minor or first offender,
34 the court shall order that the respondent serve a term of community
35 supervision as indicated in option A or option B of schedule D-1, RCW
36 13.40.0357 except as provided in subsections (5) and (6) of this
37 section. If the court determines that a disposition of community
38 supervision would effectuate a manifest injustice the court may impose

1 another disposition under option C of schedule D-1, RCW 13.40.0357.
2 Except as provided in subsection (5) of this section, a disposition
3 other than a community supervision may be imposed only after the court
4 enters reasons upon which it bases its conclusions that imposition of
5 community supervision would effectuate a manifest injustice. When a
6 judge finds a manifest injustice and imposes a sentence of confinement
7 exceeding thirty days, the court shall sentence the juvenile to a
8 maximum term, and the provisions of RCW 13.40.030(2)((~~, as now or~~
9 ~~hereafter amended,~~)) shall be used to determine the range. The court's
10 finding of manifest injustice shall be supported by clear and
11 convincing evidence.

12 Except for disposition of community supervision or a disposition
13 imposed pursuant to subsection (5) of this section, a disposition may
14 be appealed as provided in RCW 13.40.230((~~, as now or hereafter~~
15 ~~amended,~~)) by the state or the respondent. A disposition of community
16 supervision or a disposition imposed pursuant to subsection (5) of this
17 section may not be appealed under RCW 13.40.230 ((~~as now or hereafter~~
18 ~~amended~~)).

19 (3) Where a respondent is found to have committed an offense for
20 which the respondent declined to enter into a diversion agreement, the
21 court shall impose a term of community supervision limited to the
22 conditions allowed in a diversion agreement as provided in RCW
23 13.40.080(2) ((~~as now or hereafter amended~~)).

24 (4) If a respondent is found to be a middle offender:

25 (a) The court shall impose a determinate disposition within the
26 standard range(s) for such offense, as indicated in option A of
27 schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and
28 (6) of this section: PROVIDED, That if the standard range includes a
29 term of confinement exceeding thirty days, commitment shall be to the
30 department for the standard range of confinement; or

31 (b) The court shall impose a disposition under (a) of this
32 subsection, which shall be suspended, and shall impose a determinate
33 disposition of community supervision and/or up to thirty days
34 confinement, as indicated in option B of schedule D-2, RCW 13.40.0357
35 in which case, if confinement has been imposed, the court shall state
36 either aggravating or mitigating factors as set forth in RCW 13.40.150
37 ((as now or hereafter amended)). If the offender violates any
38 condition of the disposition, the court may revoke the suspension and
39 order execution of the sentence. The court shall give credit for any

1 confinement time previously served if that confinement was for the
2 offense for which the suspension is being revoked.

3 (c) Only if the court concludes, and enters reasons for its
4 conclusions, that disposition as provided in subsection (4)(a) or (b)
5 of this section would effectuate a manifest injustice, the court shall
6 sentence the juvenile to a maximum term, and the provisions of RCW
7 13.40.030(2)((~~, as now or hereafter amended,~~)) shall be used to
8 determine the range. The court's finding of manifest injustice shall
9 be supported by clear and convincing evidence.

10 (d) A disposition pursuant to subsection (4)(c) of this section is
11 appealable under RCW 13.40.230((~~, as now or hereafter amended,~~)) by the
12 state or the respondent. A disposition pursuant to subsection (4) (a)
13 or (b) of this section is not appealable under RCW 13.40.230 ((~~as now~~
14 ~~or hereafter amended~~)).

15 (5) When a serious, middle, or minor first offender is found to
16 have committed a sex offense, other than a sex offense that is also a
17 serious violent offense as defined by RCW 9.94A.030, and has no history
18 of a prior sex offense, the court, on its own motion or the motion of
19 the state or the respondent, may order an examination to determine
20 whether the respondent is amenable to treatment.

21 The report of the examination shall include at a minimum the
22 following: The respondent's version of the facts and the official
23 version of the facts, the respondent's offense history, an assessment
24 of problems in addition to alleged deviant behaviors, the respondent's
25 social, educational, and employment situation, and other evaluation
26 measures used. The report shall set forth the sources of the
27 evaluator's information.

28 The examiner shall assess and report regarding the respondent's
29 amenability to treatment and relative risk to the community. A
30 proposed treatment plan shall be provided and shall include, at a
31 minimum:

32 (a)(i) Frequency and type of contact between the offender and
33 therapist;

34 (ii) Specific issues to be addressed in the treatment and
35 description of planned treatment modalities;

36 (iii) Monitoring plans, including any requirements regarding
37 living conditions, lifestyle requirements, and monitoring by family
38 members, legal guardians, or others;

39 (iv) Anticipated length of treatment; and

1 (v) Recommended crime-related prohibitions.

2 The court on its own motion may order, or on a motion by the state
3 shall order, a second examination regarding the offender's amenability
4 to treatment. The evaluator shall be selected by the party making the
5 motion. The defendant shall pay the cost of any second examination
6 ordered unless the court finds the defendant to be indigent in which
7 case the state shall pay the cost.

8 After receipt of reports of the examination, the court shall then
9 consider whether the offender and the community will benefit from use
10 of this special sex offender disposition alternative and consider the
11 victim's opinion whether the offender should receive a treatment
12 disposition under this section. If the court determines that this
13 special sex offender disposition alternative is appropriate, then the
14 court shall impose a determinate disposition within the standard range
15 for the offense, or if the court concludes, and enters reasons for its
16 conclusion, that such disposition would effectuate a manifest
17 injustice, the court shall impose a disposition pursuant to option C of
18 schedule D-1, option C of schedule D-2, or option B of schedule D-3 as
19 appropriate, and the court may suspend the execution of the disposition
20 and place the offender on community supervision for up to two years.
21 As a condition of the suspended disposition, the court may impose the
22 conditions of community supervision and other conditions, including up
23 to thirty days of confinement and requirements that the offender do any
24 one or more of the following:

25 (b)(i) Devote time to a specific education, employment, or
26 occupation;

27 (ii) Undergo available outpatient sex offender treatment for up to
28 two years, or inpatient sex offender treatment not to exceed the
29 standard range of confinement for that offense. A community mental
30 health center may not be used for such treatment unless it has an
31 appropriate program designed for sex offender treatment. The
32 respondent shall not change sex offender treatment providers or
33 treatment conditions without first notifying the prosecutor, the
34 probation counselor, and the court, and shall not change providers
35 without court approval after a hearing if the prosecutor or probation
36 counselor object to the change;

37 (iii) Remain within prescribed geographical boundaries and notify
38 the court or the probation counselor prior to any change in the
39 offender's address, educational program, or employment;

1 (iv) Report to the prosecutor and the probation counselor prior to
2 any change in a sex offender treatment provider. This change shall
3 have prior approval by the court;

4 (v) Report as directed to the court and a probation counselor;

5 (vi) Pay all court-ordered legal financial obligations, perform
6 community service, or any combination thereof; or

7 (vii) Make restitution to the victim for the cost of any
8 counseling reasonably related to the offense.

9 The sex offender treatment provider shall submit quarterly reports
10 on the respondent's progress in treatment to the court and the parties.
11 The reports shall reference the treatment plan and include at a minimum
12 the following: Dates of attendance, respondent's compliance with
13 requirements, treatment activities, the respondent's relative progress
14 in treatment, and any other material specified by the court at the time
15 of the disposition.

16 At the time of the disposition, the court may set treatment review
17 hearings as the court considers appropriate.

18 Except as provided in this subsection (5), after July 1, 1991,
19 examinations and treatment ordered pursuant to this subsection shall
20 only be conducted by sex offender treatment providers certified by the
21 department of health pursuant to chapter 18.155 RCW. A sex offender
22 therapist who examines or treats a juvenile sex offender pursuant to
23 this subsection does not have to be certified by the department of
24 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
25 offender has already moved to another state or plans to move to another
26 state for reasons other than circumventing the certification
27 requirements; (B) no certified providers are available for treatment
28 within a reasonable geographical distance of the offender's home; and
29 (C) the evaluation and treatment plan comply with this subsection (5)
30 and the rules adopted by the department of health.

31 If the offender violates any condition of the disposition or the
32 court finds that the respondent is failing to make satisfactory
33 progress in treatment, the court may revoke the suspension and order
34 execution of the sentence. The court shall give credit for any
35 confinement time previously served if that confinement was for the
36 offense for which the suspension is being revoked.

37 For purposes of this section, "victim" means any person who has
38 sustained emotional, psychological, physical, or financial injury to
39 person or property as a direct result of the crime charged. "Victim"

1 may also include a known parent or guardian of a victim who is a minor
2 child unless the parent or guardian is the perpetrator of the offense.

3 (6)(a) The minimum sentence for any juvenile age sixteen or
4 seventeen who illegally possesses a pistol is ten confinement days.
5 The court may extend community supervision up to twelve months for such
6 offense.

7 (b) The following additional times shall be added to the term of
8 confinement for any juvenile found to have been armed with a firearm
9 during the commission of a felony:

10 (i) Twenty-six weeks for A-, A, and A+ category offenses;

11 (ii) Sixteen weeks for B and B+ category offenses; and

12 (iii) Twelve weeks for C and C+ category offenses.

13 (7) Whenever a juvenile offender is entitled to credit for time
14 spent in detention prior to a dispositional order, the dispositional
15 order shall specifically state the number of days of credit for time
16 served.

17 ~~((+7))~~ (8) Except as provided for in subsection (5) of this
18 section, the court shall not suspend or defer the imposition or the
19 execution of the disposition.

20 ~~((+8))~~ (9) In no case shall the term of confinement imposed by
21 the court at disposition exceed that to which an adult could be
22 subjected for the same offense.

23 **Sec. 453.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to
24 read as follows:

25 (1) The secretary shall, except in the case of a juvenile
26 committed by a court to a term of confinement in a state institution
27 outside the appropriate standard range for the offense(s) for which the
28 juvenile was found to be guilty established pursuant to RCW 13.40.030,
29 ~~((as now or hereafter amended,))~~ set a release or discharge date for
30 each juvenile committed to its custody which shall be within the
31 prescribed range to which a juvenile has been committed. ~~((Such))~~ The
32 dates shall be determined prior to the expiration of sixty percent of
33 a juvenile's minimum term of confinement included within the prescribed
34 range to which the juvenile has been committed. The secretary shall
35 release any juvenile committed to the custody of the department within
36 four calendar days prior to the juvenile's release date or on the
37 release date set under this chapter~~((:—PROVIDED, That))~~. However,
38 days spent in the custody of the department shall be tolled by any

1 period of time during which a juvenile has absented himself or herself
2 from the department's supervision without the prior approval of the
3 secretary or the secretary's designee.

4 (2) The secretary shall monitor the average daily population of
5 the state's juvenile residential facilities. When the secretary
6 concludes that in-residence population of residential facilities
7 exceeds one hundred five percent of the rated bed capacity specified in
8 statute, or in absence of such specification, as specified by the
9 department in rule, the secretary may recommend reductions to the
10 governor. On certification by the governor that the recommended
11 reductions are necessary, the secretary has authority to
12 administratively release a sufficient number of offenders to reduce in-
13 residence population to one hundred percent of rated bed capacity. The
14 secretary shall release those offenders who have served the greatest
15 proportion of their sentence. However, the secretary may deny release
16 in a particular case at the request of an offender, or if the secretary
17 finds that there is no responsible custodian, as determined by the
18 department, to whom to release the offender, or if the release of the
19 offender would pose a clear danger to society. The department shall
20 notify the committing court of the release at the end of each calendar
21 year if any ((such)) early releases have occurred during that year as
22 a result of excessive in-residence population. In no event shall a
23 serious offender, as defined in RCW 13.40.020(1) be granted release
24 under the provisions of this subsection.

25 (3) Following the juvenile's release ((pursuant to)) under
26 subsection (1) of this section, the secretary may require the juvenile
27 to comply with a program of parole to be administered by the department
28 in his or her community which shall last no longer than eighteen
29 months, except that in the case of a juvenile sentenced for rape in the
30 first or second degree, rape of a child in the first or second degree,
31 child molestation in the first degree, or indecent liberties with
32 forcible compulsion, the period of parole shall be twenty-four months.
33 A parole program is mandatory for offenders released under subsection
34 (2) of this section. The secretary shall, for the period of parole,
35 facilitate the juvenile's reintegration into his or her community and
36 to further this goal shall require the juvenile to refrain from
37 possessing a firearm or using a deadly weapon and refrain from
38 committing new offenses and may require the juvenile to: (a) Undergo
39 available medical or psychiatric treatment; (b) report as directed to

1 a parole officer; (c) pursue a course of study or vocational training;
2 and (d) remain within prescribed geographical boundaries and notify the
3 department of any change in his or her address(~~(; and (e) refrain from~~
4 ~~committing new offenses~~)). After termination of the parole period, the
5 juvenile shall be discharged from the department's supervision.

6 (4)(a) The department may also modify parole for violation
7 thereof. If, after affording a juvenile all of the due process rights
8 to which he or she would be entitled if the juvenile were an adult, the
9 secretary finds that a juvenile has violated a condition of his or her
10 parole, the secretary shall order one of the following which is
11 reasonably likely to effectuate the purpose of the parole and to
12 protect the public: ~~((+a))~~ (i) Continued supervision under the same
13 conditions previously imposed; ~~((+b))~~ (ii) intensified supervision
14 with increased reporting requirements; ~~((+c))~~ (iii) additional
15 conditions of supervision authorized by this chapter; ~~((+d))~~ (iv)
16 except as provided in ~~((+e))~~ (a)(v) of this subsection, imposition of
17 a period of confinement not to exceed thirty days in a facility
18 operated by or pursuant to a contract with the state of Washington or
19 any city or county for a portion of each day or for a certain number of
20 days each week with the balance of the days or weeks spent under
21 supervision; and ~~((+e))~~ (v) the secretary may order any of the
22 conditions or may return the offender to confinement in an institution
23 for the remainder of the sentence range if the offense for which the
24 offender was sentenced is rape in the first or second degree, rape of
25 a child in the first or second degree, child molestation in the first
26 degree, indecent liberties with forcible compulsion, or a sex offense
27 that is also a serious violent offense as defined by RCW 9.94A.030.

28 (b) If the department finds that any juvenile in a program of
29 parole has possessed a firearm or used a deadly weapon during the
30 program of parole, the department shall modify the parole under (a) of
31 this subsection and confine the juvenile for at least thirty days.
32 Confinement shall be in a facility operated by or pursuant to a
33 contract with the state or any county.

34 (5) A parole officer of the department of social and health
35 services shall have the power to arrest a juvenile under his or her
36 supervision on the same grounds as a law enforcement officer would be
37 authorized to arrest ~~((such))~~ the person.

1 (6) If so requested and approved under chapter 13.06 RCW, the
2 secretary shall permit a county or group of counties to perform
3 functions under subsections (3) through (5) of this section.

4 **Sec. 454.** RCW 13.40.190 and 1987 c 281 s 5 are each amended to
5 read as follows:

6 (1) In its dispositional order, the court shall require the
7 respondent to make restitution to any persons who have suffered loss or
8 damage as a result of the offense committed by the respondent. In
9 addition, restitution may be ordered for loss or damage if the offender
10 pleads guilty to a lesser offense or fewer offenses and agrees with the
11 prosecutor's recommendation that the offender be required to pay
12 restitution to a victim of an offense or offenses which, pursuant to a
13 plea agreement, are not prosecuted. The payment of restitution shall
14 be in addition to any punishment which is imposed pursuant to the other
15 provisions of this chapter. The court may determine the amount, terms,
16 and conditions of the restitution including a payment plan extending up
17 to ten years if the court determines that the respondent does not have
18 the means to make full restitution over a shorter period. Restitution
19 may include the costs of counseling reasonably related to the offense.
20 If the respondent participated in the crime with another person or
21 other persons, all such participants shall be jointly and severally
22 responsible for the payment of restitution. For the purposes of this
23 section, the respondent shall remain under the court's jurisdiction for
24 a maximum term of ten years after the respondent's eighteenth birthday.
25 The court may not require the respondent to pay full or partial
26 restitution if the respondent reasonably satisfies the court that he or
27 she does not have the means to make full or partial restitution and
28 could not reasonably acquire the means to pay such restitution over a
29 ten-year period. In cases where an offender has been committed to the
30 department for a period of confinement exceeding fifteen weeks,
31 restitution may be waived.

32 (2) If an order includes restitution as one of the monetary
33 assessments, the county clerk shall make disbursements to victims named
34 in the order. The restitution to victims named in the order shall be
35 paid prior to any payment for other penalties or monetary assessments.

36 (3) A respondent under obligation to pay restitution may petition
37 the court for modification of the restitution order.

1 **Sec. 455.** RCW 13.40.300 and 1986 c 288 s 6 are each amended to
2 read as follows:

3 (1) In no case may a juvenile offender be committed by the
4 juvenile court to the department of social and health services for
5 placement in a juvenile correctional institution beyond the juvenile
6 offender's twenty-first birthday. A juvenile may be under the
7 jurisdiction of the juvenile court or the authority of the department
8 of social and health services beyond the juvenile's eighteenth birthday
9 only if prior to the juvenile's eighteenth birthday:

10 (a) Proceedings are pending seeking the adjudication of a juvenile
11 offense and the court by written order setting forth its reasons
12 extends jurisdiction of juvenile court over the juvenile beyond his or
13 her eighteenth birthday;

14 (b) The juvenile has been found guilty after a fact finding or
15 after a plea of guilty and an automatic extension is necessary to allow
16 for the imposition of disposition; or

17 (c) Disposition has been held and an automatic extension is
18 necessary to allow for the execution and enforcement of the court's
19 order of disposition. If an order of disposition imposes commitment to
20 the department, then jurisdiction is automatically extended to include
21 a period of up to twelve months of parole, in no case extending beyond
22 the offender's twenty-first birthday.

23 (2) If the juvenile court previously has extended jurisdiction
24 beyond the juvenile offender's eighteenth birthday and that period of
25 extension has not expired, the court may further extend jurisdiction by
26 written order setting forth its reasons.

27 (3) In no event may the juvenile court have authority to extend
28 jurisdiction over any juvenile offender beyond the juvenile offender's
29 twenty-first birthday except for the purpose of enforcing an order of
30 restitution.

31 (4) Notwithstanding any extension of jurisdiction over a person
32 pursuant to this section, the juvenile court has no jurisdiction over
33 any offenses alleged to have been committed by a person eighteen years
34 of age or older.

35 **Sec. 456.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
36 each reenacted and amended to read as follows:

37 Every person who(÷

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

5 ~~(2) Shall admit to, or allow to remain in any public pool or~~
6 ~~billiard hall, or in any place of entertainment injurious to health or~~
7 ~~morals, owned, kept or managed by him or her, any person under the age~~
8 ~~of eighteen years; or,~~

9 ~~(3) Shall suffer or permit any such person to play any game of~~
10 ~~skill or chance, in any such place, or in any place adjacent thereto,~~
11 ~~or to be or remain therein, or admit or allow to remain in any reputed~~
12 ~~house of prostitution or assignation, or in any place where opium or~~
13 ~~any preparation thereof, is smoked, or where any narcotic drug is used,~~
14 ~~any persons under the age of eighteen years; or,~~

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

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

20 ~~Shall be)) is guilty of a gross misdemeanor.~~

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

24 NEW SECTION. Sec. 457. A new section is added to chapter 9.94A
25 RCW to read as follows:

26 The department shall adopt rules and procedures to administer this
27 section. In addition, the department is authorized to determine
28 whether any person subject to the confines of a correctional facility
29 would substantially benefit from successful participation in: (1)
30 Literacy training, (2) employment skills training, or (3) educational
31 efforts to identify and control sources of anger and, upon a
32 determination that the person would, may require such successful
33 participation as a condition for eligibility to obtain early release
34 from the confines of a correctional facility.

35 **Sec. 458.** RCW 82.04.250 and 1993 sp.s. c 25 s 103 are each
36 amended to read as follows:

1 (1) Upon every person except persons taxable under RCW
2 82.04.260(8) or subsection (2) of this section engaging within this
3 state in the business of making sales at retail, as to such persons,
4 the amount of tax with respect to such business shall be equal to the
5 gross proceeds of sales of the business, multiplied by the rate of
6 0.471 percent.

7 (2) Upon every person engaging within this state in the business
8 of making sales at retail that are exempt from the tax imposed under
9 chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or
10 82.08.0263, as to such persons, the amount of tax with respect to such
11 business shall be equal to the gross proceeds of sales of the business,
12 multiplied by the rate of 0.484 percent.

13 (3) In addition to the tax imposed under subsection (1) of this
14 section, upon every person engaging within this state in the business
15 of making sales at retail of ammunition or firearms, as defined in RCW
16 9.41.010, as to such persons, an additional tax is imposed with respect
17 to such business equal to the gross proceeds of sales of ammunition and
18 firearms, as defined in RCW 9.41.010, multiplied by the rate of 0.5
19 percent. Proceeds of the tax imposed under this subsection shall be
20 deposited into the violence reduction and drug enforcement account
21 under RCW 69.50.520.

22 NEW SECTION. Sec. 459. A new section is added to chapter 9.41
23 RCW to read as follows:

24 (1) Any court when entering an order authorized under RCW
25 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
26 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
27 shall, upon a showing by clear and convincing evidence, that a party
28 has: Used, displayed, or threatened to use a deadly weapon in a crime
29 of violence or previously committed any offense which makes him or her
30 ineligible to possess a pistol under the provisions of RCW 9.41.040:

31 (a) Require the party to surrender any deadly weapon;

32 (b) Require the party to surrender any concealed pistol license
33 issued under RCW 9.41.070;

34 (c) Prohibit the party from obtaining or possessing a deadly
35 weapon;

36 (d) Prohibit the party from obtaining or possessing a concealed
37 pistol license.

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

6 (3) In addition to the provisions of subsections (1) and (2) of
7 this section, the court may enter an order requiring a party to comply
8 with the provisions in subsection (1) of this section if it finds that
9 the possession of a firearm by any party presents a serious and
10 imminent threat to public health or safety, or to the health or safety
11 of any individual.

12 (4) The requirements of subsections (1) and (3) of this section
13 may be for a period of time less than the duration of the order.

14 (5) The court may require the party to surrender any deadly weapon
15 in his or her immediate possession or control or subject to his or her
16 immediate possession or control to the sheriff of the county having
17 jurisdiction of the proceeding or to the restrained or enjoined party's
18 counsel or to any person designated by the court.

19 **Sec. 460.** RCW 9A.46.050 and 1985 c 288 s 5 are each amended to
20 read as follows:

21 A defendant who is charged by citation, complaint, or information
22 with an offense involving harassment and not arrested shall appear in
23 court for arraignment in person as soon as practicable, but in no event
24 later than fourteen days after the next day on which court is in
25 session following the issuance of the citation or the filing of the
26 complaint or information. At that appearance, the court shall
27 determine the necessity of imposing a no-contact or no-harassment
28 order, and consider the provisions of section 459 of this act, or other
29 conditions of pretrial release according to the procedures established
30 by court rule for preliminary appearance or an arraignment.

31 **Sec. 461.** RCW 10.14.080 and 1992 c 143 s 11 are each amended to
32 read as follows:

33 (1) Upon filing a petition for a civil antiharassment protection
34 order under this chapter, the petitioner may obtain an ex parte
35 temporary antiharassment protection order. An ex parte temporary
36 antiharassment protection order may be granted with or without notice
37 upon the filing of an affidavit which, to the satisfaction of the

1 court, shows reasonable proof of unlawful harassment of the petitioner
2 by the respondent and that great or irreparable harm will result to the
3 petitioner if the temporary antiharassment protection order is not
4 granted.

5 (2) An ex parte temporary antiharassment protection order shall be
6 effective for a fixed period not to exceed fourteen days or twenty-four
7 days if the court has permitted service by publication under RCW
8 10.14.085. The ex parte order may be reissued. A full hearing, as
9 provided in this chapter, shall be set for not later than fourteen days
10 from the issuance of the temporary order or not later than twenty-four
11 days if service by publication is permitted. Except as provided in RCW
12 10.14.070 and 10.14.085, the respondent shall be personally served with
13 a copy of the ex parte order along with a copy of the petition and
14 notice of the date set for the hearing.

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

18 (4) An order issued under this chapter shall be effective for not
19 more than one year unless the court finds that the respondent is likely
20 to resume unlawful harassment of the petitioner when the order expires.
21 If so, the court may enter an order for a fixed time exceeding one year
22 or may enter a permanent antiharassment protection order. The court
23 shall not enter an order that is effective for more than one year if
24 the order restrains the respondent from contacting the respondent's
25 minor children. If the petitioner seeks relief for a period longer
26 than one year on behalf of the respondent's minor children, the court
27 shall advise the petitioner that the petitioner may apply for renewal
28 of the order as provided in this chapter or if appropriate may seek
29 relief pursuant to chapter 26.09 or 26.10 RCW.

30 (5) At any time within the three months before the expiration of
31 the order, the petitioner may apply for a renewal of the order by
32 filing a petition for renewal. The petition for renewal shall state
33 the reasons why the petitioner seeks to renew the protection order.
34 Upon receipt of the petition for renewal, the court shall order a
35 hearing which shall be not later than fourteen days from the date of
36 the order. Except as provided in RCW 10.14.085, personal service shall
37 be made upon the respondent not less than five days before the hearing.
38 If timely service cannot be made the court shall set a new hearing date
39 and shall either require additional attempts at obtaining personal

1 service or permit service by publication as provided by RCW 10.14.085.
2 If the court permits service by publication, the court shall set the
3 new hearing date not later than twenty-four days from the date of the
4 order. If the order expires because timely service cannot be made the
5 court shall grant an ex parte order of protection as provided in this
6 section. The court shall grant the petition for renewal unless the
7 respondent proves by a preponderance of the evidence that the
8 respondent will not resume harassment of the petitioner when the order
9 expires. The court may renew the protection order for another fixed
10 time period or may enter a permanent order as provided in subsection
11 (4) of this section.

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

16 (a) Restraining the respondent from making any attempts to contact
17 the petitioner;

18 (b) Restraining the respondent from making any attempts to keep
19 the petitioner under surveillance; (~~and~~)

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

22 (d) Considering the provisions of section 459 of this act.

23 (7) A petitioner may not obtain an ex parte temporary
24 antiharassment protection order against a respondent if the petitioner
25 has previously obtained two such ex parte orders against the same
26 respondent but has failed to obtain the issuance of a civil
27 antiharassment protection order unless good cause for such failure can
28 be shown.

29 (8) The court order shall specify the date an order issued
30 pursuant to subsections (4) and (5) of this section expires if any.
31 The court order shall also state whether the court issued the
32 protection order following personal service or service by publication
33 and whether the court has approved service by publication of an order
34 issued under this section.

35 **Sec. 462.** RCW 10.99.040 and 1992 c 86 s 2 are each amended to
36 read as follows:

37 (1) Because of the serious nature of domestic violence, the court
38 in domestic violence actions:

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

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

5 (c) Shall waive any requirement that the victim's location be
6 disclosed to any person, other than the attorney of a criminal
7 defendant, upon a showing that there is a possibility of further
8 violence: PROVIDED, That the court may order a criminal defense
9 attorney not to disclose to his or her client the victim's location;
10 and

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

13 (2) Because of the likelihood of repeated violence directed at
14 those who have been victims of domestic violence in the past, when any
15 person charged with or arrested for a crime involving domestic violence
16 is released from custody before arraignment or trial on bail or
17 personal recognizance, the court authorizing the release may prohibit
18 that person from having any contact with the victim. The jurisdiction
19 authorizing the release shall determine whether that person should be
20 prohibited from having any contact with the victim. If there is no
21 outstanding restraining or protective order prohibiting that person
22 from having contact with the victim, the court authorizing release may
23 issue, by telephone, a no-contact order prohibiting the person charged
24 or arrested from having contact with the victim. In issuing the order,
25 the court shall consider the provisions of section 459 of this act.

26 The no-contact order shall also be issued in writing as soon as
27 possible. (~~If the court has probable cause to believe that the person
28 charged or arrested is likely to use or display or threaten to use a
29 deadly weapon as defined in RCW 9A.04.110 in any further acts of
30 violence, the court may also require that person to surrender any
31 deadly weapon in that person's immediate possession or control, or
32 subject to that person's immediate possession or control, to the
33 sheriff of the county or chief of police of the municipality in which
34 that person resides or to the defendant's counsel for safekeeping.~~)

35 (3) At the time of arraignment the court shall determine whether
36 a no-contact order shall be issued or extended. If a no-contact order
37 is issued or extended, the court may also include in the conditions of
38 release a requirement that the defendant submit to electronic
39 monitoring. If electronic monitoring is ordered, the court shall

1 specify who shall provide the monitoring services, and the terms under
2 which the monitoring shall be performed. Upon conviction, the court
3 may require as a condition of the sentence that the defendant reimburse
4 the providing agency for the costs of the electronic monitoring.

5 (4)(a) Willful violation of a court order issued under subsection
6 (2) or (3) of this section is a misdemeanor. Upon conviction and in
7 addition to other penalties provided by law, the court may require that
8 the defendant submit to electronic monitoring. The court shall specify
9 who shall provide the electronic monitoring services and the terms
10 under which the monitoring must be performed. The court also may
11 include a requirement that the defendant pay the costs of the
12 monitoring. The court shall consider the ability of the convicted
13 person to pay for electronic monitoring.

14 (b) Any assault that is a violation of an order issued under this
15 section and that does not amount to assault in the first or second
16 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
17 under chapter 9A.20 RCW, and any conduct in violation of a protective
18 order issued under this section that is reckless and creates a
19 substantial risk of death or serious physical injury to another person
20 is a class C felony punishable under chapter 9A.20 RCW.

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

32 (5) Whenever an order prohibiting contact is issued, modified, or
33 terminated under subsection (2) or (3) of this section, the clerk of
34 the court shall forward a copy of the order on or before the next
35 judicial day to the appropriate law enforcement agency specified in the
36 order. Upon receipt of the copy of the order the law enforcement
37 agency shall forthwith enter the order for one year or until the
38 expiration date specified on the order into any computer information
39 system available in this state used by law enforcement agencies to list

1 outstanding warrants. Entry into the law enforcement information
2 system constitutes notice to all law enforcement agencies of the
3 existence of the order. The order is fully enforceable in any
4 jurisdiction in the state.

5 **Sec. 463.** RCW 10.99.045 and 1984 c 263 s 23 are each amended to
6 read as follows:

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

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

16 (3) At the time of the appearances provided in subsection (1) or
17 (2) of this section, the court shall determine the necessity of
18 imposing a no contact order or other conditions of pretrial release
19 according to the procedures established by court rule for a preliminary
20 appearance or an arraignment. ~~((If the court has probable cause to
21 believe that the defendant is likely to use or display or threaten to
22 use a deadly weapon as defined in RCW 9A.04.110 in any further acts of
23 violence, as one of the conditions of pretrial release, the court may
24 require the defendant to surrender any deadly weapon in the defendant's
25 immediate possession or control, or subject to the defendant's
26 immediate possession or control, to the sheriff of the county or chief
27 of police of the municipality in which the defendant resides or to the
28 defendant's counsel for safekeeping. The decision of the judge and
29 findings of fact in support thereof shall be in writing.))~~ The court
30 may include in the order any conditions authorized under section 459 of
31 this act.

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

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

1 **Sec. 464.** RCW 26.09.050 and 1989 c 375 s 29 are each amended to
2 read as follows:

3 In entering a decree of dissolution of marriage, legal separation,
4 or declaration of invalidity, the court shall determine the marital
5 status of the parties, make provision for a parenting plan for any
6 minor child of the marriage, make provision for the support of any
7 child of the marriage entitled to support, consider or approve
8 provision for the maintenance of either spouse, make provision for the
9 disposition of property and liabilities of the parties, make provision
10 for the allocation of the children as federal tax exemptions, make
11 provision for any necessary continuing restraining orders including the
12 provisions contained in section 459 of this act, and make provision for
13 the change of name of any party.

14 **Sec. 465.** RCW 26.09.060 and 1992 c 229 s 9 are each amended to
15 read as follows:

16 (1) In a proceeding for:

17 (a) Dissolution of marriage, legal separation, or a declaration of
18 invalidity; or

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

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

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

35 (b) ~~Molesting or disturbing the peace of the other party or of any~~
36 ~~child ((and, upon a showing by clear and convincing evidence that the~~
37 ~~party so restrained or enjoined has used or displayed or threatened to~~
38 ~~use a deadly weapon as defined in RCW 9A.04.110 in an act of violence~~

1 or has previously committed acts of domestic violence and is likely to
2 use or display or threaten to use a deadly weapon in an act of domestic
3 violence, requiring the party to surrender any deadly weapon in his
4 immediate possession or control or subject to his immediate possession
5 or control to the sheriff of the county having jurisdiction of the
6 proceeding or to the restrained or enjoined party's counsel or to any
7 person designated by the court. The court may order temporary
8 surrender of deadly weapons without notice to the other party only if
9 it finds on the basis of the moving affidavit or other evidence that
10 irreparable injury could result if an order is not issued until the
11 time for response has elapsed));

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

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

15 (3) In issuing the order, the court shall consider the provisions
16 of section 459 of this act.

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

22 ((+4)) (5) The court may issue a temporary restraining order or
23 preliminary injunction and an order for temporary maintenance or
24 support in such amounts and on such terms as are just and proper in the
25 circumstances. The court may in its discretion waive the filing of the
26 bond or the posting of security.

27 ((+5)) (6) Restraining orders issued under this section
28 restraining the person from molesting or disturbing another party or
29 from entering a party's home shall bear the legend: VIOLATION OF THIS
30 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
31 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

32 ((+6)) (7) The court may order that any temporary restraining
33 order granted under this section be forwarded by the clerk of the court
34 on or before the next judicial day to the appropriate law enforcement
35 agency specified in the order. Upon receipt of the order, the law
36 enforcement agency shall forthwith enter the order for one year into
37 any computer-based criminal intelligence information system available
38 in this state used by law enforcement agencies to list outstanding
39 warrants. Entry into the law enforcement information system

1 constitutes notice to all law enforcement agencies of the existence of
2 the order. The order is fully enforceable in any county in the state.

3 ~~((+7))~~ (8) A temporary order, temporary restraining order, or
4 preliminary injunction:

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

7 (b) May be revoked or modified;

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

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

14 ~~((+8))~~ (9) Delinquent support payments accrued under an order for
15 temporary support remain collectible and are not extinguished when a
16 final decree is entered unless the decree contains specific language to
17 the contrary. A support debt under a temporary order owed to the state
18 for public assistance expenditures shall not be extinguished by the
19 final decree if:

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

22 (b) The temporary order directs the obligor to make support
23 payments to the office of support enforcement or the Washington state
24 support registry.

25 **Sec. 466.** RCW 26.10.040 and 1989 c 375 s 31 are each amended to
26 read as follows:

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

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

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

32 (3) Any necessary continuing restraining orders, including the
33 provisions contained in section 459 of this act.

34 **Sec. 467.** RCW 26.10.115 and 1989 c 375 s 32 are each amended to
35 read as follows:

36 (1) In a proceeding under this chapter either party may file a
37 motion for temporary support of children entitled to support. The

1 motion shall be accompanied by an affidavit setting forth the factual
2 basis for the motion and the amount requested.

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

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

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

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

25 (3) In issuing the order, the court shall consider the provisions
26 of section 459 of this act.

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

32 ~~((4))~~ (5) The court may issue a temporary restraining order or
33 preliminary injunction and an order for temporary support in such
34 amounts and on such terms as are just and proper in the circumstances.

35 ~~((5))~~ (6) Restraining orders issued under this section
36 restraining the person from molesting or disturbing another party or
37 from entering a party's home shall bear the legend: VIOLATION OF THIS
38 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
39 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

1 (~~(+6)~~) (7) The court may order that any temporary restraining
2 order granted under this section be forwarded by the clerk of the court
3 on or before the next judicial day to the appropriate law enforcement
4 agency specified in the order. Upon receipt of the order, the law
5 enforcement agency shall forthwith enter the order for one year into
6 any computer-based criminal intelligence information system available
7 in this state used by law enforcement agencies to list outstanding
8 warrants. Entry into the law enforcement information system
9 constitutes notice to all law enforcement agencies of the existence of
10 the order. The order is fully enforceable in any county in the state.

11 (~~(+7)~~) (8) A temporary order, temporary restraining order, or
12 preliminary injunction:

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

15 (b) May be revoked or modified;

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

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

20 (~~(+8)~~) (9) A support debt owed to the state for public assistance
21 expenditures which has been charged against a party pursuant to RCW
22 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
23 extinguished by, the final decree or order, unless the office of
24 support enforcement has been given notice of the final proceeding and
25 an opportunity to present its claim for the support debt to the court
26 and has failed to file an affidavit as provided in this subsection.
27 Notice of the proceeding shall be served upon the office of support
28 enforcement personally, or by certified mail, and shall be given no
29 fewer than thirty days prior to the date of the final proceeding. An
30 original copy of the notice shall be filed with the court either before
31 service or within a reasonable time thereafter. The office of support
32 enforcement may present its claim, and thereby preserve the support
33 debt, by filing an affidavit setting forth the amount of the debt with
34 the court, and by mailing a copy of the affidavit to the parties or
35 their attorney prior to the date of the final proceeding.

36 **Sec. 468.** RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18
37 are each reenacted and amended to read as follows:

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

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

7 (3) The judgment and order shall contain other appropriate
8 provisions directed to the appropriate parties to the proceeding,
9 concerning the duty of current and future support, the extent of any
10 liability for past support furnished to the child if that issue is
11 before the court, the furnishing of bond or other security for the
12 payment of the judgment, or any other matter in the best interest of
13 the child. The judgment and order may direct the father to pay the
14 reasonable expenses of the mother's pregnancy and confinement. The
15 judgment and order may include a continuing restraining order or
16 injunction. In issuing the order, the court shall consider the
17 provisions of section 459 of this act.

18 (4) Support judgment and orders shall be for periodic payments
19 which may vary in amount. The court may limit the father's liability
20 for the past support to the child to the proportion of the expenses
21 already incurred as the court deems just. The court shall not limit or
22 affect in any manner the right of nonparties including the state of
23 Washington to seek reimbursement for support and other services
24 previously furnished to the child.

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

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

33 (7) In any dispute between the natural parents of a child and a
34 person or persons who have (a) commenced adoption proceedings or who
35 have been granted an order of adoption, and (b) pursuant to a court
36 order, or placement by the department of social and health services or
37 by a licensed agency, have had actual custody of the child for a period
38 of one year or more before court action is commenced by the natural
39 parent or parents, the court shall consider the best welfare and

1 interests of the child, including the child's need for situation
2 stability, in determining the matter of custody, and the parent or
3 person who is more fit shall have the superior right to custody.

4 **Sec. 469.** RCW 26.26.137 and 1983 1st ex.s. c 41 s 12 are each
5 amended to read as follows:

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

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

16 (a) Molesting or disturbing the peace of another party;

17 (b) Entering the home of another party; or

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

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

24 (4) The court may issue a temporary restraining order or
25 preliminary injunction and an order for temporary support in such
26 amounts and on such terms as are just and proper in the circumstances.
27 In issuing the order, the court shall consider the provisions of
28 section 459 of this act.

29 (5) A temporary order, temporary restraining order, or preliminary
30 injunction:

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

33 (b) May be revoked or modified;

34 (c) Terminates when the final order is entered or when the
35 petition is dismissed; and

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

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

17 **Sec. 470.** RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and
18 1992 c 86 s 4 are each reenacted and amended to read as follows:

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

21 (a) Restrain the respondent from committing acts of domestic
22 violence;

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

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

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

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

34 (f) Require the respondent to pay the filing fee and court costs,
35 including service fees, and to reimburse the petitioner for costs
36 incurred in bringing the action, including a reasonable attorney's fee.
37 If the petitioner has been granted leave to proceed in forma pauperis,
38 the court may require the respondent to pay the filing fee and costs,

1 including services fees, to the county or municipality incurring the
2 expense;

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

6 (h) Require the respondent to submit to electronic monitoring.
7 The order shall specify who shall provide the electronic monitoring
8 services and the terms under which the monitoring must be performed.
9 The order also may include a requirement that the respondent pay the
10 costs of the monitoring. The court shall consider the ability of the
11 respondent to pay for electronic monitoring; and

12 (i) Consider the provisions of section 459 of this act.

13 (2) Any relief granted by the order for protection, other than a
14 judgment for costs, shall be for a fixed period not to exceed one year
15 if the restraining order restrains the respondent from contacting the
16 respondent's minor children. If the petitioner has petitioned for
17 relief on his or her own behalf or on behalf of the petitioner's family
18 or household members or minor children that are not also the
19 respondent's minor children, and the court finds that the respondent is
20 likely to resume acts of domestic violence against the petitioner or
21 the petitioner's family or household members or minor children when the
22 order expires, the court may either (a) grant relief for a fixed period
23 not to exceed one year; (b) grant relief for a fixed period in excess
24 of one year; or (c) enter a permanent order of protection.

25 If the petitioner has petitioned for relief on behalf of the
26 respondent's minor children, the court shall advise the petitioner that
27 if the petitioner wants to continue protection for a period beyond one
28 year the petitioner may either petition for renewal pursuant to the
29 provisions of this chapter or may seek relief pursuant to the
30 provisions of chapter 26.09 RCW.

31 (3) If the court grants an order for a fixed time period, the
32 petitioner may apply for renewal of the order by filing a petition for
33 renewal at any time within the three months before the order expires.
34 The petition for renewal shall state the reasons why the petitioner
35 seeks to renew the protection order. Upon receipt of the petition for
36 renewal the court shall order a hearing which shall be not later than
37 fourteen days from the date of the order. Except as provided in RCW
38 26.50.085, personal service shall be made on the respondent not less
39 than five days before the hearing. If timely service cannot be made

1 the court shall set a new hearing date and shall either require
2 additional attempts at obtaining personal service or permit service by
3 publication as provided in RCW 26.50.085. If the court permits service
4 by publication, the court shall set the new hearing date not later than
5 twenty-four days from the date of the order. If the order expires
6 because timely service cannot be made the court shall grant an ex parte
7 order of protection as provided in RCW 26.50.070. The court shall
8 grant the petition for renewal unless the respondent proves by a
9 preponderance of the evidence that the respondent will not resume acts
10 of domestic violence against the petitioner or the petitioner's
11 children or family or household members when the order expires. The
12 court may renew the protection order for another fixed time period or
13 may enter a permanent order as provided in this section. The court may
14 award court costs, service fees, and reasonable attorneys' fees as
15 provided in subsection (1)(f) of this section.

16 (4) In providing relief under this chapter, the court may realign
17 the designation of the parties as "petitioner" and "respondent" where
18 the court finds that the original petitioner is the abuser and the
19 original respondent is the victim of domestic violence and may issue an
20 ex parte temporary order for protection in accordance with RCW
21 26.50.070 on behalf of the victim until the victim is able to prepare
22 a petition for an order for protection in accordance with RCW
23 26.50.030.

24 (5) Except as provided in subsection (4) of this section, no order
25 for protection shall grant relief to any party except upon notice to
26 the respondent and hearing pursuant to a petition or counter-petition
27 filed and served by the party seeking relief in accordance with RCW
28 26.50.050.

29 (6) The court order shall specify the date the order expires if
30 any. The court order shall also state whether the court issued the
31 protection order following personal service or service by publication
32 and whether the court has approved service by publication of an order
33 issued under this section.

34 **Sec. 471.** RCW 26.50.070 and 1992 c 143 s 3 are each amended to
35 read as follows:

36 (1) Where an application under this section alleges that
37 irreparable injury could result from domestic violence if an order is
38 not issued immediately without prior notice to the respondent, the

1 court may grant an ex parte temporary order for protection, pending a
2 full hearing, and grant relief as the court deems proper, including an
3 order:

4 (a) Restraining any party from committing acts of domestic
5 violence;

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

8 (c) Restraining any party from interfering with the other's
9 custody of the minor children or from removing the children from the
10 jurisdiction of the court; ((and))

11 (d) Restraining any party from having any contact with the victim
12 of domestic violence or the victim's children or members of the
13 victim's household; and

14 (e) Considering the provisions of section 459 of this act.

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

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

22 (4) An ex parte temporary order for protection shall be effective
23 for a fixed period not to exceed fourteen days or twenty-four days if
24 the court has permitted service by publication under RCW 26.50.085.
25 The ex parte order may be reissued. A full hearing, as provided in
26 this chapter, shall be set for not later than fourteen days from the
27 issuance of the temporary order or not later than twenty-four days if
28 service by publication is permitted. Except as provided in RCW
29 26.50.050 and 26.50.085, the respondent shall be personally served with
30 a copy of the ex parte order along with a copy of the petition and
31 notice of the date set for the hearing.

32 **Sec. 472.** RCW 77.12.720 and 1990 c 195 s 2 are each amended to
33 read as follows:

34 The firearms range account is hereby created in the state general
35 fund. ((Any funds remaining in the firearm range account established
36 by RCW 77.12.195, at the time of its repeal by section 7, chapter 195,
37 Laws of 1990, shall be transferred to the firearms range account
38 established in this section.)) Moneys in the account shall be subject

1 to legislative appropriation and shall be used for purchase and
2 development of land, construction or improvement of range facilities,
3 including fixed structure construction or remodeling, equipment
4 purchase, safety or environmental improvements, noise abatement, and
5 liability protection for public and nonprofit firearm range training
6 and practice facilities.

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

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

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

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

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

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

36 (~~Facilities~~) Entities receiving grants must (~~be~~) make the
37 facilities for which grant funding is received open for hunter safety
38 education classes and firearm safety classes on a regular basis for no
39 fee.

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

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

7 NEW SECTION. Sec. 473. A new section is added to chapter 9.94A
8 RCW to read as follows:

9 (1)(a) An offender is eligible for the special drug offender
10 sentencing alternative if:

11 (i) The offender is convicted of the manufacture, delivery, or
12 possession with intent to manufacture or deliver a controlled substance
13 classified in Schedule I or II that is a narcotic drug or a felony that
14 is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt,
15 criminal solicitation, or criminal conspiracy to commit such crimes,
16 and the violation does not involve a sentence enhancement under RCW
17 9.94A.310(3);

18 (ii) The offender has no prior convictions for a felony in this
19 state, another state, or the United States; and

20 (iii) The offense involved only a small quantity of the particular
21 controlled substance as determined by the judge upon consideration of
22 such factors as the weight, purity, packaging, sale price, and street
23 value of the controlled substance.

24 (b) If the midpoint of the standard range is greater than one year
25 and the sentencing judge determines that the offender is eligible for
26 this option and that the offender and the community will benefit from
27 the use of the special drug offender sentencing alternative, the judge
28 may waive imposition of a sentence within the standard range and impose
29 a sentence that must include a period of total confinement in a state
30 facility for one-half of the midpoint of the standard range. During
31 incarceration in the state facility, offenders sentenced under this
32 section shall undergo a comprehensive substance abuse assessment and
33 receive, within available resources, treatment services appropriate for
34 the offender. An offender sentenced under this section shall serve his
35 or her entire term of community placement under RCW 9.94A.120 in
36 community custody that must include crime-related prohibitions
37 including a condition not to use illegal controlled substances, and a
38 requirement to submit to urinalysis or other testing to monitor that

1 status. The department may require the offender to pay thirty dollars
2 per month while on community custody to offset the cost of monitoring.
3 In addition, the court may impose any of the following conditions:

- 4 (i) Devote time to a specific employment or training;
- 5 (ii) Participate in outpatient substance abuse treatment;
- 6 (iii) Remain within prescribed geographical boundaries and notify
7 the court or the community corrections officer before any change in the
8 offender's address or employment;
- 9 (iv) Report as directed to a community corrections officer;
- 10 (v) Pay all court-ordered legal financial obligations;
- 11 (vi) Perform community service work;
- 12 (vii) Pay a day fine;
- 13 (viii) Stay out of areas designated by the sentencing judge;
- 14 (ix) Undergo day reporting.

15 (c) If the offender violates any of the sentence conditions in (b)
16 of this subsection, the department shall impose sanctions
17 administratively, with notice to the prosecuting attorney and the
18 sentencing court. Upon motion of the court or the prosecuting
19 attorney, a violation hearing shall be held by the court. If the court
20 finds that conditions have been willfully violated, the court may
21 impose confinement consisting of up to the remaining one-half of the
22 midpoint of the standard range. All total confinement served during
23 the period of community custody shall be credited to the offender,
24 regardless of whether the total confinement is served as a result of
25 the original sentence, as a result of a sanction imposed by the
26 department, or as a result of a violation found by the court. The term
27 of community custody shall be tolled by any period of time served in
28 total confinement as a result of a violation found by the court.

29 (d) The department shall determine the rules for calculating the
30 value of a day fine based on the offender's income and reasonable
31 obligations which the offender has for the support of the offender and
32 any dependents. These rules shall be developed in consultation with
33 the administrator for the courts, the office of financial management,
34 and the commission.

35 (2) For sentences imposed pursuant to subsection (1) of this
36 section that have a sentence range of over one year, notwithstanding
37 any other provision of RCW 9.94A.190 all such sentences regardless of
38 length shall be served in a facility or institution operated, or
39 utilized under contract, by the state.

1 (3) For the purposes of this section:

2 (a) "Day fine" means a fine imposed by the sentencing judge that
3 equals the difference between the offender's net daily income and the
4 reasonable obligations that the offender has for the support of the
5 offender and any dependents.

6 (b) "Day reporting" means a program of enhanced supervision
7 designed to monitor the defendant's daily activities and compliance
8 with sentence conditions, and in which the defendant is required to
9 report daily to a specific location designated by the department or the
10 sentencing judge.

11 NEW SECTION. **Sec. 474.** The commission shall evaluate the impact
12 of implementing the drug offender options provided for in section 473
13 of this act. The commission shall submit preliminary findings to the
14 legislature by December 1, 1995, and shall submit the final report to
15 the legislature by December 1, 1996. The report shall describe the
16 changes in sentencing practices related to the use of punishment
17 options for drug offenders and include the impact of sentencing
18 alternatives on state prison populations, the savings in state
19 resources, and the impact on recidivism rates.

20 **Sec. 475.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to
21 read as follows:

22 No person serving a sentence imposed pursuant to this chapter and
23 committed to the custody of the department shall leave the confines of
24 the correctional facility or be released prior to the expiration of the
25 sentence except as follows:

26 (1) Except as otherwise provided for in subsection (2) of this
27 section, the term of the sentence of an offender committed to a
28 correctional facility operated by the department, may be reduced by
29 earned early release time in accordance with procedures that shall be
30 developed and promulgated by the correctional agency having
31 jurisdiction in which the offender is confined. The earned early
32 release time shall be for good behavior and good performance, as
33 determined by the correctional agency having jurisdiction. The
34 correctional agency shall not credit the offender with earned early
35 release credits in advance of the offender actually earning the
36 credits. Any program established pursuant to this section shall allow
37 an offender to earn early release credits for presentence

1 incarceration. If an offender is transferred from a county jail to the
2 department of corrections, the county jail facility shall certify to
3 the department the amount of time spent in custody at the facility and
4 the amount of earned early release time. In the case of an offender
5 convicted of a serious violent offense or a sex offense that is a class
6 A felony committed on or after July 1, 1990, the aggregate earned early
7 release time may not exceed fifteen percent of the sentence. In no
8 other case shall the aggregate earned early release time exceed one-
9 third of the total sentence;

10 (2) A person convicted of a sex offense or an offense categorized
11 as a serious violent offense, assault in the second degree, assault of
12 a child in the second degree, any crime against a person where it is
13 determined in accordance with RCW 9.94A.125 that the defendant or an
14 accomplice was armed with a deadly weapon at the time of commission, or
15 any felony offense under chapter 69.50 or 69.52 RCW may become
16 eligible, in accordance with a program developed by the department, for
17 transfer to community custody status in lieu of earned early release
18 time pursuant to subsection (1) of this section;

19 (3) An offender may leave a correctional facility pursuant to an
20 authorized furlough or leave of absence. In addition, offenders may
21 leave a correctional facility when in the custody of a corrections
22 officer or officers;

23 (4) The governor, upon recommendation from the clemency and
24 pardons board, may grant an extraordinary release for reasons of
25 serious health problems, senility, advanced age, extraordinary
26 meritorious acts, or other extraordinary circumstances;

27 (5) No more than the final six months of the sentence may be
28 served in partial confinement designed to aid the offender in finding
29 work and reestablishing ((him)) himself or herself in the community,
30 except for offenders sentenced under section 473 of this act who have
31 a standard range midpoint of twenty-four months or less in which case
32 no more than the final three months of the sentence may be served in
33 such partial confinement;

34 (6) The governor may pardon any offender;

35 (7) The department of corrections may release an offender from
36 confinement any time within ten days before a release date calculated
37 under this section; and

1 (8) An offender may leave a correctional facility prior to
2 completion of his or her sentence if the sentence has been reduced as
3 provided in RCW 9.94A.160.

4 **Sec. 476.** RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are
5 each reenacted and amended to read as follows:

6 A police officer having probable cause to believe that a person
7 has committed or is committing a felony shall have the authority to
8 arrest the person without a warrant. A police officer may arrest a
9 person without a warrant for committing a misdemeanor or gross
10 misdemeanor only when the offense is committed in the presence of the
11 officer, except as provided in subsections (1) through (10) of this
12 section.

13 (1) Any police officer having probable cause to believe that a
14 person has committed or is committing a misdemeanor or gross
15 misdemeanor, involving physical harm or threats of harm to any person
16 or property or the unlawful taking of property or involving the use or
17 possession of cannabis, or involving the acquisition, possession, or
18 consumption of alcohol by a person under the age of twenty-one years
19 under RCW 66.44.270 shall have the authority to arrest the person.

20 (2) A police officer shall arrest and take into custody, pending
21 release on bail, personal recognizance, or court order, a person
22 without a warrant when the officer has probable cause to believe that:

23 (a) An order has been issued of which the person has knowledge
24 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
25 RCW, or chapter 26.50 RCW restraining the person and the person has
26 violated the terms of the order restraining the person from acts or
27 threats of violence or excluding the person from a residence or, in the
28 case of an order issued under RCW 26.44.063, imposing any other
29 restrictions or conditions upon the person; or

30 (b) The person is eighteen years or older and within the preceding
31 four hours has assaulted that person's spouse, former spouse, or a
32 person eighteen years or older with whom the person resides or has
33 formerly resided and the officer believes: (i) A felonious assault
34 has occurred; (ii) an assault has occurred which has resulted in bodily
35 injury to the victim, whether the injury is observable by the
36 responding officer or not; or (iii) that any physical action has
37 occurred which was intended to cause another person reasonably to fear
38 imminent serious bodily injury or death. Bodily injury means physical

1 pain, illness, or an impairment of physical condition. When the
2 officer has probable cause to believe that spouses, former spouses, or
3 other persons who reside together or formerly resided together have
4 assaulted each other, the officer is not required to arrest both
5 persons. The officer shall arrest the person whom the officer believes
6 to be the primary physical aggressor. In making this determination,
7 the officer shall make every reasonable effort to consider: (i) The
8 intent to protect victims of domestic violence under RCW 10.99.010;
9 (ii) the comparative extent of injuries inflicted or serious threats
10 creating fear of physical injury; and (iii) the history of domestic
11 violence between the persons involved.

12 (3) Any police officer having probable cause to believe that a
13 person has committed or is committing a violation of any of the
14 following traffic laws shall have the authority to arrest the person:

15 (a) RCW 46.52.010, relating to duty on striking an unattended car
16 or other property;

17 (b) RCW 46.52.020, relating to duty in case of injury to or death
18 of a person or damage to an attended vehicle;

19 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
20 racing of vehicles;

21 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
22 influence of intoxicating liquor or drugs;

23 (e) RCW 46.20.342, relating to driving a motor vehicle while
24 operator's license is suspended or revoked;

25 (f) RCW 46.61.525, relating to operating a motor vehicle in a
26 negligent manner.

27 (4) A law enforcement officer investigating at the scene of a
28 motor vehicle accident may arrest the driver of a motor vehicle
29 involved in the accident if the officer has probable cause to believe
30 that the driver has committed in connection with the accident a
31 violation of any traffic law or regulation.

32 (5) Any police officer having probable cause to believe that a
33 person has committed or is committing a violation of RCW ((88.12.100))
34 88.12.025 shall have the authority to arrest the person.

35 (6) An officer may act upon the request of a law enforcement
36 officer in whose presence a traffic infraction was committed, to stop,
37 detain, arrest, or issue a notice of traffic infraction to the driver
38 who is believed to have committed the infraction. The request by the

1 witnessing officer shall give an officer the authority to take
2 appropriate action under the laws of the state of Washington.

3 (7) Any police officer having probable cause to believe that a
4 person has committed or is committing any act of indecent exposure, as
5 defined in RCW 9A.88.010, may arrest the person.

6 (8) A police officer may arrest and take into custody, pending
7 release on bail, personal recognizance, or court order, a person
8 without a warrant when the officer has probable cause to believe that
9 an order has been issued of which the person has knowledge under
10 chapter 10.14 RCW and the person has violated the terms of that order.

11 (9) Any police officer having probable cause to believe that a
12 person has, within twenty-four hours of the alleged violation,
13 committed a violation of RCW 9A.50.020 may arrest such person.

14 (10) A police officer having probable cause to believe that a
15 person illegally possesses or illegally has possessed a (~~firearm or~~
16 ~~other dangerous~~) deadly weapon as defined in RCW 9A.04.110 on private
17 or public elementary or secondary school premises shall have the
18 authority to arrest the person.

19 (~~For purposes of this subsection, the term "firearm" has the~~
20 ~~meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the~~
21 ~~meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).)~~)

22 (11) Except as specifically provided in subsections (2), (3), (4),
23 and (6) of this section, nothing in this section extends or otherwise
24 affects the powers of arrest prescribed in Title 46 RCW.

25 (12) No police officer may be held criminally or civilly liable
26 for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
27 officer acts in good faith and without malice.

28 **Sec. 477.** RCW 10.99.030 and 1993 c 350 s 3 are each amended to
29 read as follows:

30 (1) All training relating to the handling of domestic violence
31 complaints by law enforcement officers shall stress enforcement of
32 criminal laws in domestic situations, availability of community
33 resources, and protection of the victim. Law enforcement agencies and
34 community organizations with expertise in the issue of domestic
35 violence shall cooperate in all aspects of such training.

36 (2) The primary duty of peace officers, when responding to a
37 domestic violence situation, is to enforce the laws allegedly violated
38 and to protect the complaining party.

1 (3)(a) When a peace officer responds to a domestic violence call
2 and has probable cause to believe that a crime has been committed, the
3 peace officer shall exercise arrest powers with reference to the
4 criteria in RCW 10.31.100. The officer shall notify the victim of the
5 victim's right to initiate a criminal proceeding in all cases where the
6 officer has not exercised arrest powers or decided to initiate criminal
7 proceedings by citation or otherwise. The parties in such cases shall
8 also be advised of the importance of preserving evidence.

9 (b) A peace officer responding to a domestic violence call shall
10 take a complete offense report including the officer's disposition of
11 the case.

12 (4) When a peace officer responds to a domestic violence call, the
13 officer shall advise victims of all reasonable means to prevent further
14 abuse, including advising each person of the availability of a shelter
15 or other services in the community, and giving each person immediate
16 notice of the legal rights and remedies available. The notice shall
17 include handing each person a copy of the following statement:

18 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
19 city or county prosecuting attorney to file a criminal
20 complaint. You also have the right to file a petition in
21 superior, district, or municipal court requesting an order
22 for protection from domestic abuse which could include any of
23 the following: (a) An order restraining your abuser from
24 further acts of abuse; (b) an order directing your abuser to
25 leave your household; (c) an order preventing your abuser
26 from entering your residence, school, business, or place of
27 employment; (d) an order awarding you or the other parent
28 custody of or visitation with your minor child or children;
29 and (e) an order restraining your abuser from molesting or
30 interfering with minor children in your custody. The forms
31 you need to obtain a protection order are available in any
32 municipal, district, or superior court.

33 Information about shelters and alternatives to domestic
34 violence is available from a state-wide twenty-four-hour
35 toll-free hotline at 1-800-562-6025. The battered women's
36 shelter and other resources in your area are
37 (include local information)"

1 (5) The peace officer may offer, arrange, or facilitate
2 transportation for the victim to a hospital for treatment of injuries
3 or to a place of safety or shelter.

4 (6) The law enforcement agency shall forward the offense report to
5 the appropriate prosecutor within ten days of making such report if
6 there is probable cause to believe that an offense has been committed,
7 unless the case is under active investigation.

8 (7) Each law enforcement agency shall make as soon as practicable
9 a written record and shall maintain records of all incidents of
10 domestic violence reported to it.

11 (8) Records kept pursuant to subsections (3) and (7) of this
12 section shall be made identifiable by means of a departmental code for
13 domestic violence.

14 (9) Commencing January 1, 1994, records of incidents of domestic
15 violence shall be submitted, in accordance with procedures described in
16 this subsection, to the Washington association of sheriffs and police
17 chiefs by all law enforcement agencies. The Washington criminal
18 justice training commission shall amend its contract for collection of
19 state-wide crime data with the Washington association of sheriffs and
20 police chiefs:

21 (a) To include a table, in the annual report of crime in
22 Washington produced by the Washington association of sheriffs and
23 police chiefs pursuant to the contract, showing the total number of
24 actual offenses and the number and percent of the offenses that are
25 domestic violence incidents for the following crimes: (i) Criminal
26 homicide, with subtotals for murder and nonnegligent homicide and
27 manslaughter by negligence; (ii) forcible rape, with subtotals for rape
28 by force and attempted forcible rape; (iii) robbery, with subtotals for
29 firearm, knife or cutting instrument, or other (~~dangerous~~) deadly
30 weapon as defined in RCW 9A.04.110, and strongarm robbery; (iv)
31 assault, with subtotals for firearm, knife or cutting instrument, other
32 (~~dangerous~~) deadly weapon, hands, feet, aggravated, and other
33 nonaggravated assaults; (v) burglary, with subtotals for forcible
34 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)
35 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,
36 with subtotals for autos, trucks and buses, and other vehicles; and
37 (viii) arson;

38 (b) To require that the table shall continue to be prepared and
39 contained in the annual report of crime in Washington until that time

1 as comparable or more detailed information about domestic violence
2 incidents is available through the Washington state incident based
3 reporting system and the information is prepared and contained in the
4 annual report of crime in Washington; and

5 (c) To require that, in consultation with interested persons, the
6 Washington association of sheriffs and police chiefs prepare and
7 disseminate procedures to all law enforcement agencies in the state as
8 to how the agencies shall code and report domestic violence incidents
9 to the Washington association of sheriffs and police chiefs.

10 NEW SECTION. Sec. 478. A new section is added to chapter 13.06
11 RCW to read as follows:

12 (1) The director of the division of juvenile rehabilitation and
13 the several school districts within which there is located a
14 residential school shall develop and implement a job skills training
15 program as part of the division's and the districts' overall treatment
16 and educational responsibilities to juvenile offenders in all
17 residential schools. The program shall provide youth with skills
18 necessary to locate, compete for, and maintain employment in demand
19 occupations. In operating the program the director and the several
20 school districts shall:

21 (a) Assure that educational programs offered are occupationally
22 based and provide a wide range of prevocational skills necessary to
23 career development;

24 (b) Assure that vocational skills obtained in the classroom and in
25 school are transferable to the emerging labor market;

26 (c) Assure that basic skill offerings include remedial and
27 advanced skills in workplace communication, negotiation, teamwork, and
28 problem solving;

29 (d) Develop a system-wide process for evaluating all youth on the
30 basis of self-management skills, employability skills, and life skills;

31 (e) Work with the office of the superintendent of public
32 instruction to assure that credit is awarded toward high school
33 completion for documented performance gains and vocational skill
34 acquisition in addition to traditional or standard academic credit
35 awarded for completion hours;

36 (f) Work with local business organizations to provide information
37 and career awareness to youth in all facilities; and

1 (g) Provide institutional work experience opportunities and
2 programs that are coordinated with educational programs to reinforce
3 learning and application of skills.

4 (2) The director and the several school districts shall consult
5 with the employment security department, the office of the
6 superintendent of public instruction, and the work force training and
7 education coordinating board on the design, implementation,
8 coordination, and management of the program.

9 (3) The director shall ensure that all facility counselors are
10 trained in the area of youth employment skills assessment and
11 development.

12 NEW SECTION. **Sec. 479.** The legislature is making the change of
13 "dangerous weapon" to "deadly weapon" solely to make consistent use of
14 terminology. No substantive change in sentencing or the element of any
15 criminal offense is intended.

16 NEW SECTION. **Sec. 480.** RCW 9.41.160 shall be recodified within
17 chapter 9.41 RCW to follow RCW 9.41.310.

18 NEW SECTION. **Sec. 481.** The following acts or parts of acts are
19 each repealed:

- 20 (1) RCW 9.41.030 and 1935 c 172 s 3;
- 21 (2) RCW 9.41.093 and 1969 ex.s. c 227 s 2;
- 22 (3) RCW 9.41.100 and 1935 c 172 s 10;
- 23 (4) RCW 9.41.130 and 1935 c 172 s 13;
- 24 (5) RCW 9.41.200 and 1989 c 231 s 2 & 1933 c 64 s 2;
- 25 (6) RCW 9.41.210 and 1933 c 64 s 3; and
- 26 (7) RCW 9.41.230 and 1909 c 249 s 307 & 1888 p 100 ss 2, 3.

27 **PART V. EDUCATION**

28 **Sec. 501.** RCW 28A.300.130 and 1993 c 336 s 501 are each amended
29 to read as follows:

30 (1) Expanding activity in educational research, educational
31 restructuring, and educational improvement initiatives has produced and
32 continues to produce much valuable information. The legislature finds
33 that such information should be shared with the citizens and
34 educational community of the state as widely as possible. To

1 facilitate access to information and materials on educational
2 improvement and research, the superintendent of public instruction, to
3 the extent funds are appropriated, shall establish the center for the
4 improvement of student learning. The primary purpose of the center is
5 to provide assistance and advice to parents, school board members,
6 educators, and the public regarding strategies for assisting students
7 in learning the essential academic learning requirements pursuant to
8 RCW 28A.630.885. The center shall work in conjunction with the
9 commission on student learning, educational service districts, and
10 institutions of higher education.

11 (2) The center shall:

12 (a) Serve as a clearinghouse for the completed work and activities
13 of the commission on student learning;

14 (b) Serve as a clearinghouse for information regarding successful
15 educational restructuring and parental involvement programs in schools
16 and districts, and information about efforts within institutions of
17 higher education in the state to support educational restructuring
18 initiatives in Washington schools and districts;

19 (c) Provide best practices research and advice that can be used to
20 help schools develop and implement: School improvement plans; school-
21 based shared decision-making models; programs to promote lifelong
22 learning and community involvement in education; school-to-work
23 transition programs; programs to meet the needs of highly capable
24 students; programs to meet the diverse needs of students based on
25 gender, racial, ethnic, economic, and special needs status; in-service
26 or curriculum programs regarding violence prevention; and other
27 programs that will assist educators in helping students learn the
28 essential academic learning requirements;

29 (d) Develop and distribute, in conjunction with the commission on
30 student learning, parental involvement materials, including
31 instructional guides developed to inform parents of the essential
32 academic learning requirements. The instructional guides also shall
33 contain actions parents may take to assist their children in meeting
34 the requirements, and should focus on reaching parents who have not
35 previously been involved with their children's education;

36 (e) Identify obstacles to greater parent and community involvement
37 in school shared decision-making processes and recommend strategies for
38 helping parents and community members to participate effectively in

1 school shared decision-making processes, including understanding and
2 respecting the roles of school building administrators and staff;

3 (f) Take other actions to increase public awareness of the
4 importance of parental and community involvement in education;

5 (g) Work with appropriate organizations to inform teachers,
6 district and school administrators, and school directors about the
7 waivers available under RCW 28A.305.140 and the broadened school board
8 powers under RCW 28A.320.015;

9 (h) Provide training and consultation services, including in-
10 service training on violence prevention, and promote interagency
11 sharing of information on violence prevention programs and model
12 violence prevention curricula;

13 (i) Address methods for improving the success rates of certain
14 ethnic and racial student groups; and

15 (j) Perform other functions consistent with the purpose of the
16 center as prescribed in subsection (1) of this section.

17 (3) The superintendent of public instruction, after consultation
18 with the commission on student learning, shall select and employ a
19 director for the center.

20 (4) The superintendent may enter into contracts with individuals
21 or organizations including but not limited to: School districts;
22 teachers; higher education faculty; institutions of higher education;
23 state agencies; business or community-based organizations; and other
24 individuals and organizations to accomplish the duties and
25 responsibilities of the center. The superintendent shall contract out
26 with community-based organizations to meet the provisions of subsection
27 (2) (d) and (e) of this section. In carrying out the duties and
28 responsibilities of the center, the superintendent, whenever possible,
29 shall use practitioners to assist agency staff as well as assist
30 educators and others in schools and districts.

31 (5) The superintendent shall report annually to the commission on
32 student learning on the activities of the center.

33 NEW SECTION. Sec. 502. A new section is added to chapter 28A.310
34 RCW to read as follows:

35 The educational service districts, in meeting the core service
36 requirement of in-service training and workshops under RCW
37 28A.310.350(5), shall provide to school districts, on a request basis,
38 in-service training on violence prevention.

1 **Sec. 503.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended
2 to read as follows:

3 (1) Beginning with the 1994-95 school year, to provide the local
4 community and electorate with access to information on the educational
5 programs in the schools in the district, each school shall publish
6 annually a school performance report and deliver the report to each
7 parent with children enrolled in the school and make the report
8 available to the community served by the school. The annual
9 performance report shall be in a form that can be easily understood and
10 be used by parents, guardians, and other members of the community who
11 are not professional educators to make informed educational decisions.
12 As data from the assessments in RCW 28A.630.885 becomes available, the
13 annual performance report should enable parents, educators, and school
14 board members to determine whether students in the district's schools
15 are attaining mastery of the student learning goals under RCW
16 28A.150.210, and other important facts about the schools' performance
17 in assisting students to learn. The annual report shall make
18 comparisons to a school's performance in preceding years and shall
19 project goals in performance categories.

20 (2) The annual performance report shall include, but not be
21 limited to: A brief statement of the mission of the school and the
22 school district; enrollment statistics including student demographics;
23 expenditures per pupil for the school year; a summary of student scores
24 on all mandated tests; a concise annual budget report; student
25 attendance, graduation, and dropout rates; information regarding the
26 use and condition of the school building or buildings; a brief
27 description of the restructuring plan for the school; violence data
28 based on department of health violence data collection standards; and
29 an invitation to all parents and citizens to participate in school
30 activities.

31 (3) The superintendent of public instruction shall develop by June
32 30, 1994, a model report form, which shall also be adapted for
33 computers, that schools may use to meet the requirements of subsections
34 (1) and (2) of this section.

35 NEW SECTION. **Sec. 504.** A new section is added to chapter 28A.405
36 RCW to read as follows:

37 To receive initial certification as a teacher in this state after
38 August 31, 1995, an applicant shall have successfully completed a

1 course or course work on violence prevention awareness and training.
2 Such course or course work may be incorporated into the requirements of
3 RCW 28A.405.025 regarding completion of a course on issues of abuse.

4 **Sec. 505.** RCW 28A.610.030 and 1990 c 33 s 507 are each amended to
5 read as follows:

6 (1) The superintendent of public instruction, in consultation with
7 the department of community, trade, and economic development, the
8 department of social and health services, the state board for community
9 and technical colleges (~~(education)~~), and community-based, nonprofit
10 providers of adult literacy services, shall develop an adult literacy
11 program to serve eligible parents as defined under RCW 28A.610.020.
12 The program shall give priority to serving parents with children who
13 have not yet enrolled in school or are in grades kindergarten through
14 three.

15 (2) In addition to providing basic skills instruction to eligible
16 parents, the program shall include violence prevention awareness and
17 training and may include other program components which may include
18 transportation, child care, and such other directly necessary
19 activities as may be necessary to accomplish the purposes of RCW
20 28A.610.020 through 28A.610.060.

21 (3) Parents who elect to participate in training or work programs,
22 as a condition of receiving public assistance, shall have the hours
23 spent in parent participation programs, conducted as part of a federal
24 head start program, or the state early childhood education and
25 assistance program under RCW 28A.215.100 through 28A.215.200 and
26 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
27 28A.610.020 through 28A.610.060, counted toward the fulfillment of
28 their work and training obligation for the receipt of public
29 assistance.

30 (4) State funds as may be appropriated for project even start
31 shall be used solely to expand and complement, but not supplant,
32 federal funds for adult literary programs.

33 (5) The superintendent of public instruction shall adopt rules as
34 necessary to carry out the purposes of RCW 28A.610.020 through
35 28A.610.060.

36 **Sec. 506.** RCW 28A.610.060 and 1987 c 518 s 109 are each amended
37 to read as follows:

1 The superintendent of public instruction, through the ((state
2 clearinghouse for education information)) center for the improvement of
3 student learning, shall collect and disseminate to all school districts
4 and other interested parties information about effective parent
5 literacy programs under project even start.

6 **Sec. 507.** RCW 28A.620.020 and 1985 c 344 s 2 are each amended to
7 read as follows:

8 Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or
9 any other law, rule, or regulation, any school district is authorized
10 and encouraged to provide community education programs in the form of
11 instructional, recreational and/or service programs on a noncredit and
12 nontuition basis, excluding fees for supplies, materials, or instructor
13 costs, for the purpose of stimulating the full educational potential
14 and meeting the needs of the district's residents of all ages, and
15 making the fullest use of the district's school facilities: PROVIDED,
16 That school districts are encouraged to provide programs for
17 prospective parents, prospective foster parents, and prospective
18 adoptive parents on parenting skills, violence prevention, and on the
19 problems of child abuse and methods to avoid child abuse situations:
20 PROVIDED FURTHER, That community education programs shall be consistent
21 with rules and regulations promulgated by the state superintendent of
22 public instruction governing cooperation between common schools,
23 community college districts, and other civic and governmental
24 organizations which shall have been developed in cooperation with the
25 state board for community and technical colleges ((education)) and
26 shall be programs receiving the approval of said superintendent.

27 **Sec. 508.** RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s
28 1 are each reenacted and amended to read as follows:

29 (1) The Washington commission on student learning is hereby
30 established. The primary purposes of the commission are to identify
31 the knowledge and skills all public school students need to know and be
32 able to do based on the student learning goals in RCW 28A.150.210, to
33 develop student assessment and school accountability systems, and to
34 take other steps necessary to develop a performance-based education
35 system. The commission shall include three members of the state board
36 of education, three members appointed by the governor before July 1,
37 1992, and five members appointed no later than June 1, 1993, by the

1 governor elected in the November 1992 election. The governor shall
2 appoint a chair from the commission members, and fill any vacancies in
3 gubernatorial appointments that may occur. The state board of
4 education shall fill any vacancies of state board of education
5 appointments that may occur. In making the appointments, educators,
6 business leaders, and parents shall be represented, and nominations
7 from state-wide education, business, and parent organizations shall be
8 requested. Efforts shall be made to ensure that the commission
9 reflects the racial and ethnic diversity of the state's K-12 student
10 population and that the major geographic regions in the state are
11 represented. Appointees shall be qualified individuals who are
12 supportive of educational restructuring, who have a positive record of
13 service, and who will devote sufficient time to the responsibilities of
14 the commission to ensure that the objectives of the commission are
15 achieved.

16 (2) The commission shall establish advisory committees.
17 Membership of the advisory committees shall include, but not
18 necessarily be limited to, professionals from the office of the
19 superintendent of public instruction and the state board of education,
20 and other state and local educational practitioners and student
21 assessment specialists.

22 (3) The commission, with the assistance of the advisory
23 committees, shall:

24 (a) Develop essential academic learning requirements based on the
25 student learning goals in RCW 28A.150.210. Essential academic learning
26 requirements shall be developed, to the extent possible, for each of
27 the student learning goals in RCW 28A.150.210. Goals one and two shall
28 be considered primary. Essential academic learning requirements for
29 RCW 28A.150.210(1), goal one, and the mathematics component of RCW
30 28A.150.210(2), goal two, shall be completed no later than March 1,
31 1995. Essential academic learning requirements that incorporate the
32 remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and
33 four, shall be completed no later than March 1, 1996. To the maximum
34 extent possible, the commission shall integrate goal four and the
35 knowledge and skill areas in the other goals in the development of the
36 essential academic learning requirements;

37 (b)(i) The commission shall present to the state board of
38 education and superintendent of public instruction a state-wide
39 academic assessment system for use in the elementary, middle, and high

1 school years designed to determine if each student has mastered the
2 essential academic learning requirements identified in (a) of this
3 subsection. The academic assessment system shall include a variety of
4 assessment methods, including performance-based measures that are
5 criterion-referenced. Performance standards for determining if a
6 student has successfully completed an assessment shall be initially
7 determined by the commission in consultation with the advisory
8 committees required in subsection (2) of this section.

9 (ii) The assessment system shall be designed so that the results
10 under the assessment system are used by educators as tools to evaluate
11 instructional practices, and to initiate appropriate educational
12 support for students who have not mastered the essential academic
13 learning requirements at the appropriate periods in the student's
14 educational development.

15 (iii) Assessments measuring the essential academic learning
16 requirements developed for RCW 28A.150.210(1), goal one, and the
17 mathematics component of RCW 28A.150.210(2), goal two, shall be
18 initially implemented by the state board of education and
19 superintendent of public instruction no later than the 1996-97 school
20 year, unless the legislature takes action to delay or prevent
21 implementation of the assessment system and essential academic learning
22 requirements. Assessments measuring the essential academic learning
23 requirements developed for RCW 28A.150.210 (2), (3), and (4), goals
24 two, three, and four, shall be initially implemented by the state board
25 of education and superintendent of public instruction no later than the
26 1997-98 school year, unless the legislature takes action to delay or
27 prevent implementation of the assessment system and essential academic
28 learning requirements. To the maximum extent possible, the commission
29 shall integrate knowledge and skill areas in development of the
30 assessments.

31 (iv) Before the 2000-2001 school year, participation by school
32 districts in the assessment system shall be optional. School districts
33 that desire to participate before the 2000-2001 school year shall
34 notify the superintendent of public instruction in a manner determined
35 by the superintendent. Beginning in the 2000-2001 school year, all
36 school districts shall be required to participate in the assessment
37 system.

1 (v) The state board of education and superintendent of public
2 instruction may modify the essential academic learning requirements and
3 academic assessment system, as needed, in subsequent school years.

4 (vi) The commission shall develop assessments that are directly
5 related to the essential academic learning requirements, and are not
6 biased toward persons with different learning styles, racial or ethnic
7 backgrounds, or on the basis of gender;

8 (c) After a determination is made by the state board of education
9 that the high school assessment system has been implemented and that it
10 is sufficiently reliable and valid, successful completion of the high
11 school assessment shall lead to a certificate of mastery. The
12 certificate of mastery shall be obtained by most students at about the
13 age of sixteen, and is evidence that the student has successfully
14 mastered the essential academic learning requirements during his or her
15 educational career. The certificate of mastery shall be required for
16 graduation but shall not be the only requirement for graduation. The
17 commission shall make recommendations to the state board of education
18 regarding the relationship between the certificate of mastery and high
19 school graduation requirements. Upon achieving the certificate of
20 mastery, schools shall provide students with the opportunity to
21 continue to pursue career and educational objectives through
22 educational pathways that emphasize integration of academic and
23 vocational education. Educational pathways may include, but are not
24 limited to, programs such as work-based learning, school-to-work
25 transition, tech prep, vocational-technical education, running start,
26 and preparation for technical college, community college, or university
27 education;

28 (d) Consider methods to address the unique needs of special
29 education students when developing the assessments in (b) and (c) of
30 this subsection;

31 (e) Consider methods to address the unique needs of highly capable
32 students when developing the assessments in (b) and (c) of this
33 subsection;

34 (f) Develop recommendations on the time, support, and resources,
35 including technical assistance, needed by schools and school districts
36 to help students achieve the essential academic learning requirements.
37 These recommendations shall include an estimate for the legislature,
38 superintendent of public instruction, and governor on the expected cost
39 of implementing the academic assessment system;

1 (g) Develop recommendations for consideration by the higher
2 education coordinating board for adopting college and university
3 entrance requirements for public school students that are consistent
4 with the essential academic learning requirements and the certificate
5 of mastery;

6 (h) By December 1, 1998, recommend to the legislature, governor,
7 state board of education, and superintendent of public instruction:

8 (i) A state-wide accountability system to monitor and evaluate
9 accurately and fairly the level of learning occurring in individual
10 schools and school districts. The accountability system shall be
11 designed to recognize the characteristics of the student population of
12 schools and school districts such as gender, race, ethnicity,
13 socioeconomic status, and other factors. The system shall include
14 school-site, school district, and state-level accountability reports;

15 (ii) A school assistance program to help schools and school
16 districts that are having difficulty helping students meet the
17 essential academic learning requirements;

18 (iii) A system to intervene in schools and school districts in
19 which significant numbers of students persistently fail to learn the
20 essential academic learning requirements; and

21 (iv) An awards program to provide incentives to school staff to
22 help their students learn the essential academic learning requirements,
23 with each school being assessed individually against its own baseline.
24 Incentives shall be based on the rate of percentage change of students
25 achieving the essential academic learning requirements. School staff
26 shall determine how the awards will be spent.

27 The recommended awards, assistance, and intervention programs
28 shall include violence indicators or standards as part of the criteria
29 for determining the status of a school to receive an award or
30 assistance, or be subject to intervention.

31 It is the intent of the legislature to begin implementation of
32 programs in this subsection (3)(h) on September 1, 2000;

33 (i) Report annually by December 1st to the legislature, the
34 governor, the superintendent of public instruction, and the state board
35 of education on the progress, findings, and recommendations of the
36 commission; and

37 (j) Make recommendations to the legislature and take other actions
38 necessary or desirable to help students meet the student learning
39 goals.

1 (4) The commission shall coordinate its activities with the state
2 board of education and the office of the superintendent of public
3 instruction.

4 (5) The commission shall seek advice broadly from the public and
5 all interested educational organizations in the conduct of its work,
6 including holding periodic regional public hearings.

7 (6) The commission shall select an entity to provide staff support
8 and the office of the superintendent of public instruction shall
9 provide administrative oversight and be the fiscal agent for the
10 commission. The commission may direct the office of the superintendent
11 of public instruction to enter into subcontracts, within the
12 commission's resources, with school districts, teachers, higher
13 education faculty, state agencies, business organizations, and other
14 individuals and organizations to assist the commission in its
15 deliberations.

16 (7) Members of the commission shall be reimbursed for travel
17 expenses as provided in RCW 43.03.050 and 43.03.060.

18 NEW SECTION. **Sec. 509.** A new section is added to chapter 70.190
19 RCW to read as follows:

20 The community public health and safety networks, based on rules
21 adopted by the department of health, may include in its comprehensive
22 community plans procedures for providing matching grants to school
23 districts to support expanded use of school facilities for after-hours
24 recreational opportunities and day care as authorized under chapter
25 28A.215 RCW and RCW 28A.620.010.

26 **Sec. 510.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to
27 read as follows:

28 (1) A person is guilty of assault in the third degree if he or
29 she, under circumstances not amounting to assault in the first or
30 second degree:

31 (a) With intent to prevent or resist the execution of any lawful
32 process or mandate of any court officer or the lawful apprehension or
33 detention of himself or herself or another person, assaults another; or

34 (b) Assaults a person employed as a transit operator or driver by
35 a public or private transit company while that person is operating or
36 is in control of a vehicle that is owned or operated by the transit
37 company and that is occupied by one or more passengers; or

1 (c) Assaults a school bus driver employed by a school district or
2 a private company under contract for transportation services with a
3 school district while the driver is operating or is in control of a
4 school bus that is occupied by one or more passengers; or

5 (d) With criminal negligence, causes bodily harm to another person
6 by means of a weapon or other instrument or thing likely to produce
7 bodily harm; or

8 (e) Assaults a fire fighter or other employee of a fire department
9 or fire protection district who was performing his or her official
10 duties at the time of the assault; or

11 (f) With criminal negligence, causes bodily harm accompanied by
12 substantial pain that extends for a period sufficient to cause
13 considerable suffering; or

14 (g) Assaults a law enforcement officer or other employee of a law
15 enforcement agency who was performing his or her official duties at the
16 time of the assault; or

17 (h) Assaults a certificated staff member, classified staff member
18 not included under (c) of this subsection, or a volunteer, of a
19 preschool through twelfth grade school, who was performing his or her
20 assigned duties at the time of the assault; or

21 (i) Assaults a referee, umpire, judge, manager, coach, or
22 volunteer of an organized physical activity or sporting event, either
23 during or immediately following the activity or event.

24 (2) Assault in the third degree is a class C felony.

25 **Sec. 511.** 1993 sp.s. c 24 s 501 (uncodified) is amended to read
26 as follows:

27 **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

28 General Fund--State Appropriation	\$	34,414,000
29 General Fund--Federal Appropriation	\$	33,106,000
30 Public Safety and Education Account		
31 Appropriation	\$	338,000
32 <u>Violence Reduction and Drug Enforcement</u>		
33 ((and Education)) Account Appropriation	\$	3,197,000
34 TOTAL APPROPRIATION	\$	71,055,000

35 The appropriations in this section are subject to the following
36 conditions and limitations:

37 (1) AGENCY OPERATIONS

1 (a) \$304,000 of the general fund--state appropriation is provided
2 solely to upgrade the student data collection capability of the
3 superintendent of public instruction.

4 (b) \$423,000 of the general fund--state appropriation is provided
5 solely for certification investigation activities of the office of
6 professional practices.

7 (c) \$770,000 of the general fund--state appropriation is provided
8 solely for the operation and expenses of the state board of education,
9 including basic education assistance activities.

10 ~~((e))~~ (d) The entire public safety and education account
11 appropriation is provided solely for administration of the traffic
12 safety education program, including in-service training related to
13 instruction in the risks of driving while under the influence of
14 alcohol and other drugs.

15 ~~((f))~~ (e) \$10,000 of the general fund--state appropriation is
16 provided solely for a contract through the Washington State Institute
17 for Public Policy at The Evergreen State College for a bilingual
18 education conference to disseminate information on best practices in
19 bilingual instruction, including model programs from other states, and
20 to develop strategies for incorporating the most effective
21 instructional methods into the state's bilingual curriculum.

22 (2) STATE-WIDE PROGRAMS

23 (a) \$100,000 of the general fund--state appropriation is provided
24 for state-wide curriculum development.

25 (b) \$62,000 of the general fund--state appropriation is provided
26 for operation of a K-2 education program at Pt. Roberts by the Blaine
27 school district.

28 (c) \$2,415,000 of the general fund--state appropriation is
29 provided for in-service training and educational programs conducted by
30 the Pacific science center.

31 (d) \$70,000 of the general fund--state appropriation is provided
32 for operation of the Cispus environmental learning center.

33 (e) \$2,949,000 of the general fund--state appropriation is
34 provided for educational clinics, including state support activities.

35 (f) \$3,437,000 of the general fund--state appropriation is
36 provided for grants for magnet schools to be distributed as recommended
37 by the superintendent of public instruction pursuant to chapter 232,
38 section 516(13), Laws of 1992.

1 (g) \$4,855,000 of the general fund--state appropriation is
2 provided for complex need grants. Grants shall be provided according
3 to funding ratios established in LEAP Document 30B as developed on May
4 4, 1993, at 11:00 a.m.

5 (h) \$3,050,000 of the violence reduction and drug enforcement
6 (~~and education~~) account appropriation is provided solely for matching
7 grants to enhance security in secondary schools. Not more than
8 seventy-five percent of a district's total expenditures for school
9 security in any school year may be paid from a grant under this
10 subsection. The grants shall be expended solely for the costs of
11 employing or contracting for building security monitors, metal
12 detectors, or other security in secondary schools during school hours
13 and school events. Of the amount provided in this subsection, at least
14 \$2,850,000 shall be spent for grants to districts that, during the
15 1988-89 school year, employed or contracted for security monitors in
16 schools during school hours. However, these grants may be used only
17 for increases in school district expenditures for school security over
18 expenditure levels for the 1988-89 school year.

19 (i) Districts receiving allocations from subsection (2) (f) and
20 (g) of this section shall submit an annual report to the superintendent
21 of public instruction on the use of all district resources to address
22 the educational needs of at-risk students in each school building.

23 **Sec. 512.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended
24 to read as follows:

25 (1) School districts may participate in the exchange of
26 information with law enforcement and juvenile court officials to the
27 extent permitted by the family educational and privacy rights act of
28 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant
29 to (~~any~~) a lawfully issued subpoena, a school district shall make
30 student records and information available to law enforcement officials,
31 probation officers, court personnel, and others legally entitled to the
32 information. Parents and students shall be notified by the school
33 district of all (~~such~~) orders or subpoenas in advance of compliance
34 with them.

35 (2) The social file, diversion record, police contact record, and
36 arrest record of a student may be made available to a school district
37 if the records are requested by the principal or school counselor. Use
38 of the records is restricted to the principal, the school counselor, or

1 a teacher or teachers identified by the principal as necessary for the
2 provision of additional services to the student. The records may only
3 be used to identify and facilitate those services offered through the
4 school district that would be of benefit to the student. The student's
5 records shall be made available to the school district under the
6 provisions of this chapter, section 519 of this act, and chapter 13.50
7 RCW unless a parent or guardian provides, prior to the release of the
8 records, a written statement indicating which records shall remain
9 confidential until such further written release. School districts
10 shall provide written notice of this section to parents or guardians at
11 the time of enrollment of a student.

12 **Sec. 513.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to
13 read as follows:

14 (1) This section governs records relating to the commission of
15 juvenile offenses, including records relating to diversions.

16 (2) The official juvenile court file of any alleged or proven
17 juvenile offender shall be open to public inspection, unless sealed
18 pursuant to subsection (11) of this section.

19 (3) All records other than the official juvenile court file are
20 confidential and may be released only as provided in this section, RCW
21 13.50.010, 13.40.215, and 4.24.550.

22 (4) Except as otherwise provided in this section and RCW
23 13.50.010, records retained or produced by any juvenile justice or care
24 agency may be released to other participants in the juvenile justice or
25 care system only when an investigation or case involving the juvenile
26 in question is being pursued by the other participant or when that
27 other participant is assigned the responsibility for supervising the
28 juvenile.

29 (5) Except as provided in RCW 4.24.550 or 28A.600.475, information
30 not in an official juvenile court file concerning a juvenile or a
31 juvenile's family may be released to the public only when that
32 information could not reasonably be expected to identify the juvenile
33 or the juvenile's family.

34 (6) Notwithstanding any other provision of this chapter, the
35 release, to the juvenile or his or her attorney, of law enforcement and
36 prosecuting attorneys' records pertaining to investigation, diversion,
37 and prosecution of juvenile offenses shall be governed by the rules of

1 discovery and other rules of law applicable in adult criminal
2 investigations and prosecutions.

3 (7) The juvenile court and the prosecutor may set up and maintain
4 a central record-keeping system which may receive information on all
5 alleged juvenile offenders against whom a complaint has been filed
6 pursuant to RCW 13.40.070 whether or not their cases are currently
7 pending before the court. The central record-keeping system may be
8 computerized. If a complaint has been referred to a diversion unit,
9 the diversion unit shall promptly report to the juvenile court or the
10 prosecuting attorney when the juvenile has agreed to diversion. An
11 offense shall not be reported as criminal history in any central
12 record-keeping system without notification by the diversion unit of the
13 date on which the offender agreed to diversion.

14 (8) Upon request of the victim of a crime or the victim's
15 immediate family, the identity of an alleged or proven juvenile
16 offender alleged or found to have committed a crime against the victim
17 and the identity of the alleged or proven juvenile offender's parent,
18 guardian, or custodian and the circumstance of the alleged or proven
19 crime shall be released to the victim of the crime or the victim's
20 immediate family.

21 (9) Subject to the rules of discovery applicable in adult criminal
22 prosecutions, the juvenile offense records of an adult criminal
23 defendant or witness in an adult criminal proceeding shall be released
24 upon request to prosecution and defense counsel after a charge has
25 actually been filed. The juvenile offense records of any adult
26 convicted of a crime and placed under the supervision of the adult
27 corrections system shall be released upon request to the adult
28 corrections system.

29 (10) In any case in which an information has been filed pursuant
30 to RCW 13.40.100 or a complaint has been filed with the prosecutor and
31 referred for diversion pursuant to RCW 13.40.070, the person the
32 subject of the information or complaint may file a motion with the
33 court to have the court vacate its order and findings, if any, and,
34 subject to subsection (24) of this section, order the sealing of the
35 official juvenile court file, the social file, and records of the court
36 and of any other agency in the case.

37 (11) The court shall grant the motion to seal records made
38 pursuant to subsection (10) of this section if it finds that:

1 (a) Two years have elapsed from the later of: (i) Final discharge
2 of the person from the supervision of any agency charged with
3 supervising juvenile offenders; or (ii) from the entry of a court order
4 relating to the commission of a juvenile offense or a criminal offense;

5 (b) No proceeding is pending against the moving party seeking the
6 conviction of a juvenile offense or a criminal offense; and

7 (c) No proceeding is pending seeking the formation of a diversion
8 agreement with that person.

9 (12) The person making a motion pursuant to subsection (10) of
10 this section shall give reasonable notice of the motion to the
11 prosecution and to any person or agency whose files are sought to be
12 sealed.

13 (13) If the court grants the motion to seal made pursuant to
14 subsection (10) of this section, it shall, subject to subsection (24)
15 of this section, order sealed the official juvenile court file, the
16 social file, and other records relating to the case as are named in the
17 order. Thereafter, the proceedings in the case shall be treated as if
18 they never occurred, and the subject of the records may reply
19 accordingly to any inquiry about the events, records of which are
20 sealed. Any agency shall reply to any inquiry concerning confidential
21 or sealed records that records are confidential, and no information can
22 be given about the existence or nonexistence of records concerning an
23 individual.

24 (14) Inspection of the files and records included in the order to
25 seal may thereafter be permitted only by order of the court upon motion
26 made by the person who is the subject of the information or complaint,
27 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of
28 this section.

29 (15) Any adjudication of a juvenile offense or a crime subsequent
30 to sealing has the effect of nullifying the sealing order. Any
31 conviction for any adult felony subsequent to the sealing has the
32 effect of nullifying the sealing order for the purposes of chapter
33 9.94A RCW for any juvenile adjudication of guilt for a class A offense
34 or a sex offense as defined in RCW 9.94A.030.

35 (16) In any case in which an information has been filed pursuant
36 to RCW 13.40.100 or a complaint has been filed with the prosecutor and
37 referred for diversion pursuant to RCW 13.40.070, the person who is the
38 subject of the information or complaint may file a motion with the
39 court to have the court vacate its order and findings, if any, and,

1 subject to subsection (24) of this section, order the destruction of
2 the official juvenile court file, the social file, and records of the
3 court and of any other agency in the case.

4 (17) The court may grant the motion to destroy records made
5 pursuant to subsection (16) of this section if it finds:

6 (a) The person making the motion is at least twenty-three years of
7 age;

8 (b) The person has not subsequently been convicted of a felony;

9 (c) No proceeding is pending against that person seeking the
10 conviction of a criminal offense; and

11 (d) The person has never been found guilty of a serious offense.

12 (18) A person eighteen years of age or older whose criminal
13 history consists of only one referral for diversion may request that
14 the court order the records in that case destroyed. The request shall
15 be granted, subject to subsection (24) of this section, if the court
16 finds that two years have elapsed since completion of the diversion
17 agreement.

18 (19) If the court grants the motion to destroy records made
19 pursuant to subsection (16) or (18) of this section, it shall, subject
20 to subsection (24) of this section, order the official juvenile court
21 file, the social file, and any other records named in the order to be
22 destroyed.

23 (20) The person making the motion pursuant to subsection (16) or
24 (18) of this section shall give reasonable notice of the motion to the
25 prosecuting attorney and to any agency whose records are sought to be
26 destroyed.

27 (21) Any juvenile to whom the provisions of this section may apply
28 shall be given written notice of his or her rights under this section
29 at the time of his or her disposition hearing or during the diversion
30 process.

31 (22) Nothing in this section may be construed to prevent a crime
32 victim or a member of the victim's family from divulging the identity
33 of the alleged or proven juvenile offender or his or her family when
34 necessary in a civil proceeding.

35 (23) Any juvenile justice or care agency may, subject to the
36 limitations in subsection (24) of this section and subparagraphs (a)
37 and (b) of this subsection, develop procedures for the routine
38 destruction of records relating to juvenile offenses and diversions.

1 (a) Records may be routinely destroyed only when the person the
2 subject of the information or complaint has attained twenty-three years
3 of age or older, or is eighteen years of age or older and his or her
4 criminal history consists entirely of one diversion agreement and two
5 years have passed since completion of the agreement.

6 (b) The court may not routinely destroy the official juvenile
7 court file or recordings or transcripts of any proceedings.

8 (24) No identifying information held by the Washington state
9 patrol in accordance with chapter 43.43 RCW is subject to destruction
10 or sealing under this section. For the purposes of this subsection,
11 identifying information includes photographs, fingerprints, palmprints,
12 soleprints, toeprints and any other data that identifies a person by
13 physical characteristics, name, birthdate or address, but does not
14 include information regarding criminal activity, arrest, charging,
15 diversion, conviction or other information about a person's treatment
16 by the criminal justice system or about the person's behavior.

17 (25) Information identifying child victims under age eighteen who
18 are victims of sexual assaults by juvenile offenders is confidential
19 and not subject to release to the press or public without the
20 permission of the child victim or the child's legal guardian.
21 Identifying information includes the child victim's name, addresses,
22 location, photographs, and in cases in which the child victim is a
23 relative of the alleged perpetrator, identification of the relationship
24 between the child and the alleged perpetrator. Information identifying
25 a child victim of sexual assault may be released to law enforcement,
26 prosecutors, judges, defense attorneys, or private or governmental
27 agencies that provide services to the child victim of sexual assault.

28 **Sec. 514.** RCW 13.50.010 and 1993 c 374 s 1 are each amended to
29 read as follows:

30 (1) For purposes of this chapter:

31 (a) "Juvenile justice or care agency" means any of the following:
32 Police, diversion units, court, prosecuting attorney, defense attorney,
33 detention center, attorney general, the department of social and health
34 services and its contracting agencies, schools; and, in addition,
35 persons or public or private agencies having children committed to
36 their custody;

1 (b) "Official juvenile court file" means the legal file of the
2 juvenile court containing the petition or information, motions,
3 memorandums, briefs, findings of the court, and court orders;

4 (c) "Social file" means the juvenile court file containing the
5 records and reports of the probation counselor;

6 (d) "Records" means the official juvenile court file, the social
7 file, and records of any other juvenile justice or care agency in the
8 case.

9 (2) Each petition or information filed with the court may include
10 only one juvenile and each petition or information shall be filed under
11 a separate docket number. The social file shall be filed separately
12 from the official juvenile court file.

13 (3) It is the duty of any juvenile justice or care agency to
14 maintain accurate records. To this end:

15 (a) The agency may never knowingly record inaccurate information.
16 Any information in records maintained by the department of social and
17 health services relating to a petition filed pursuant to chapter 13.34
18 RCW that is found by the court, upon proof presented, to be false or
19 inaccurate shall be corrected or expunged from such records by the
20 agency;

21 (b) An agency shall take reasonable steps to (~~insure~~) assure the
22 security of its records and prevent tampering with them; and

23 (c) An agency shall make reasonable efforts to insure the
24 completeness of its records, including action taken by other agencies
25 with respect to matters in its files.

26 (4) Each juvenile justice or care agency shall implement
27 procedures consistent with the provisions of this chapter to facilitate
28 inquiries concerning records.

29 (5) Any person who has reasonable cause to believe information
30 concerning that person is included in the records of a juvenile justice
31 or care agency and who has been denied access to those records by the
32 agency may make a motion to the court for an order authorizing that
33 person to inspect the juvenile justice or care agency record concerning
34 that person. The court shall grant the motion to examine records
35 unless it finds that in the interests of justice or in the best
36 interests of the juvenile the records or parts of them should remain
37 confidential.

38 (6) A juvenile, or his or her parents, or any person who has
39 reasonable cause to believe information concerning that person is

1 included in the records of a juvenile justice or care agency may make
2 a motion to the court challenging the accuracy of any information
3 concerning the moving party in the record or challenging the continued
4 possession of the record by the agency. If the court grants the
5 motion, it shall order the record or information to be corrected or
6 destroyed.

7 (7) The person making a motion under subsection (5) or (6) of this
8 section shall give reasonable notice of the motion to all parties to
9 the original action and to any agency whose records will be affected by
10 the motion.

11 (8) The court may permit inspection of records by, or release of
12 information to, any clinic, hospital, or agency which has the subject
13 person under care or treatment, or to individuals or agencies engaged
14 in legitimate research for educational, scientific, or public purposes.
15 The court may also permit inspection of, or release of information
16 from, records which have been sealed pursuant to RCW 13.50.050(11).
17 Access to records or information for research purposes shall be
18 permitted only if the anonymity of all persons mentioned in the records
19 or information will be preserved. Each person granted permission to
20 inspect juvenile justice or care agency records for research purposes
21 shall present a notarized statement to the court stating that the names
22 of juveniles and parents will remain confidential.

23 (9) Juvenile detention facilities shall release records to the
24 juvenile disposition standards commission under RCW 13.40.025 upon
25 request. The commission shall not disclose the names of any juveniles
26 or parents mentioned in the records without the named individual's
27 written permission.

28 NEW SECTION. **Sec. 515.** The state board of education shall
29 conduct a study to identify possible incentives to encourage schools to
30 increase the space that is available for after-hours community use.
31 The board shall examine incentives for both existing school facilities
32 and for new construction. The board shall report its findings and
33 recommendations to the legislature by November 15, 1994.

34 NEW SECTION. **Sec. 516.** A new section is added to chapter 28A.600
35 RCW to read as follows:

36 When a school transfers a student's transcript to a new school, it
37 may also transfer the student's attendance records, records of unpaid

1 fines or property damage, and any disciplinary records, including
2 records relating to the facts resulting in any expulsions. The
3 student's parent shall be given the opportunity to review all such
4 records before the transfer.

5 **Sec. 517.** RCW 28A.190.030 and 1990 c 33 s 172 are each amended to
6 read as follows:

7 Each school district within which there is located a residential
8 school shall, singly or in concert with another school district
9 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
10 39.34 RCW, conduct a program of education, including the job skills
11 training program created in section 478 of this act and related student
12 activities, for residents of the residential school. Except as
13 otherwise provided for by contract pursuant to RCW 28A.190.050, the
14 duties and authority of a school district and its employees to conduct
15 such a program shall be limited to the following:

16 (1) The employment, supervision and control of administrators,
17 teachers, specialized personnel and other persons, deemed necessary by
18 the school district for the conduct of the program of education;

19 (2) The purchase, lease or rental and provision of textbooks,
20 maps, audio-visual equipment, paper, writing instruments, physical
21 education equipment and other instructional equipment, materials and
22 supplies, deemed necessary by the school district for the conduct of
23 the program of education;

24 (3) The development and implementation, in consultation with the
25 superintendent or chief administrator of the residential school or his
26 or her designee, of the curriculum;

27 (4) The conduct of a program of education, including related
28 student activities, for residents who are three years of age and less
29 than twenty-one years of age, and have not met high school graduation
30 requirements as now or hereafter established by the state board of
31 education and the school district which includes:

32 (a) Not less than one hundred and eighty school days each school
33 year;

34 (b) Special education pursuant to RCW 28A.155.010 through
35 28A.155.100, and vocational education including the job skills training
36 program created in section 478 of this act, as necessary to address the
37 unique needs and limitations of residents. Vocational education
38 opportunities shall be made available to each residential school

1 student between the ages of fourteen and twenty-one. The vocational
2 programs offered shall be occupationally based and provide skills that
3 are transferrable to the emerging labor market; and

4 (c) Such courses of instruction and school related student
5 activities as are provided by the school district for nonresidential
6 school students to the extent it is practical and judged appropriate
7 for the residents by the school district after consultation with the
8 superintendent or chief administrator of the residential school:
9 PROVIDED, That a preschool special education program may be provided
10 for handicapped residential school students;

11 (5) The control of students while participating in a program of
12 education conducted pursuant to this section and the discipline,
13 suspension or expulsion of students for violation of reasonable rules
14 of conduct adopted by the school district; and

15 (6) The expenditure of funds for the direct and indirect costs of
16 maintaining and operating the program of education that are
17 appropriated by the legislature and allocated by the superintendent of
18 public instruction for the exclusive purpose of maintaining and
19 operating residential school programs of education, and funds from
20 federal and private grants, bequests and gifts made for the purpose of
21 maintaining and operating the program of education.

22 **Sec. 518.** RCW 28A.190.040 and 1990 c 33 s 173 are each amended to
23 read as follows:

24 The duties and authority of the department of social and health
25 services and of each superintendent or chief administrator of a
26 residential school to support each program of education conducted by a
27 school district pursuant to RCW 28A.190.030, shall include the
28 following:

29 (1) The provision of transportation for residential school
30 students to and from the sites of the program of education through the
31 purchase, lease or rental of school buses and other vehicles as
32 necessary;

33 (2) The provision of safe and healthy building and playground
34 space for the conduct of the program of education through the
35 construction, purchase, lease or rental of such space as necessary;

36 (3) The provision of furniture, vocational instruction machines
37 and tools, building and playground fixtures, and other equipment and

1 fixtures for the conduct of the program of education through
2 construction, purchase, lease or rental as necessary;

3 (4) The provision of heat, lights, telephones, janitorial
4 services, repair services, and other support services for the vehicles,
5 building and playground spaces, equipment and fixtures provided for in
6 this section;

7 (5) The employment, supervision and control of persons to
8 transport students and to maintain the vehicles, building and
9 playground spaces, equipment and fixtures, provided for in this
10 section;

11 (6) Clinical and medical evaluation services necessary to a
12 determination by the school district of the educational needs of
13 residential school students; and

14 (7) Such other support services and facilities as are reasonably
15 necessary for the conduct of the program of education and the job
16 skills training program created in section 478 of this act.

17 NEW SECTION. Sec. 519. (1) The department of social and health
18 services and the superintendent of public instruction shall review all
19 statutes and rules relative to the sharing or exchange of information
20 about children who are the subject of reports of abuse and neglect or
21 who are charged with criminal behavior. The department and the
22 superintendent shall revise or adopt rules, consistent with federal
23 guidelines, that allow educational professionals in elementary and
24 secondary schools access to information contained in department records
25 solely for purposes of improving the child's educational performance or
26 attendance.

27 (2) The department and superintendent shall also revise or adopt
28 rules, consistent with federal guidelines, that allows the department
29 access to information contained in the records of a school or school
30 district on a child who is the subject of a report of abuse or neglect
31 solely for the purpose of improving the department's ability to respond
32 to the report of abuse or neglect.

33 The department and superintendent shall report their findings and
34 actions, including the need for statutory changes, to the legislature
35 by December 31, 1994.

36 This section shall expire January 1, 1995.

1 **PART VI. EMPLOYMENT**

2 **NEW SECTION. Sec. 601.** The legislature finds that a lack of
3 adequate economic opportunity is a significant factor in placing youth
4 at risk. Teenage unemployment, especially among some sectors of the
5 youth population, is at intolerable levels. This denies teenagers the
6 chance to learn responsibility, enhance their self-esteem, and acquire
7 skills that will enable them to be functional, contributing members of
8 society. Therefore, to further the intent of this act to reduce the
9 number of at-risk youth, and provide teenagers a constructive
10 alternative under safe and reasonable conditions to the destructive
11 activities in which they might otherwise be engaged, the legislature
12 enacts sections 602 and 603 of this act. Sections 602 and 603 of this
13 act shall be liberally construed to foster increased employment
14 opportunities for our youth.

15 **NEW SECTION. Sec. 602.** A new section is added to chapter 49.12
16 RCW to read as follows:

17 (1)(a) During the school year minors under the age of sixteen may
18 be employed up to three hours per day on any school day preceding
19 another school day, up to eight hours per day on any other day, and up
20 to eighteen hours per week.

21 (b) During school vacation periods, minors under the age of
22 sixteen may be employed up to eight hours per day, and up to forty
23 hours per week.

24 (c) Minors under the age of sixteen may be employed during
25 nonschool hours between 7:00 a.m. and 7:00 p.m. on any day preceding a
26 school day, and during nonschool hours between 7:00 a.m. and 9:00 p.m.
27 on any other day.

28 (2)(a) During the school year sixteen and seventeen-year-old
29 minors may be employed up to eight hours per day, and up to thirty
30 hours per week.

31 (b) During school vacation periods, sixteen and seventeen-year-old
32 minors may be employed up to ten hours per day, and up to fifty hours
33 per week.

34 (c) Minors age sixteen and seventeen may be employed during
35 nonschool hours between 7:00 a.m. and 10:00 p.m. on any day preceding
36 a school day, and during any nonschool hours on any other day.

1 (3)(a) Minors employed past 8:00 p.m. in service occupations shall
2 be supervised by a responsible adult employee who is on the premises at
3 all times.

4 (b) No minor may be employed more than five hours without a meal
5 period of at least thirty minutes.

6 (c) Every minor employee shall be given a rest period of at least
7 ten minutes in every four-hour period of employment.

8 (4) A minor may be employed only as provided in subsection (1) or
9 (2) of this section unless the minor's parent or guardian, or other
10 person having legal custody of the minor, and the minor's school have
11 agreed that other hours of employment would be beneficial for the
12 minor. In such case, the parent, guardian, or other person and the
13 school shall provide the department and the employer with a copy of the
14 written agreement describing the hours that the minor is allowed to be
15 employed. The minor may not be employed for any hours in excess of
16 those provided in the agreement.

17 (5) Subsection (1) or (2) of this section shall not apply to any
18 minor emancipated by court order or to sixteen and seventeen-year-old
19 minors who have been issued a certificate of educational competence
20 under RCW 28A.305.190, are enrolled in a bona fide college program, are
21 named on a valid certificate of marriage, or are shown as the parent on
22 a valid certificate of birth.

23 (6) The department may adopt rules necessary to implement this
24 section.

25 NEW SECTION. **Sec. 603.** A new section is added to chapter 49.12
26 RCW to read as follows:

27 (1) A minor under age sixteen may be employed in any occupation or
28 doing any type of work other than that which is prohibited by rule of
29 the industrial safety and health division of the department of labor
30 and industries. In making this determination, the division shall: (a)
31 Prohibit only types of work and occupations which evidence indicates
32 present an unreasonable threat to the health or safety of minors under
33 age sixteen relative to the skills acquired; and (b) have reasonable
34 justification for differing from the occupation standards for fourteen
35 and fifteen year olds of the child labor provisions of the fair labor
36 standards act (29 C.F.R. Part 570, Subpart C).

37 (2) A minor age sixteen or seventeen may be employed in any
38 occupation or doing any type of work other than that which is

1 prohibited by rule of the industrial safety and health division of the
2 department of labor and industries. In making this determination, the
3 division shall: (a) Prohibit only types of work and occupations which
4 evidence indicates present an unreasonable threat to the health or
5 safety of minors age sixteen or seventeen relative to the skills
6 acquired; and (b) have reasonable justification for differing from the
7 hazardous occupations orders in nonagricultural occupations of the
8 child labor provisions of the fair labor standards act (29 C.F.R. Part
9 570, Subpart E). It is the intent of the legislature that the
10 occupations and types of work in which minors age sixteen and seventeen
11 may be employed be less restrictive than for minors under age sixteen.

12 **Sec. 604.** RCW 49.12.390 and 1991 c 303 s 3 are each amended to
13 read as follows:

14 (1)(a) Except as otherwise provided in subsection (2) of this
15 section, if the director, or the director's designee, finds that an
16 employer has violated any of the requirements of (~~RCW 49.12.121 or~~
17 ~~49.12.123, or a rule or order adopted or variance granted under RCW~~
18 ~~49.12.121 or 49.12.123)) section 602 or 603 of this act, or a rule
19 adopted under section 602 or 603 of this act, a citation stating the
20 violations shall be issued to the employer. The citation shall be in
21 writing, describing the nature of the violation including reference to
22 the (~~standards, rules, or orders~~) statute or rule alleged to have
23 been violated. An initial citation for failure to comply with (~~RCW~~
24 ~~49.12.123 or rules requiring a minor work permit and~~) any rule
25 requiring maintenance of records shall state a specific and reasonable
26 time for abatement of the violation to allow the employer to correct
27 the violation without penalty. The director or the director's designee
28 may establish a specific time for abatement of other nonserious
29 violations in lieu of a penalty for first time violations. The
30 citation and a proposed penalty assessment shall be given to the
31 highest management official available at the workplace or be mailed to
32 the employer at the workplace. In addition, the department shall mail
33 a copy of the citation and proposed penalty assessment to the central
34 personnel office of the employer. Citations issued under this section
35 shall be posted at or near the place where the violation occurred.~~

36 (b) Except when an employer corrects a violation as provided in
37 (a) of this subsection, he or she shall be assessed a civil penalty of
38 not more than one thousand dollars depending on the size of the

1 business and the gravity of the violation. The employer shall pay the
2 amount assessed within thirty days of receipt of the assessment or
3 notify the director of his or her intent to appeal the citation or the
4 assessment penalty as provided in RCW 49.12.400.

5 (2) If the director, or the director's designee, finds that an
6 employer has committed a serious or repeated violation of the
7 requirements of (~~RCW 49.12.121 or 49.12.123, or any rule or order~~
8 ~~adopted or variance granted under RCW 49.12.121 or 49.12.123~~) section
9 602 or 603 of this act, or any rule adopted under section 602 or 603 of
10 this act, the employer is subject to a civil penalty of not more than
11 one thousand dollars for each day the violation continues. For the
12 purposes of this subsection, a serious violation shall be deemed to
13 exist if death or serious physical harm has resulted or is imminent
14 from a condition that exists, or from one or more practices, means,
15 methods, operations, or processes that have been adopted or are in use
16 by the employer, unless the employer did not, and could not with the
17 exercise of reasonable diligence, know of the presence of the
18 violation.

19 (3) In addition to any other authority provided in this section,
20 if, upon inspection or investigation, the director, or director's
21 designee, believes that an employer has violated (~~RCW 49.12.121 or~~
22 ~~49.12.123, or a rule or order adopted or variance granted under RCW~~
23 ~~49.12.121 or 49.12.123~~) section 602 or 603 of this act, or any rule
24 adopted under section 602 or 603 of this act, and that the violation
25 creates a danger from which there is a substantial probability that
26 death or serious physical harm could result to a minor employee, the
27 director, or director's designee, may issue an order immediately
28 restraining the condition, practice, method, process, or means creating
29 the danger in the workplace. An order issued under this subsection may
30 require the employer to take steps necessary to avoid, correct, or
31 remove the danger and to prohibit the employment or presence of a minor
32 in locations or under conditions where the danger exists.

33 (4) An employer who violates any (~~of the~~) posting requirements
34 of (~~RCW 49.12.121 or~~) rules adopted implementing (~~RCW 49.12.121~~)
35 section 602 of this act shall be assessed a civil penalty of not more
36 than one hundred dollars for each violation.

37 (5) A person who gives advance notice, without the authority of
38 the director, of an inspection to be conducted under this chapter shall
39 be assessed a civil penalty of not more than one thousand dollars.

1 (6) Penalties assessed under this section shall be paid to the
2 director and deposited into the general fund.

3 **Sec. 605.** RCW 49.12.410 and 1991 c 303 s 5 are each amended to
4 read as follows:

5 An employer who knowingly or recklessly violates ((the
6 requirements of RCW 49.12.121 or 49.12.123)) section 602 or 603 of this
7 act, or a rule ((or order)) adopted under ((RCW 49.12.121 or
8 49.12.123)) section 602 or 603 of this act, is guilty of a gross
9 misdemeanor. An employer whose practices in violation of ((the
10 requirements of RCW 49.12.121 or 49.12.123)) section 602 or 603 of this
11 act, or a rule ((or order)) adopted under ((RCW 49.12.121 or
12 49.12.123)) section 602 or 603 of this act, result in the death or
13 permanent disability of a minor employee is guilty of a class C felony.

14 **Sec. 606.** RCW 49.12.420 and 1991 c 303 s 7 are each amended to
15 read as follows:

16 The penalties established in RCW 49.12.390 and 49.12.410 for
17 violations of ((RCW 49.12.121 and 49.12.123)) section 602 or 603 of
18 this act or a rule adopted under section 602 or 603 of this act are
19 exclusive remedies.

20 NEW SECTION. **Sec. 607.** The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 49.12.105 and 1973 2nd ex.s. c 16 s 8;
23 (2) RCW 49.12.121 and 1993 c 294 s 9, 1989 c 1 s 3, & 1973 2nd
24 ex.s. c 16 s 15; and
25 (3) RCW 49.12.123 and 1991 c 303 s 8, 1983 c 3 s 156, & 1973 c 51
26 s 3.

27 **PART VII. MEDIA**

28 NEW SECTION. **Sec. 701.** The purpose of this chapter is to
29 regulate media and media-related activities that directly or indirectly
30 promote violence in electronic media. Decades of substantial research
31 has now established a connection between the viewing of violent acts on
32 television or in films and an increased acting out of violent behavior,
33 especially in children. The social costs of increased violence are
34 paid by all Washingtonians. The state of Washington has a compelling

1 interest in reducing the incidence of media-induced violence as a
2 matter of public health and safety.

3 The legislature finds that, to the extent that electronic media,
4 including television, motion pictures, video games, and entertainment
5 uses of virtual reality are conducive to increased violent behaviors,
6 especially in children, the state has a duty to protect the public
7 health and safety by reasonably related regulation of electronic media.

8 Many parents, educators, and others are concerned about protecting
9 children and youth from the negative influences of the media, and want
10 more information about media content and more control over media
11 contact with their children.

12 The legislature finds that requiring companies that produce
13 television, motion pictures, video games, and entertainment uses of
14 virtual reality to provide age-rating guidelines for the public is
15 reasonably related to the prevention of the spread of violent behavior,
16 especially among children and youth.

17 NEW SECTION. **Sec. 702.** Unless the context clearly requires
18 otherwise, the definitions in this section apply throughout this
19 chapter.

20 (1) "Prime time" means those hours as defined by rule by the
21 federal communication commission.

22 (2) "Sweeps week" means any week during the year in which national
23 rating services measure the size of the television audience to
24 determine the market share for purposes of setting advertising rates.

25 (3) "Time/channel lock" is electronic circuitry designed to enable
26 television owners to block display of selected times and channels from
27 viewing.

28 (4) "Video" means any motion picture, television or other
29 electronically delivered programming, or other presentation on film,
30 video tape, or other medium designed to produce, reproduce, or project
31 images on a screen.

32 (5) "Violence" means any deliberate and hostile use of overt
33 force, or the immediate threat thereof, by an individual against
34 another individual.

35 (6) "Virtual reality" means any computer or other electronic
36 artificial-intelligence-based technology that creates an enhanced
37 simulation or illusion of three-dimensional, real-time or near-real-
38 time interactive reality through the use of software, specialized

1 hardware, holograms, gloves, masks, glasses, pods, goggles, helmets,
2 computer guns, or other items capable of producing visual, audio,
3 tactile, or sensory effects of verisimilitude beyond those available
4 with a personal computer.

5 NEW SECTION. **Sec. 703.** All new televisions sold in this state
6 after January 1, 1995, shall be equipped with a time/channel lock or
7 shall be sold with an offer to the customer to purchase a channel
8 blocking device, or other device that enables a person to regulate a
9 child's access to unwanted television programming. All cable
10 television companies shall make available to all customers at the
11 company's cost the opportunity to purchase a channel blocking device,
12 or other device that enables a person to regulate a child's access to
13 unwanted television programming. The commercial television sellers and
14 cable television companies shall offer time/channel locks to their
15 customers, when these devices are available. Notice of this
16 availability shall be clearly made to all existing customers and to all
17 new customers at the time of their signing up for service.

18 NEW SECTION. **Sec. 704.** All videos, video games, and virtual
19 reality games sold or rented in this state shall clearly and
20 prominently display a realistic age rating for appropriateness of use
21 by end-users of the video or game. The age rating shall be researched,
22 developed, and provided to the purchaser or renter of the video, video
23 game, or virtual reality game, by the originator of the video or game.
24 The originator, as used in this section, includes the manufacturer or
25 software developer or copyright holder of the video or game.

26 The originator may develop the age rating in any reasonable
27 manner, as determined by the originator, who may consult child
28 psychologists, educators, child development specialists, pediatricians,
29 or others as appropriate in the determination of realistic age rating.
30 The age-rating determination shall include an objective evaluation and
31 estimate of the number of violent incidents represented in the media
32 material being rated.

33 The age-rating information may be presented to the consumer in any
34 readily understandable format, whether by label, code, or information
35 sheet.

1 NEW SECTION. **Sec. 705.** (1) Owners of video or video game
2 businesses shall not sell or rent videos or video games to a person
3 under the age of eighteen unless: (a) The renter or seller has on file
4 a written declaration from at least one parent or guardian of the
5 juvenile authorizing the juvenile to rent or purchase videos or video
6 games; or (b) the juvenile is accompanied by his or her parent or
7 guardian. The declaration may contain such restrictions as the parent
8 deems appropriate.

9 (2) A violation of this section is a class 3 civil infraction
10 under chapter 7.80 RCW. Compliance by retail outlets selling or
11 renting materials with age-rating information provided under section
12 704 of this act, and reliance on the information, is a defense to civil
13 or criminal penalties.

14 NEW SECTION. **Sec. 706.** Television and radio broadcast stations
15 including cable stations, video rental companies, and print media are
16 encouraged, as a matter of public health and safety, to broadcast
17 public health-based, antiviolenace public service messages. The
18 content, style, and format of the messages shall be developed by the
19 community public health and safety council created under RCW
20 70.190.010, in coordination with its violence-reduction efforts. The
21 messages may be produced with grant funds from the council or may be
22 produced voluntarily by the media working with the council.

23 NEW SECTION. **Sec. 707.** The legislature finds that, as a matter
24 of public health and safety, access by minors to violent videos, video
25 games, and computer software should be limited.

26 Public libraries, with the exception of university, college, and
27 community college libraries, shall establish standards and policies on
28 the protection of minors from access to violent video and other
29 electronic materials. Libraries shall make their standards and
30 policies known to the public in their communities.

31 Each library system shall formulate its own standards and
32 policies, and may, in its discretion, include public hearings,
33 consultation with community networks as defined under chapter 70.190
34 RCW, or consultation with the Washington library association in the
35 development of its standards and policies.

1 NEW SECTION. **Sec. 708.** A new section is added to chapter 13.16
2 RCW to read as follows:

3 Motion pictures unrated or rated X or NC-17 by the motion picture
4 association of America shall not be shown in juvenile detention
5 facilities or facilities operated by the division of juvenile
6 rehabilitation in the department of social and health services.

7 NEW SECTION. **Sec. 709.** A new section is added to chapter 72.02
8 RCW to read as follows:

9 Motion pictures unrated or rated X or NC-17 by the motion picture
10 association of America shall not be shown in adult correctional
11 facilities.

12 NEW SECTION. **Sec. 710.** A new section is added to chapter 28A.650
13 RCW to read as follows:

14 (1) Software, computer games, and videos with fictional violent
15 content shall not be used in schools, except to depict actual
16 historical events or for educational purposes in a formal classroom
17 setting.

18 (2) Each educational service district shall monitor the software
19 and videos used in its district for fictional violent content, using
20 the guidelines developed by the office of the superintendent of public
21 instruction.

22 **Sec. 711.** RCW 28A.650.015 and 1993 c 336 s 703 are each amended
23 to read as follows:

24 (1) The superintendent of public instruction, to the extent funds
25 are appropriated, shall develop and implement a Washington state K-12
26 education technology plan. The technology plan, which shall be
27 completed by December 15, 1993, and updated on at least a biennial
28 basis, shall be developed to coordinate and expand the use of education
29 technology in the common schools of the state. The plan shall be
30 consistent with applicable provisions of chapter 43.105 RCW. The plan,
31 at a minimum, shall address:

32 (a) The provision of technical assistance to schools and school
33 districts for the planning, implementation, and training of staff in
34 the use of technology in curricular and administrative functions;

1 (b) The continued development of a network to connect school
2 districts, institutions of higher learning, and other sources of on-
3 line information; (~~and~~)

4 (c) Methods to equitably increase the use of education technology
5 by students and school personnel throughout the state; and

6 (d) After the effective date of this section, guidelines for
7 monitoring fictional violent content in computer software and videos
8 used in schools.

9 (2) The superintendent of public instruction shall appoint an
10 educational technology advisory committee to assist in the development
11 and implementation of the technology plan in subsection (1) of this
12 section. The committee shall include, but is not limited to, persons
13 representing: The state board of education, the commission on student
14 learning, the department of information services, educational service
15 districts, school directors, school administrators, school principals,
16 teachers, classified staff, higher education faculty, parents,
17 students, business, labor, scientists and mathematicians, the higher
18 education coordinating board, the work force training and education
19 coordinating board, and the state library.

20 NEW SECTION. Sec. 712. A new section is added to chapter 43.19
21 RCW to read as follows:

22 Notwithstanding any other provision of law, the department of
23 general administration shall adopt a policy of refusing to purchase
24 goods and services for the state from businesses or corporations,
25 including parent corporations, profiting from violence-related products
26 or services. Nothing in this section requires the department to adopt
27 a policy that results in a refusal to purchase goods and services from
28 a corporation that is primarily engaged in the business of producing
29 materials intended to be used in formal educational settings as set
30 forth in section 710 of this act. A business or corporation whose
31 violence-related products or services are for the main purpose of
32 national defense are exempt from this policy. Definitions and
33 guidelines shall be developed by the department of general
34 administration in consultation with the department of health.

35 NEW SECTION. Sec. 713. A new section is added to chapter 43.33A
36 RCW to read as follows:

1 external events having a significant impact on risk factors or
2 outcomes.

3 (3) The outcomes required under chapter 70.190 RCW and social
4 development standards and measures established by the department of
5 health under section 204 of this act shall be used in conducting the
6 outcome evaluation of the community networks.

7 **Sec. 802.** RCW 66.24.210 and 1993 c 160 s 2 are each amended to
8 read as follows:

9 (1) There is hereby imposed upon all wines sold to wine
10 wholesalers and the Washington state liquor control board, within the
11 state a tax at the rate of twenty and one-fourth cents per liter:
12 PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to
13 another winery shall not be subject to such tax. The tax provided for
14 in this section may, if so prescribed by the board, be collected by
15 means of stamps to be furnished by the board, or by direct payments
16 based on wine purchased by wine wholesalers. Every person purchasing
17 wine under the provisions of this section shall on or before the
18 twentieth day of each month report to the board all purchases during
19 the preceding calendar month in such manner and upon such forms as may
20 be prescribed by the board, and with such report shall pay the tax due
21 from the purchases covered by such report unless the same has
22 previously been paid. Any such purchaser of wine whose applicable tax
23 payment is not postmarked by the twentieth day following the month of
24 purchase will be assessed a penalty at the rate of two percent a month
25 or fraction thereof. If this tax be collected by means of stamps,
26 every such person shall procure from the board revenue stamps
27 representing the tax in such form as the board shall prescribe and
28 shall affix the same to the package or container in such manner and in
29 such denomination as required by the board and shall cancel the same
30 prior to the delivery of the package or container containing the wine
31 to the purchaser. If the tax is not collected by means of stamps, the
32 board may require that every such person shall execute to and file with
33 the board a bond to be approved by the board, in such amount as the
34 board may fix, securing the payment of the tax. If any such person
35 fails to pay the tax when due, the board may forthwith suspend or
36 cancel the license until all taxes are paid.

37 (2) An additional tax is imposed equal to the rate specified in
38 RCW 82.02.030 multiplied by the tax payable under subsection (1) of

1 this section. All revenues collected during any month from this
2 additional tax shall be transferred to the state general fund by the
3 twenty-fifth day of the following month.

4 (3) An additional tax is imposed on wines subject to tax under
5 subsection (1) of this section, at the rate of one-fourth of one cent
6 per liter for wine sold after June 30, 1987. Such additional tax shall
7 cease to be imposed on July 1, 2001. All revenues collected under this
8 subsection (3) shall be disbursed quarterly to the Washington wine
9 commission for use in carrying out the purposes of chapter 15.88 RCW.

10 (4) (~~Until July 1, 1995,~~) An additional tax is imposed on all
11 wine subject to tax under subsection (1) of this section. The
12 additional tax is equal to twenty-three and forty-four one-hundredths
13 cents per liter on fortified wine as defined in RCW 66.04.010(34) when
14 bottled or packaged by the manufacturer and one cent per liter on all
15 other wine. All revenues collected during any month from this
16 additional tax shall be deposited in the violence reduction and drug
17 enforcement (~~and education~~) account under RCW 69.50.520 by the
18 twenty-fifth day of the following month.

19 **Sec. 803.** RCW 66.24.290 and 1993 c 492 s 311 are each amended to
20 read as follows:

21 (1) Any brewer or beer wholesaler licensed under this title may
22 sell and deliver beer to holders of authorized licenses direct, but to
23 no other person, other than the board; and every such brewer or beer
24 wholesaler shall report all sales to the board monthly, pursuant to the
25 regulations, and shall pay to the board as an added tax for the
26 privilege of manufacturing and selling the beer within the state a tax
27 of two dollars and sixty cents per barrel of thirty-one gallons on
28 sales to licensees within the state and on sales to licensees within
29 the state of bottled and canned beer shall pay a tax computed in
30 gallons at the rate of two dollars and sixty cents per barrel of
31 thirty-one gallons. Any brewer or beer wholesaler whose applicable tax
32 payment is not postmarked by the twentieth day following the month of
33 sale will be assessed a penalty at the rate of two percent per month or
34 fraction thereof. Each such brewer or wholesaler shall procure from
35 the board revenue stamps representing such tax in form prescribed by
36 the board and shall affix the same to the barrel or package in such
37 manner and in such denominations as required by the board, and shall
38 cancel the same prior to commencing delivery from his or her place of

1 business or warehouse of such barrels or packages. Beer shall be sold
2 by brewers and wholesalers in sealed barrels or packages. The revenue
3 stamps provided under this section need not be affixed and canceled in
4 the making of resales of barrels or packages already taxed by the
5 affixation and cancellation of stamps as provided in this section.

6 (2) An additional tax is imposed equal to seven percent multiplied
7 by the tax payable under subsection (1) of this section. All revenues
8 collected during any month from this additional tax shall be
9 transferred to the state general fund by the twenty-fifth day of the
10 following month.

11 (3) (~~Until July 1, 1995,~~) An additional tax is imposed on all
12 beer subject to tax under subsection (1) of this section. The
13 additional tax is equal to two dollars per barrel of thirty-one
14 gallons. All revenues collected during any month from this additional
15 tax shall be deposited in the violence reduction and drug enforcement
16 (~~and education~~) account under RCW 69.50.520 by the twenty-fifth day
17 of the following month.

18 (4)(a) An additional tax is imposed on all beer subject to tax
19 under subsection (1) of this section. The additional tax is equal to
20 ninety-six cents per barrel of thirty-one gallons through June 30,
21 1995, two dollars and thirty-nine cents per barrel of thirty-one
22 gallons for the period July 1, 1995, through June 30, 1997, and four
23 dollars and seventy-eight cents per barrel of thirty-one gallons
24 thereafter.

25 (b) The additional tax imposed under this subsection does not
26 apply to the sale of the first sixty thousand barrels of beer each year
27 by breweries that are entitled to a reduced rate of tax under 26 U.S.C.
28 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may
29 be provided by the board by rule consistent with the purposes of this
30 exemption.

31 (c) All revenues collected from the additional tax imposed under
32 this subsection (4) shall be deposited in the health services account
33 under RCW 43.72.900.

34 (5) The tax imposed under this section shall not apply to "strong
35 beer" as defined in this title.

36 **Sec. 804.** RCW 82.08.150 and 1993 c 492 s 310 are each amended to
37 read as follows:

1 (1) There is levied and shall be collected a tax upon each retail
2 sale of spirits, or strong beer in the original package at the rate of
3 fifteen percent of the selling price. The tax imposed in this
4 subsection shall apply to all such sales including sales by the
5 Washington state liquor stores and agencies, but excluding sales to
6 class H licensees.

7 (2) There is levied and shall be collected a tax upon each sale of
8 spirits, or strong beer in the original package at the rate of ten
9 percent of the selling price on sales by Washington state liquor stores
10 and agencies to class H licensees.

11 (3) There is levied and shall be collected an additional tax upon
12 each retail sale of spirits in the original package at the rate of one
13 dollar and seventy-two cents per liter. The additional tax imposed in
14 this subsection shall apply to all such sales including sales by
15 Washington state liquor stores and agencies, and including sales to
16 class H licensees.

17 (4) An additional tax is imposed equal to fourteen percent
18 multiplied by the taxes payable under subsections (1), (2), and (3) of
19 this section.

20 (5) (~~Until July 1, 1995,~~) An additional tax is imposed upon each
21 retail sale of spirits in the original package at the rate of seven
22 cents per liter. The additional tax imposed in this subsection shall
23 apply to all such sales including sales by Washington state liquor
24 stores and agencies, and including sales to class H licensees. All
25 revenues collected during any month from this additional tax shall be
26 deposited in the violence reduction and drug enforcement (~~and~~
27 ~~education~~) account under RCW 69.50.520 by the twenty-fifth day of the
28 following month.

29 (6)(a) An additional tax is imposed upon retail sale of spirits in
30 the original package at the rate of one and seven-tenths percent of the
31 selling price through June 30, 1995, two and six-tenths percent of the
32 selling price for the period July 1, 1995, through June 30, 1997, and
33 three and four-tenths of the selling price thereafter. This additional
34 tax applies to all such sales including sales by Washington state
35 liquor stores and agencies, but excluding sales to class H licensees.

36 (b) An additional tax is imposed upon retail sale of spirits in
37 the original package at the rate of one and one-tenth percent of the
38 selling price through June 30, 1995, one and seven-tenths percent of
39 the selling price for the period July 1, 1995, through June 30, 1997,

1 and two and three-tenths of the selling price thereafter. This
2 additional tax applies to all such sales to class H licensees.

3 (c) An additional tax is imposed upon each retail sale of spirits
4 in the original package at the rate of twenty cents per liter through
5 June 30, 1995, thirty cents per liter for the period July 1, 1995,
6 through June 30, 1997, and forty-one cents per liter thereafter. This
7 additional tax applies to all such sales including sales by Washington
8 state liquor stores and agencies, and including sales to class H
9 licensees.

10 (d) All revenues collected during any month from additional taxes
11 under this subsection shall be deposited in the health services account
12 created under RCW 43.72.900 by the twenty-fifth day of the following
13 month.

14 (7) The tax imposed in RCW 82.08.020 shall not apply to sales of
15 spirits or strong beer in the original package.

16 (8) The taxes imposed in this section shall be paid by the buyer
17 to the seller, and each seller shall collect from the buyer the full
18 amount of the tax payable in respect to each taxable sale under this
19 section. The taxes required by this section to be collected by the
20 seller shall be stated separately from the selling price and for
21 purposes of determining the tax due from the buyer to the seller, it
22 shall be conclusively presumed that the selling price quoted in any
23 price list does not include the taxes imposed by this section.

24 (9) As used in this section, the terms, "spirits," "strong beer,"
25 and "package" shall have the meaning ascribed to them in chapter 66.04
26 RCW.

27 **Sec. 805.** RCW 82.24.020 and 1993 c 492 s 307 are each amended to
28 read as follows:

29 (1) There is levied and there shall be collected as provided in
30 this chapter, a tax upon the sale, use, consumption, handling,
31 possession or distribution of all cigarettes, in an amount equal to the
32 rate of eleven and one-half mills per cigarette.

33 (2) (~~Until July 1, 1995,~~) An additional tax is imposed upon the
34 sale, use, consumption, handling, possession, or distribution of all
35 cigarettes, in an amount equal to the rate of (~~one~~) two and one-half
36 mills per cigarette. All revenues collected during any month from this
37 additional tax shall be deposited in the violence reduction and drug

1 enforcement ((and—education)) account under RCW 69.50.520 by the
2 twenty-fifth day of the following month.

3 (3) An additional tax is imposed upon the sale, use, consumption,
4 handling, possession, or distribution of all cigarettes, in an amount
5 equal to the rate of ten mills per cigarette through June 30, 1994,
6 eleven and one-fourth mills per cigarette for the period July 1, 1994,
7 through June 30, 1995, twenty mills per cigarette for the period July
8 1, 1995, through June 30, 1996, and twenty and one-half mills per
9 cigarette thereafter. All revenues collected during any month from
10 this additional tax shall be deposited in the health services account
11 created under RCW 43.72.900 by the twenty-fifth day of the following
12 month.

13 (4) Wholesalers and retailers subject to the payment of this tax
14 may, if they wish, absorb one-half mill per cigarette of the tax and
15 not pass it on to purchasers without being in violation of this section
16 or any other act relating to the sale or taxation of cigarettes.

17 (5) For purposes of this chapter, "possession" shall mean both (a)
18 physical possession by the purchaser and, (b) when cigarettes are being
19 transported to or held for the purchaser or his or her designee by a
20 person other than the purchaser, constructive possession by the
21 purchaser or his or her designee, which constructive possession shall
22 be deemed to occur at the location of the cigarettes being so
23 transported or held.

24 NEW SECTION. Sec. 806. RCW 82.64.900 and 1989 c 271 s 509 are
25 each repealed.

26 **Sec. 807.** RCW 69.50.520 and 1989 c 271 s 401 are each amended to
27 read as follows:

28 The violence reduction and drug enforcement ((and—education))
29 account is created in the state treasury. All designated receipts from
30 RCW 9.41.110(5), 66.24.210(4), 66.24.290(3), 69.50.505(((f)(2)(i)(C)))
31 (h)(1), 82.04.250(3), 82.08.150(5), 82.24.020(2), 82.64.020, and
32 section 420, chapter 271, Laws of 1989 shall be deposited into the
33 account. Expenditures from the account may be used only for funding
34 services and programs under ((this act)) chapter 271, Laws of 1989 and
35 chapter . . . , Laws of 1994 (this act), including state incarceration
36 costs. At least seven and one-half percent of expenditures from the

1 account shall be used for providing grants to community networks under
2 chapter 70.190 RCW by the community public health and safety council.

3 NEW SECTION. Sec. 808. Sections 458 and 802 through 806 of this
4 act shall be submitted as a single ballot measure to the people for
5 their adoption and ratification, or rejection, at the next succeeding
6 general election to be held in this state, in accordance with Article
7 II, section 1 of the state Constitution, as amended, and the laws
8 adopted to facilitate the operation thereof unless section 13, chapter
9 2, Laws of 1994, has been declared invalid or otherwise enjoined or
10 stayed by a court of competent jurisdiction.

11 NEW SECTION. Sec. 809. (1) Until July 1, 1994, any reference in
12 this act to the director or department of community, trade, and
13 economic development means the director or department of community
14 development.

15 (2) Until July 1, 1994, any reference in this act to the director
16 or department of fish and wildlife means the director or department of
17 wildlife.

18 NEW SECTION. Sec. 810. Part headings and the table of contents
19 as used in this act do not constitute any part of the law.

20 NEW SECTION. Sec. 811. (1) Sections 201 through 204, 302, 324,
21 473, and 474 of this act are necessary for the immediate preservation
22 of the public peace, health, or safety, or support of the state
23 government and its existing public institutions, and shall take effect
24 immediately.

25 (2) Notwithstanding other provisions of this section, if sections
26 458 and 802 through 806 of this act are required to be referred to the
27 voters, sections 426, 438, 446 through 453, 481, 517, and 518 of this
28 act shall take effect January 1, 1995, and section 805 of this act
29 shall take effect July 1, 1995, if sections 458 and 802 through 806 of
30 this act are approved and ratified by the voters at the next succeeding
31 general election as provided in section 808 of this act. If sections
32 458 and 802 through 806 of this act are rejected by the voters,
33 sections 426, 438, 446 through 453, 481, 517, and 518 of this act shall
34 be null and void. If sections 458 and 802 through 806 of this act are
35 not required to be referred to the voters, sections 426, 438, 446

1 through 453, 481, 517, and 518 of this act shall take effect as
2 provided in Article II, section 41 of the state Constitution, and
3 section 805 of this act shall take effect July 1, 1995."

4 **E2SHB 2319** - S AMD

5 By Senators Talmadge and Gaspard

6 ADOPTED AS AMENDED 3/4/94

7 On page 1, line 1 of the title, after "violence;" strike the
8 remainder of the title and insert "amending RCW 74.14A.020, 43.70.010,
9 70.190.005, 70.190.010, 43.101.240, 70.190.020, 70.190.030, 70.190.040,
10 70.190.900, 43.06.260, 46.20.265, 13.40.265, 9A.36.045, 9A.36.050,
11 9A.56.040, 9A.56.160, 9.41.050, 9.41.060, 9.41.070, 9.41.080, 9.41.090,
12 9.41.095, 9.41.098, 9.41.110, 9.41.140, 9.41.170, 9.41.180, 9.41.190,
13 9.41.240, 9.41.250, 9.41.260, 9.41.270, 9.41.280, 9.94A.310, 9.94A.370,
14 4.24.190, 9.94A.125, 13.40.110, 13.04.030, 13.40.020, 13.40.0354,
15 13.40.0357, 13.40.080, 13.40.160, 13.40.210, 13.40.190, 13.40.300,
16 82.04.250, 9A.46.050, 10.14.080, 10.99.040, 10.99.045, 26.09.050,
17 26.09.060, 26.10.040, 26.10.115, 26.26.137, 26.50.070, 77.12.720,
18 9.94A.150, 10.99.030, 28A.300.130, 28A.320.205, 28A.610.030,
19 28A.610.060, 28A.620.020, 9A.36.031, 28A.600.475, 13.50.050, 13.50.010,
20 28A.190.030, 28A.190.040, 49.12.390, 49.12.410, 49.12.420, 28A.650.015,
21 66.24.210, 66.24.290, 82.08.150, 82.24.020, and 69.50.520; amending
22 1993 sp.s. c 24 s 501 (uncodified); reenacting and amending RCW
23 9.9A.320, 9.41.010, 9.41.040, 26.28.080, 26.26.130, 26.50.060,
24 10.31.100, and 28A.630.885; adding new sections to chapter 43.70 RCW;
25 adding new sections to chapter 70.190 RCW; adding new sections to
26 chapter 43.41 RCW; adding a new section to chapter 43.20A RCW; adding
27 a new section to chapter 35.21 RCW; adding a new section to chapter
28 35A.11 RCW; adding a new section to chapter 36.32 RCW; adding new
29 sections to chapter 9.41 RCW; adding new sections to chapter 9.94A RCW;
30 adding a new section to chapter 9A.36 RCW; adding new sections to
31 chapter 9A.56 RCW; adding a new section to chapter 4.24 RCW; adding a
32 new section to chapter 13.06 RCW; adding a new section to chapter
33 28A.310 RCW; adding a new section to chapter 28A.405 RCW; adding a new
34 section to chapter 28A.600 RCW; adding new sections to chapter 49.12
35 RCW; adding a new section to chapter 13.16 RCW; adding a new section to
36 chapter 72.02 RCW; adding a new section to chapter 28A.650 RCW; adding
37 a new section to chapter 43.19 RCW; adding a new section to chapter

1 43.33A RCW; adding a new section to chapter 44.28 RCW; adding a new
2 chapter to Title 19 RCW; creating new sections; recodifying RCW
3 9.41.160; repealing RCW 70.190.900, 9.41.030, 9.41.093, 9.41.100,
4 9.41.130, 9.41.200, 9.41.210, 9.41.230, 49.12.105, 49.12.121,
5 49.12.123, and 82.64.900; prescribing penalties; providing an effective
6 date; providing contingent effective dates; providing for submission of
7 certain sections of this act to a vote of the people; and declaring an
8 emergency."

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