
HOUSE BILL 1584

State of Washington

58th Legislature

2003 Regular Session

By Representatives Lantz, Carrell, Flannigan and Campbell; by request of Administrative Office of the Courts

Read first time 01/31/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to the administrative office of the courts;
2 amending RCW 2.14.110, 2.43.020, 2.43.030, 2.43.070, 2.56.010,
3 2.56.020, 2.56.030, 2.56.120, 2.56.150, 2.56.180, 2.68.020, 2.70.050,
4 3.46.030, 3.50.020, 3.66.010, 3.66.070, 9.73.230, 9.94A.660, 9.94A.855,
5 10.64.120, 10.98.080, 10.98.100, 10.98.160, 13.34.102, 13.64.080,
6 13.70.130, 26.12.177, 26.12.802, 26.12.804, 26.18.210, 26.18.220,
7 26.19.011, 26.19.035, 26.19.050, 26.26.065, 26.50.030, 26.50.035,
8 35.20.030, 36.01.050, 36.18.018, 43.70.540, 43.101.280, 46.20.286,
9 74.14C.100, and 82.14.310; amending 2000 c 111 s 8 (uncodified);
10 amending 1983 c 199 s 2 (uncodified); reenacting and amending RCW
11 9.94A.660, 9.94A.850, 9.94A.850, and 43.08.250; providing an effective
12 date; and providing an expiration date.

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

14 **Sec. 1.** RCW 2.14.110 and 1996 c 42 s 1 are each amended to read as
15 follows:

16 If a member dies, the amount of the accumulated contributions
17 standing to the member's credit at the time of the member's death shall
18 be paid to the member's estate, or such person or persons, trust, or
19 organization as the member has nominated by written designation duly

1 executed and filed with the administrative office of the
2 (~~administrator for the~~) courts. If there is no such designated
3 person or persons still living at the time of the member's death, the
4 member's accumulated contributions shall be paid to the member's
5 surviving spouse as if in fact the spouse had been nominated by written
6 designation or, if there is no such surviving spouse, then to the
7 member's legal representatives.

8 **Sec. 2.** RCW 2.43.020 and 1989 c 358 s 2 are each amended to read
9 as follows:

10 As used in this chapter:

11 (1) "Non-English-speaking person" means any person involved in a
12 legal proceeding who cannot readily speak or understand the English
13 language, but does not include hearing-impaired persons who are covered
14 under chapter 2.42 RCW.

15 (2) "Qualified interpreter" means a person who is able readily to
16 interpret or translate spoken and written English for non-English-
17 speaking persons and to interpret or translate oral or written
18 statements of non-English-speaking persons into spoken English.

19 (3) "Legal proceeding" means a proceeding in any court in this
20 state, grand jury hearing, or hearing before an inquiry judge, or
21 before (~~an~~) an administrative board, commission, agency, or
22 licensing body of the state or any political subdivision thereof.

23 (4) "Certified interpreter" means an interpreter who is certified
24 by the administrative office of the (~~administrator for the~~) courts.

25 (5) "Appointing authority" means the presiding officer or similar
26 official of any court, department, board, commission, agency, licensing
27 authority, or legislative body of the state or of any political
28 subdivision thereof.

29 **Sec. 3.** RCW 2.43.030 and 1990 c 183 s 1 are each amended to read
30 as follows:

31 (1) Whenever an interpreter is appointed to assist a non-English-
32 speaking person in a legal proceeding, the appointing authority shall,
33 in the absence of a written waiver by the person, appoint a certified
34 or a qualified interpreter to assist the person throughout the
35 proceedings.

1 (a) Except as otherwise provided for in (b) of this subsection, the
2 interpreter appointed shall be a qualified interpreter.

3 (b) Beginning on July 1, 1990, when a non-English-speaking person
4 is a party to a legal proceeding, or is subpoenaed or summoned by an
5 appointing authority or is otherwise compelled by an appointing
6 authority to appear at a legal proceeding, the appointing authority
7 shall use the services of only those language interpreters who have
8 been certified by the administrative office of the (~~administrator for~~
9 ~~the~~) courts, unless good cause is found and noted on the record by the
10 appointing authority. For purposes of chapter 358, Laws of 1989, "good
11 cause" includes but is not limited to a determination that:

12 (i) Given the totality of the circumstances, including the nature
13 of the proceeding and the potential penalty or consequences involved,
14 the services of a certified interpreter are not reasonably available to
15 the appointing authority; or

16 (ii) The current list of certified interpreters maintained by the
17 administrative office of the (~~administrator for the~~) courts does not
18 include an interpreter certified in the language spoken by the non-
19 English-speaking person.

20 (c) Except as otherwise provided in this section, when a non-
21 English-speaking person is involved in a legal proceeding, the
22 appointing authority shall appoint a qualified interpreter.

23 (2) If good cause is found for using an interpreter who is not
24 certified or if a qualified interpreter is appointed, the appointing
25 authority shall make a preliminary determination, on the basis of
26 testimony or stated needs of the non-English-speaking person, that the
27 proposed interpreter is able to interpret accurately all communications
28 to and from such person in that particular proceeding. The appointing
29 authority shall satisfy itself on the record that the proposed
30 interpreter:

31 (a) Is capable of communicating effectively with the court or
32 agency and the person for whom the interpreter would interpret; and

33 (b) Has read, understands, and will abide by the code of ethics for
34 language interpreters established by court rules.

35 **Sec. 4.** RCW 2.43.070 and 1989 c 358 s 7 are each amended to read
36 as follows:

37 (1) Subject to the availability of funds, the administrative office

1 of the (~~administrator for the~~) courts shall establish and administer
2 a comprehensive testing and certification program for language
3 interpreters.

4 (2) The administrative office of the (~~administrator for the~~)
5 courts shall work cooperatively with community colleges and other
6 private or public educational institutions, and with other public or
7 private organizations to establish a certification preparation
8 curriculum and suitable training programs to ensure the availability of
9 certified interpreters. Training programs shall be made readily
10 available in both eastern and western Washington locations.

11 (3) The administrative office of the (~~administrator for the~~)
12 courts shall establish and adopt standards of proficiency, written and
13 oral, in English and the language to be interpreted.

14 (4) The administrative office of the (~~administrator for the~~)
15 courts shall conduct periodic examinations to ensure the availability
16 of certified interpreters. Periodic examinations shall be made readily
17 available in both eastern and western Washington locations.

18 (5) The administrative office of the (~~administrator for the~~)
19 courts shall compile, maintain, and disseminate a current list of
20 interpreters certified by the office (~~of the administrator for the~~
21 ~~courts~~)).

22 (6) The administrative office of the (~~administrator for the~~)
23 courts may charge reasonable fees for testing, training, and
24 certification.

25 **Sec. 5.** RCW 2.56.010 and 1984 c 20 s 1 are each amended to read as
26 follows:

27 There shall be a state office to be known as the administrative
28 office of (~~administrator for~~) the courts. The executive officer of
29 the administrative office of the courts is the administrator for the
30 courts, who shall be appointed by the supreme court of this state from
31 a list of five persons submitted by the governor of the state of
32 Washington, and shall hold office at the pleasure of the appointing
33 power. (~~He shall not be over the age of sixty years at the time of~~
34 ~~his appointment. He shall receive a~~) The administrator's salary
35 (~~to~~) shall be fixed by the supreme court.

1 **Sec. 6.** RCW 2.56.020 and 1957 c 259 s 2 are each amended to read
2 as follows:

3 The administrator for the courts, with the approval of the chief
4 justice of the supreme court of this state, shall appoint and fix the
5 compensation of such assistants as are necessary to enable ~~((him to~~
6 ~~perform))~~ performance of the power and duties vested in ~~((him. During~~
7 ~~his term of office or employment,))~~ the administrative office of the
8 courts. Neither the administrator nor any assistant shall engage
9 ~~((directly or indirectly))~~ in the practice of law for remuneration in
10 this state.

11 **Sec. 7.** RCW 2.56.030 and 2002 c 49 s 2 are each amended to read as
12 follows:

13 The administrator for the courts shall, under the supervision and
14 direction of the chief justice:

15 (1) Examine the administrative methods and systems employed in the
16 offices of the judges, clerks, stenographers, and employees of the
17 courts and make recommendations, through the chief justice, for the
18 improvement of the same;

19 (2) Examine the state of the dockets of the courts and determine
20 the need for assistance by any court;

21 (3) Make recommendations to the chief justice relating to the
22 assignment of judges where courts are in need of assistance and carry
23 out the direction of the chief justice as to the assignments of judges
24 to counties and districts where the courts are in need of assistance;

25 (4) Collect and compile statistical and other data and make reports
26 of the business transacted by the courts and transmit the same to the
27 chief justice to the end that proper action may be taken in respect
28 thereto;

29 (5) Prepare and submit budget estimates of state appropriations
30 necessary for the maintenance and operation of the judicial system and
31 make recommendations in respect thereto;

32 (6) Collect statistical and other data and make reports relating to
33 the expenditure of public moneys, state and local, for the maintenance
34 and operation of the judicial system and the offices connected
35 therewith;

36 (7) Obtain reports from clerks of courts in accordance with law or
37 rules adopted by the supreme court of this state on cases and other

1 judicial business in which action has been delayed beyond periods of
2 time specified by law or rules of court and make report thereof to
3 supreme court of this state;

4 (8) Act as secretary of the judicial conference referred to in RCW
5 2.56.060;

6 (9) Submit annually, as of February 1st, to the chief justice, a
7 report of the activities of the administrator's office for the
8 preceding calendar year including activities related to courthouse
9 security;

10 (10) Administer programs and standards for the training and
11 education of judicial personnel;

12 (11) Examine the need for (~~new~~) superior court and district court
13 judge positions under ((a-weighted caseload)) an objective workload
14 analysis ((that takes into account the time required to hear all the
15 cases in a particular court and the amount of time existing judges have
16 available to hear cases in that court)). The results of the (~~weighted~~
17 ~~caseload~~) objective workload analysis shall be reviewed by the board
18 for judicial administration which shall make recommendations to the
19 legislature. It is the intent of the legislature that (~~weighted~~
20 ~~caseload~~) an objective workload analysis become the basis for
21 (~~creating additional~~) estimating the need for district and superior
22 court positions, and recommendations should address that objective;

23 (12) Provide staff to the judicial retirement account plan under
24 chapter 2.14 RCW;

25 (13) Attend to such other matters as may be assigned by the supreme
26 court of this state;

27 (14) Within available funds, develop a curriculum for a general
28 understanding of child development, placement, and treatment resources,
29 as well as specific legal skills and knowledge of relevant statutes
30 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
31 interviewing skills, and special needs of the abused or neglected
32 child. This curriculum shall be completed and made available to all
33 juvenile court judges, court personnel, and service providers and be
34 updated yearly to reflect changes in statutes, court rules, or case
35 law;

36 (15) Develop, in consultation with the entities set forth in RCW
37 2.56.150(3), a comprehensive statewide curriculum for persons who act
38 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall

1 be made available July 1, 1997, and include specialty sections on child
2 development, child sexual abuse, child physical abuse, child neglect,
3 clinical and forensic investigative and interviewing techniques, family
4 reconciliation and mediation services, and relevant statutory and legal
5 requirements. The curriculum shall be made available to all superior
6 court judges, court personnel, and all persons who act as guardians ad
7 litem;

8 (16) Develop a curriculum for a general understanding of crimes of
9 malicious harassment, as well as specific legal skills and knowledge of
10 RCW 9A.36.080, relevant cases, court rules, and the special needs of
11 malicious harassment victims. This curriculum shall be made available
12 to all superior court and court of appeals judges and to all justices
13 of the supreme court;

14 (17) Develop, in consultation with the criminal justice training
15 commission and the commissions established under chapters 43.113,
16 43.115, and 43.117 RCW, a curriculum for a general understanding of
17 ethnic and cultural diversity and its implications for working with
18 youth of color and their families. The curriculum shall be available
19 to all superior court judges and court commissioners assigned to
20 juvenile court, and other court personnel. Ethnic and cultural
21 diversity training shall be provided annually so as to incorporate
22 cultural sensitivity and awareness into the daily operation of juvenile
23 courts statewide;

24 (18) Authorize the use of closed circuit television and other
25 electronic equipment in judicial proceedings. The administrator shall
26 promulgate necessary standards and procedures and shall provide
27 technical assistance to courts as required;

28 (19) Develop a Washington family law handbook in accordance with
29 RCW 2.56.180;

30 (20) Administer state funds for improving the operation of the
31 courts and provide support for court coordinating councils, under the
32 direction of the board for judicial administration.

33 **Sec. 8.** RCW 2.56.120 and 1986 c 158 s 1 are each amended to read
34 as follows:

35 (1) The administrative office of the (~~administrator for the~~)
36 courts, in cooperation with appropriate legislative committees and
37 legislative staff, shall establish a procedure for the provision of

1 judicial impact notes on the effect legislative bills will have on the
2 workload and administration of the courts of this state. The
3 (~~administrator for~~) administrative office of the courts and the
4 office of financial management shall coordinate the development of
5 judicial impact notes with the preparation of fiscal notes under
6 chapters 43.88A and 43.132 RCW.

7 (2) The (~~administrator for~~) administrative office of the courts
8 shall provide a judicial impact note on any legislative proposal at the
9 request of any legislator. The note shall be provided to the
10 requesting legislator and copies filed with the appropriate legislative
11 committees in accordance with subsection (3) of this section when the
12 proposed legislation is introduced in either house.

13 (3) When a judicial impact note is prepared and approved by the
14 (~~administrator for~~) administrative office of the courts, copies of
15 the note shall be filed with:

16 (a) The chairperson of the committee to which the bill was referred
17 upon introduction in the house of origin;

18 (b) The senate committee on ways and means;

19 (c) The house of representatives committee on ways and means;

20 (d) The senate judiciary committee;

21 (e) The house of representatives judiciary committee; and

22 (f) The office of financial management.

23 (4) This section shall not prevent either house of the legislature
24 from acting on any bill before it as otherwise provided by the state
25 Constitution, by law, and by the rules and joint rules of the senate
26 and house of representatives, nor shall the lack of any judicial impact
27 note as provided in this section or any error in the accuracy thereof
28 affect the validity of any measure otherwise duly passed by the
29 legislature.

30 **Sec. 9.** RCW 2.56.150 and 1996 c 249 s 3 are each amended to read
31 as follows:

32 (1) The administrator for the courts shall review the advisability
33 and feasibility of the statewide mandatory use of court-appointed
34 special advocates as described in RCW 26.12.175 to act as guardians ad
35 litem in appropriate cases under Titles 13 and 26 RCW. The review must
36 explore the feasibility of obtaining various sources of private and

1 public funding to implement statewide mandatory use of court-appointed
2 special advocates, such as grants and donations, instead of or in
3 combination with raising court fees or assessments.

4 (2) The administrator shall also conduct a study on the feasibility
5 and desirability of requiring all persons who act as guardians ad litem
6 under Titles 11, 13, and 26 RCW to be certified as qualified guardians
7 ad litem prior to their eligibility for appointment.

8 (3) In conducting the review and study the administrator shall
9 consult with: (a) The presidents or directors of all public benefit
10 nonprofit corporations that are eligible to receive state funds under
11 RCW 43.330.135; (b) the attorney general, or a designee; (c) the
12 secretary of the department of social and health services, or a
13 designee; (d) the superior court judges association; (e) the Washington
14 state bar association; (f) public defenders who represent children
15 under Title 13 or 26 RCW; (g) private attorneys who represent parents
16 under Title 13 or 26 RCW; (h) professionals who evaluate families for
17 the purposes of determining the custody or placement decisions of
18 children; (i) the office of financial management; (j) persons who act
19 as volunteer or compensated guardians ad litem; and (k) parents who
20 have dealt with guardians ad litem in court cases. For the purposes of
21 studying the feasibility of a certification requirement for guardians
22 ad litem acting under Title 11 RCW the administrator shall consult with
23 the advisory group formed under RCW 11.88.090.

24 (4) The (~~office of the~~) administrator (~~for the courts~~) shall
25 also conduct a review of problems and concerns about the role of
26 guardians ad litem in actions under Titles 11, 13, and 26 RCW and
27 recommend alternatives to strengthen judicial oversight of guardians ad
28 litem and ensure fairness and impartiality of the process. The
29 (~~office of the~~) administrator (~~for the courts~~) must accept and
30 obtain comments from parties designated in subsection (3) of this
31 section.

32 **Sec. 10.** 2000 c 111 s 8 (uncodified) is amended to read as
33 follows:

34 The program established by the (~~office of the~~) administrator for
35 the courts pursuant to RCW 2.56.160 shall by June 1, 2003, report to
36 the legislature on the effectiveness and costs of the pilot program.

1 Copies of the report shall be distributed to the house of
2 representatives judiciary committee and the senate judiciary committee.

3 **Sec. 11.** RCW 2.56.180 and 2002 c 49 s 3 are each amended to read
4 as follows:

5 (1) The (~~administrator for~~) administrative office of the courts
6 (~~will~~) shall create a handbook explaining the sections of Washington
7 law pertaining to the rights and responsibilities of marital partners
8 to each other and to any children during a marriage and a dissolution
9 of marriage. The handbook may also be provided in videotape or other
10 electronic form.

11 (2) The handbook created under subsection (1) of this section
12 (~~will~~) shall be provided by the county auditor when an individual
13 files a marriage certificate under RCW 26.04.090.

14 (3) The information contained in the handbook created under
15 subsection (1) of this section (~~will~~) shall be reviewed and updated
16 annually. The handbook must contain the following information:

17 (a) Information on prenuptial agreements as contracts and as a
18 means of structuring financial arrangements and other aspects of the
19 marital relationship;

20 (b) Information on shared parental responsibility for children,
21 including establishing a residential schedule for the child in the
22 event of the dissolution of the marriage;

23 (c) Information on notice requirements and standards for parental
24 relocation;

25 (d) Information on child support for minor children;

26 (e) Information on property rights, including equitable
27 distribution of assets and premarital and postmarital property rights;

28 (f) Information on spousal maintenance;

29 (g) Information on domestic violence, child abuse, and neglect,
30 including penalties;

31 (h) Information on the court process for dissolution;

32 (i) Information on the effects of dissolution on children;

33 (j) Information on community resources that are available to
34 separating or divorcing persons and their children.

35 **Sec. 12.** RCW 2.68.020 and 1994 c 8 s 1 are each amended to read as
36 follows:

1 There is created an account in the custody of the state treasurer
2 to be known as the judicial information system account. The
3 administrative office of the ((~~administrator for the~~)) courts shall
4 maintain and administer the account, in which shall be deposited all
5 moneys received from in-state noncourt users and any out-of-state users
6 of the judicial information system and moneys as specified in RCW
7 2.68.040 for the purposes of providing judicial information system
8 access to noncourt users and providing an adequate level of automated
9 services to the judiciary. The legislature shall appropriate the funds
10 in the account for the purposes of the judicial information system.
11 The account shall be used for the acquisition of equipment, software,
12 supplies, services, and other costs incidental to the acquisition,
13 development, operation, and administration of information services,
14 telecommunications, systems, software, supplies, and equipment,
15 including the payment of principal and interest on items paid in
16 installments.

17 **Sec. 13.** RCW 2.70.050 and 1996 c 221 s 6 are each amended to read
18 as follows:

19 (1) All powers, duties, and functions of the supreme court and the
20 administrative office of the ((~~administrator for the~~)) courts
21 pertaining to appellate indigent defense are transferred to the office
22 of public defense.

23 (2)(a) All reports, documents, surveys, books, records, files,
24 papers, or written material in the possession of the supreme court or
25 the administrative office of the ((~~administrator for the~~)) courts
26 pertaining to the powers, functions, and duties transferred shall be
27 delivered to the custody of the office of public defense. All
28 cabinets, furniture, office equipment, motor vehicles, and other
29 tangible property employed by the supreme court or the administrative
30 office of the ((~~administrator for the~~)) courts in carrying out the
31 powers, functions, and duties transferred shall be made available to
32 the office of public defense. All funds, credits, or other assets held
33 in connection with the powers, functions, and duties transferred shall
34 be assigned to the office of public defense.

35 (b) Any appropriations made to the supreme court or the
36 administrative office of the ((~~administrator for the~~)) courts for

1 carrying out the powers, functions, and duties transferred shall, on
2 June 6, 1996, be transferred and credited to the office of public
3 defense.

4 (c) Whenever any question arises as to the transfer of any
5 personnel, funds, books, documents, records, papers, files, equipment,
6 or other tangible property used or held in the exercise of the powers
7 and the performance of the duties and functions transferred, the
8 director of financial management shall make a determination as to the
9 proper allocation and certify the same to the state agencies concerned.

10 (3) All employees of the supreme court or the administrative office
11 of the ((~~administrator for the~~)) courts engaged in performing the
12 powers, functions, and duties transferred are transferred to the
13 jurisdiction of the office of public defense. All employees classified
14 under chapter 41.06 RCW, the state civil service law, are assigned to
15 the office of public defense to perform their usual duties upon the
16 same terms as formerly, without any loss of rights, subject to any
17 action that may be appropriate thereafter in accordance with the laws
18 and rules governing state civil service.

19 (4) All rules and all pending business before the supreme court or
20 the administrative office of the ((~~administrator for the~~)) courts
21 pertaining to the powers, functions, and duties transferred shall be
22 continued and acted upon by the office of public defense. All existing
23 contracts and obligations shall remain in full force and shall be
24 performed by the office of public defense.

25 (5) The transfer of the powers, duties, functions, and personnel of
26 the supreme court or the administrative office of the ((~~administrator~~
27 ~~for the~~)) courts shall not affect the validity of any act performed
28 before June 6, 1996.

29 (6) If apportionments of budgeted funds are required because of the
30 transfers directed by this section, the director of financial
31 management shall certify the apportionments to the agencies affected,
32 the state auditor, and the state treasurer. Each of these shall make
33 the appropriate transfer and adjustments in funds and appropriation
34 accounts and equipment records in accordance with the certification.

35 (7) Nothing contained in this section may be construed to alter any
36 existing collective bargaining unit or the provisions of any existing
37 collective bargaining agreement until the agreement has expired or

1 until the bargaining unit has been modified by action of the personnel
2 board as provided by law.

3 **Sec. 14.** RCW 3.46.030 and 2000 c 111 s 5 are each amended to read
4 as follows:

5 A municipal department shall have exclusive jurisdiction of matters
6 arising from ordinances of the city, and no jurisdiction of other
7 matters except as conferred by statute. A municipal department
8 participating in the program established by the administrative office
9 of the ((~~administrator for the~~)) courts pursuant to RCW 2.56.160 shall
10 have jurisdiction to take recognizance, approve bail, and arraign
11 defendants held within its jurisdiction on warrants issued by any court
12 of limited jurisdiction participating in the program.

13 **Sec. 15.** RCW 3.50.020 and 2000 c 111 s 6 are each amended to read
14 as follows:

15 The municipal court shall have exclusive original jurisdiction over
16 traffic infractions arising under city ordinances and exclusive
17 original criminal jurisdiction of all violations of city ordinances
18 duly adopted by the city in which the municipal court is located and
19 shall have original jurisdiction of all other actions brought to
20 enforce or recover license penalties or forfeitures declared or given
21 by such ordinances or by state statutes. The municipal court shall
22 also have the jurisdiction as conferred by statute. The municipal
23 court is empowered to forfeit cash bail or bail bonds and issue
24 execution thereon; and in general to hear and determine all causes,
25 civil or criminal, including traffic infractions, arising under such
26 ordinances and to pronounce judgment in accordance therewith. A
27 municipal court participating in the program established by the
28 administrative office of the ((~~administrator for the~~)) courts pursuant
29 to RCW 2.56.160 shall have jurisdiction to take recognizance, approve
30 bail, and arraign defendants held within its jurisdiction on warrants
31 issued by any court of limited jurisdiction participating in the
32 program.

33 **Sec. 16.** RCW 3.66.010 and 2000 c 111 s 2 are each amended to read
34 as follows:

35 (1) The justices of the peace elected in accordance with chapters

1 3.30 through 3.74 RCW are authorized to hold court as judges of the
2 district court for the trial of all actions enumerated in chapters 3.30
3 through 3.74 RCW or assigned to the district court by law; to hear,
4 try, and determine the same according to the law, and for that purpose
5 where no special provision is otherwise made by law, such court shall
6 be vested with all the necessary powers which are possessed by courts
7 of record in this state; and all laws of a general nature shall apply
8 to such district court as far as the same may be applicable and not
9 inconsistent with the provisions of chapters 3.30 through 3.74 RCW.
10 The district court shall, upon the demand of either party, impanel a
11 jury to try any civil or criminal case in accordance with the
12 provisions of chapter 12.12 RCW. No jury trial may be held in a
13 proceeding involving a traffic infraction.

14 (2) A district court participating in the program established by
15 the administrative office of the (~~administrator for the~~) courts
16 pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance,
17 approve bail, and arraign defendants held within its jurisdiction on
18 warrants issued by any other court of limited jurisdiction
19 participating in the program.

20 **Sec. 17.** RCW 3.66.070 and 2002 c 59 s 1 are each amended to read
21 as follows:

22 (1) All criminal actions shall be brought in the district where the
23 alleged violation occurred: PROVIDED, That (a) the prosecuting
24 attorney may file felony cases in the district in which the county seat
25 is located, (b) with the consent of the defendant criminal actions
26 other than those arising out of violations of city ordinances may be
27 brought in or transferred to the district in which the county seat is
28 located, (c) if the alleged violation relates to driving, or being in
29 actual physical control of, a motor vehicle while under the influence
30 of intoxicating liquor or any drug and the alleged violation occurred
31 within a judicial district which has been designated an enhanced
32 enforcement district under RCW 2.56.110, the charges may be filed in
33 that district or in a district within the same county which is adjacent
34 to the district in which the alleged violation occurred, and (d) a
35 district court participating in the program established by the
36 administrative office of the (~~administrator for the~~) courts pursuant
37 to RCW 2.56.160 shall have jurisdiction to take recognizance, approve

1 bail, and arraign defendants held within its jurisdiction on warrants
2 issued by any other court of limited jurisdiction participating in the
3 program.

4 (2) In the event of an emergency created by act of nature, civil
5 unrest, technological failure, or other hazardous condition, temporary
6 venue for court of limited jurisdiction matters may be had in a court
7 district not impacted by the emergency. Such emergency venue is
8 appropriate only for the duration of the emergency.

9 (3) A criminal action commenced under a local ordinance or state
10 statute is deemed to be properly heard by the court of original
11 jurisdiction even though the hearing may take place by video or other
12 electronic means as approved by the supreme court and the defendant is
13 appearing by an electronic method from a location outside the court's
14 geographic jurisdiction or boundaries.

15 **Sec. 18.** RCW 9.73.230 and 1989 c 271 s 204 are each amended to
16 read as follows:

17 (1) As part of a bona fide criminal investigation, the chief law
18 enforcement officer of a law enforcement agency or his or her designee
19 above the rank of first line supervisor may authorize the interception,
20 transmission, or recording of a conversation or communication by
21 officers under the following circumstances:

22 (a) At least one party to the conversation or communication has
23 consented to the interception, transmission, or recording;

24 (b) Probable cause exists to believe that the conversation or
25 communication involves the unlawful manufacture, delivery, sale, or
26 possession with intent to manufacture, deliver, or sell, controlled
27 substances as defined in chapter 69.50 RCW, or legend drugs as defined
28 in chapter 69.41 RCW, or imitation controlled substances as defined in
29 chapter 69.52 RCW; and

30 (c) A written report has been completed as required by subsection
31 (2) of this section.

32 (2) The agency's chief officer or designee authorizing an
33 interception, transmission, or recording under subsection (1) of this
34 section, shall prepare and sign a written report at the time of
35 authorization indicating:

36 (a) The circumstances that meet the requirements of subsection (1)
37 of this section;

1 (b) The names of the authorizing and consenting parties, except
2 that in those cases where the consenting party is a confidential
3 informant, the name of the confidential informant need not be divulged;

4 (c) The names of the officers authorized to intercept, transmit,
5 and record the conversation or communication;

6 (d) The identity of the particular person or persons, if known, who
7 may have committed or may commit the offense;

8 (e) The details of the particular offense or offenses that may have
9 been or may be committed and the expected date, location, and
10 approximate time of the conversation or communication; and

11 (f) Whether there was an attempt to obtain authorization pursuant
12 to RCW 9.73.090(2) and, if there was such an attempt, the outcome of
13 the attempt.

14 (3) An authorization under this section is valid in all
15 jurisdictions within Washington state and for the interception of
16 communications from additional persons if the persons are brought into
17 the conversation or transaction by the nonconsenting party or if the
18 nonconsenting party or such additional persons cause or invite the
19 consenting party to enter another jurisdiction.

20 (4) The recording of any conversation or communication under this
21 section shall be done in such a manner that protects the recording from
22 editing or other alterations.

23 (5) An authorization made under this section is valid for no more
24 than twenty-four hours from the time it is signed by the authorizing
25 officer, and each authorization shall independently meet all of the
26 requirements of this section. The authorizing officer shall sign the
27 written report required under subsection (2) of this section,
28 certifying the exact date and time of his or her signature. An
29 authorization under this section may be extended not more than twice
30 for an additional consecutive twenty-four hour period based upon the
31 same probable cause regarding the same suspected transaction. Each
32 such extension shall be signed by the authorizing officer.

33 (6) Within fifteen days after the signing of an authorization that
34 results in any interception, transmission, or recording of a
35 conversation or communication pursuant to this section, the law
36 enforcement agency which made the interception, transmission, or
37 recording shall submit a report including the original authorization
38 under subsection (2) of this section to a judge of a court having

1 jurisdiction which report shall identify (a) the persons, including the
2 consenting party, who participated in the conversation, and (b) the
3 date, location, and approximate time of the conversation.

4 In those cases where the consenting party is a confidential
5 informant, the name of the confidential informant need not be divulged.

6 A monthly report shall be filed by the law enforcement agency with
7 the administrator for the courts indicating the number of
8 authorizations granted, the date and time of each authorization,
9 interceptions made, arrests resulting from an interception, and
10 subsequent invalidations.

11 (7)(a) Within two judicial days of receipt of a report under
12 subsection (6) of this section, the court shall make an ex parte review
13 of the authorization, but not of the evidence, and shall make a
14 determination whether the requirements of subsection (1) of this
15 section were met. If the court determines that any of the requirements
16 of subsection (1) of this section were not met, the court shall order
17 that any recording and any copies or transcriptions of the conversation
18 or communication be destroyed. Destruction of recordings, copies, or
19 transcriptions shall be stayed pending any appeal of a finding that the
20 requirements of subsection (1) of this section were not met.

21 (b) Absent a continuation under (c) of this subsection, six months
22 following a determination under (a) of this subsection that probable
23 cause did not exist, the court shall cause a notice to be mailed to the
24 last known address of any nonconsenting party to the conversation or
25 communication that was the subject of the authorization. The notice
26 shall indicate the date, time, and place of any interception,
27 transmission, or recording made pursuant to the authorization. The
28 notice shall also identify the agency that sought the authorization and
29 shall indicate that a review under (a) of this subsection resulted in
30 a determination that the authorization was made in violation of this
31 section.

32 (c) An authorizing agency may obtain six-month extensions to the
33 notice requirement of (b) of this subsection in cases of active,
34 ongoing criminal investigations that might be jeopardized by sending
35 the notice.

36 (8) In any subsequent judicial proceeding, evidence obtained
37 through the interception or recording of a conversation or
38 communication pursuant to this section shall be admissible only if:

1 (a) The court finds that the requirements of subsection (1) of this
2 section were met and the evidence is used in prosecuting an offense
3 listed in subsection (1)(b) of this section; or

4 (b) The evidence is admitted with the permission of the person
5 whose communication or conversation was intercepted, transmitted, or
6 recorded; or

7 (c) The evidence is admitted in a prosecution for a "serious
8 violent offense" as defined in RCW 9.94A.030 in which a party who
9 consented to the interception, transmission, or recording was a victim
10 of the offense; or

11 (d) The evidence is admitted in a civil suit for personal injury or
12 wrongful death arising out of the same incident, in which a party who
13 consented to the interception, transmission, or recording was a victim
14 of a serious violent offense as defined in RCW 9.94A.030.

15 Nothing in this subsection bars the admission of testimony of a
16 party or eyewitness to the intercepted, transmitted, or recorded
17 conversation or communication when that testimony is unaided by
18 information obtained solely by violation of RCW 9.73.030.

19 (9) Any determination of invalidity of an authorization under this
20 section shall be reported by the court to the administrative office of
21 the ((~~administrator for the~~)) courts.

22 (10) Any person who intentionally intercepts, transmits, or records
23 or who intentionally authorizes the interception, transmission, or
24 recording of a conversation or communication in violation of this
25 section, is guilty of a class C felony punishable according to chapter
26 9A.20 RCW.

27 (11) An authorizing agency is liable for twenty-five thousand
28 dollars in exemplary damages, in addition to any other damages
29 authorized by this chapter or by other law, to a person whose
30 conversation or communication was intercepted, transmitted, or recorded
31 pursuant to an authorization under this section if:

32 (a) In a review under subsection (7) of this section, or in a
33 suppression of evidence proceeding, it has been determined that the
34 authorization was made without the probable cause required by
35 subsection (1)(b) of this section; and

36 (b) The authorization was also made without a reasonable suspicion
37 that the conversation or communication would involve the unlawful acts
38 identified in subsection (1)(b) of this section.

1 **Sec. 19.** RCW 9.94A.660 and 2002 c 175 s 10 are each amended to
2 read as follows:

3 (1) An offender is eligible for the special drug offender
4 sentencing alternative if:

5 (a) The offender is convicted of a felony that is not a violent
6 offense or sex offense and the violation does not involve a sentence
7 enhancement under RCW 9.94A.510 (3) or (4);

8 (b) The offender has no current or prior convictions for a sex
9 offense or violent offense in this state, another state, or the United
10 States;

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

17 (d) The offender has not been found by the United States attorney
18 general to be subject to a deportation detainer or order and does not
19 become subject to a deportation order during the period of the
20 sentence.

21 (2) If the standard sentence range is greater than one year and the
22 sentencing court determines that the offender is eligible for this
23 alternative and that the offender and the community will benefit from
24 the use of the alternative, the judge may waive imposition of a
25 sentence within the standard sentence range and impose a sentence that
26 must include a period of total confinement in a state facility for one-
27 half of the midpoint of the standard sentence range. During
28 incarceration in the state facility, offenders sentenced under this
29 subsection shall undergo a comprehensive substance abuse assessment and
30 receive, within available resources, treatment services appropriate for
31 the offender. The treatment services shall be designed by the division
32 of alcohol and substance abuse of the department of social and health
33 services, in cooperation with the department of corrections.

34 The court shall also impose:

35 (a) The remainder of the midpoint of the standard range as a term
36 of community custody which must include appropriate substance abuse
37 treatment in a program that has been approved by the division of

1 alcohol and substance abuse of the department of social and health
2 services;

3 (b) Crime-related prohibitions including a condition not to use
4 illegal controlled substances;

5 (c) A requirement to submit to urinalysis or other testing to
6 monitor that status; and

7 (d) A term of community custody pursuant to RCW 9.94A.715 to be
8 imposed upon failure to complete or administrative termination from the
9 special drug offender sentencing alternative program.

10 The court may prohibit the offender from using alcohol or
11 controlled substances and may require that the monitoring for
12 controlled substances be conducted by the department or by a treatment
13 alternatives to street crime program or a comparable court or agency-
14 referred program. The offender may be required to pay thirty dollars
15 per month while on community custody to offset the cost of monitoring.
16 In addition, the court shall impose three or more of the following
17 conditions:

- 18 (i) Devote time to a specific employment or training;
- 19 (ii) Remain within prescribed geographical boundaries and notify
20 the court or the community corrections officer before any change in the
21 offender's address or employment;
- 22 (iii) Report as directed to a community corrections officer;
- 23 (iv) Pay all court-ordered legal financial obligations;
- 24 (v) Perform community restitution work;
- 25 (vi) Stay out of areas designated by the sentencing court;
- 26 (vii) Such other conditions as the court may require such as
27 affirmative conditions.

28 (3) If the offender violates any of the sentence conditions in
29 subsection (2) of this section or is found by the United States
30 attorney general to be subject to a deportation order, a violation
31 hearing shall be held by the department unless waived by the offender.

32 (a) If the department finds that conditions have been willfully
33 violated, the offender may be reclassified to serve the remaining
34 balance of the original sentence.

35 (b) If the department finds that the offender is subject to a valid
36 deportation order, the department may administratively terminate the
37 offender from the program and reclassify the offender to serve the
38 remaining balance of the original sentence.

1 (4) The department shall determine the rules for calculating the
2 value of a day fine based on the offender's income and reasonable
3 obligations which the offender has for the support of the offender and
4 any dependents. These rules shall be developed in consultation with
5 the ((~~administrator for~~)) administrative office of the courts, the
6 office of financial management, and the commission.

7 (5) An offender who fails to complete the special drug offender
8 sentencing alternative program or who is administratively terminated
9 from the program shall be reclassified to serve the unexpired term of
10 his or her sentence as ordered by the sentencing court and shall be
11 subject to all rules relating to earned release time. An offender who
12 violates any conditions of supervision as defined by the department
13 shall be sanctioned. Sanctions may include, but are not limited to,
14 reclassifying the offender to serve the unexpired term of his or her
15 sentence as ordered by the sentencing court. If an offender is
16 reclassified to serve the unexpired term of his or her sentence, the
17 offender shall be subject to all rules relating to earned release time.

18 **Sec. 20.** RCW 9.94A.660 and 2002 c 290 s 20 and 2002 c 175 s 10 are
19 each reenacted and amended to read as follows:

20 (1) An offender is eligible for the special drug offender
21 sentencing alternative if:

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

25 (b) The offender has no current or prior convictions for a sex
26 offense or violent offense in this state, another state, or the United
27 States;

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

34 (d) The offender has not been found by the United States attorney
35 general to be subject to a deportation detainer or order and does not
36 become subject to a deportation order during the period of the
37 sentence.

1 (2) If the standard sentence range is greater than one year and the
2 sentencing court determines that the offender is eligible for this
3 alternative and that the offender and the community will benefit from
4 the use of the alternative, the judge may waive imposition of a
5 sentence within the standard sentence range and impose a sentence that
6 must include a period of total confinement in a state facility for one-
7 half of the midpoint of the standard sentence range. During
8 incarceration in the state facility, offenders sentenced under this
9 subsection shall undergo a comprehensive substance abuse assessment and
10 receive, within available resources, treatment services appropriate for
11 the offender. The treatment services shall be designed by the division
12 of alcohol and substance abuse of the department of social and health
13 services, in cooperation with the department of corrections.

14 The court shall also impose:

15 (a) The remainder of the midpoint of the standard range as a term
16 of community custody which must include appropriate substance abuse
17 treatment in a program that has been approved by the division of
18 alcohol and substance abuse of the department of social and health
19 services;

20 (b) Crime-related prohibitions including a condition not to use
21 illegal controlled substances;

22 (c) A requirement to submit to urinalysis or other testing to
23 monitor that status; and

24 (d) A term of community custody pursuant to RCW 9.94A.715 to be
25 imposed upon failure to complete or administrative termination from the
26 special drug offender sentencing alternative program.

27 The court may prohibit the offender from using alcohol or
28 controlled substances and may require that the monitoring for
29 controlled substances be conducted by the department or by a treatment
30 alternatives to street crime program or a comparable court or agency-
31 referred program. The offender may be required to pay thirty dollars
32 per month while on community custody to offset the cost of monitoring.
33 In addition, the court shall impose three or more of the following
34 conditions:

35 (i) Devote time to a specific employment or training;

36 (ii) Remain within prescribed geographical boundaries and notify
37 the court or the community corrections officer before any change in the
38 offender's address or employment;

1 (iii) Report as directed to a community corrections officer;
2 (iv) Pay all court-ordered legal financial obligations;
3 (v) Perform community restitution work;
4 (vi) Stay out of areas designated by the sentencing court;
5 (vii) Such other conditions as the court may require such as
6 affirmative conditions.

7 (3) If the offender violates any of the sentence conditions in
8 subsection (2) of this section or is found by the United States
9 attorney general to be subject to a deportation order, a violation
10 hearing shall be held by the department unless waived by the offender.

11 (a) If the department finds that conditions have been willfully
12 violated, the offender may be reclassified to serve the remaining
13 balance of the original sentence.

14 (b) If the department finds that the offender is subject to a valid
15 deportation order, the department may administratively terminate the
16 offender from the program and reclassify the offender to serve the
17 remaining balance of the original sentence.

18 (4) The department shall determine the rules for calculating the
19 value of a day fine based on the offender's income and reasonable
20 obligations which the offender has for the support of the offender and
21 any dependents. These rules shall be developed in consultation with
22 the (~~administrator for~~) administrative office of the courts, the
23 office of financial management, and the commission.

24 (5) An offender who fails to complete the special drug offender
25 sentencing alternative program or who is administratively terminated
26 from the program shall be reclassified to serve the unexpired term of
27 his or her sentence as ordered by the sentencing court and shall be
28 subject to all rules relating to earned release time. An offender who
29 violates any conditions of supervision as defined by the department
30 shall be sanctioned. Sanctions may include, but are not limited to,
31 reclassifying the offender to serve the unexpired term of his or her
32 sentence as ordered by the sentencing court. If an offender is
33 reclassified to serve the unexpired term of his or her sentence, the
34 offender shall be subject to all rules relating to earned release time.

35 **Sec. 21.** RCW 9.94A.850 and 2002 c 237 s 16 and 2002 c 175 s 16 are
36 each reenacted and amended to read as follows:

1 (1) A sentencing guidelines commission is established as an agency
2 of state government.

3 (2) The legislature finds that the commission, having accomplished
4 its original statutory directive to implement this chapter, and having
5 expertise in sentencing practice and policies, shall:

6 (a) Evaluate state sentencing policy, to include whether the
7 sentencing ranges and standards are consistent with and further:

8 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

9 (ii) The intent of the legislature to emphasize confinement for the
10 violent offender and alternatives to confinement for the nonviolent
11 offender.

12 The commission shall provide the governor and the legislature with
13 its evaluation and recommendations under this subsection not later than
14 December 1, 1996, and every two years thereafter;

15 (b) Recommend to the legislature revisions or modifications to the
16 standard sentence ranges, state sentencing policy, prosecuting
17 standards, and other standards. If implementation of the revisions or
18 modifications would result in exceeding the capacity of correctional
19 facilities, then the commission shall accompany its recommendation with
20 an additional list of standard sentence ranges which are consistent
21 with correction capacity;

22 (c) Study the existing criminal code and from time to time make
23 recommendations to the legislature for modification;

24 (d)(i) Serve as a clearinghouse and information center for the
25 collection, preparation, analysis, and dissemination of information on
26 state and local adult and juvenile sentencing practices; (ii) develop
27 and maintain a computerized adult and juvenile sentencing information
28 system by individual superior court judge consisting of offender,
29 offense, history, and sentence information entered from judgment and
30 sentence forms for all adult felons; and (iii) conduct ongoing research
31 regarding adult and juvenile sentencing guidelines, use of total
32 confinement and alternatives to total confinement, plea bargaining, and
33 other matters relating to the improvement of the adult criminal justice
34 system and the juvenile justice system;

35 (e) Assume the powers and duties of the juvenile disposition
36 standards commission after June 30, 1996;

37 (f) Evaluate the effectiveness of existing disposition standards
38 and related statutes in implementing policies set forth in RCW

1 13.40.010 generally, specifically review the guidelines relating to the
2 confinement of minor and first-time offenders as well as the use of
3 diversion, and review the application of current and proposed juvenile
4 sentencing standards and guidelines for potential adverse impacts on
5 the sentencing outcomes of racial and ethnic minority youth;

6 (g) Solicit the comments and suggestions of the juvenile justice
7 community concerning disposition standards, and make recommendations to
8 the legislature regarding revisions or modifications of the standards.
9 The evaluations shall be submitted to the legislature on December 1 of
10 each odd-numbered year. The department of social and health services
11 shall provide the commission with available data concerning the
12 implementation of the disposition standards and related statutes and
13 their effect on the performance of the department's responsibilities
14 relating to juvenile offenders, and with recommendations for
15 modification of the disposition standards. The administrative office
16 of the (~~administrator for the~~) courts shall provide the commission
17 with available data on diversion, including the use of youth court
18 programs, and dispositions of juvenile offenders under chapter 13.40
19 RCW; and

20 (h) Not later than December 1, 1997, and at least every two years
21 thereafter, based on available information, report to the governor and
22 the legislature on:

23 (i) Racial disproportionality in juvenile and adult sentencing,
24 and, if available, the impact that diversions, such as youth courts,
25 have on racial disproportionality in juvenile prosecution,
26 adjudication, and sentencing;

27 (ii) The capacity of state and local juvenile and adult facilities
28 and resources; and

29 (iii) Recidivism information on adult and juvenile offenders.

30 (3) Each of the commission's recommended standard sentence ranges
31 shall include one or more of the following: Total confinement, partial
32 confinement, community supervision, community restitution, and a fine.

33 (4) The standard sentence ranges of total and partial confinement
34 under this chapter are subject to the following limitations:

35 (a) If the maximum term in the range is one year or less, the
36 minimum term in the range shall be no less than one-third of the
37 maximum term in the range, except that if the maximum term in the range

1 is ninety days or less, the minimum term may be less than one-third of
2 the maximum;

3 (b) If the maximum term in the range is greater than one year, the
4 minimum term in the range shall be no less than seventy-five percent of
5 the maximum term in the range, except that for murder in the second
6 degree in seriousness level XIV under RCW 9.94A.510, the minimum term
7 in the range shall be no less than fifty percent of the maximum term in
8 the range; and

9 (c) The maximum term of confinement in a range may not exceed the
10 statutory maximum for the crime as provided in RCW 9A.20.021.

11 (5)(a) Not later than December 31, 1999, the commission shall
12 propose to the legislature the initial community custody ranges to be
13 included in sentences under RCW 9.94A.715 for crimes committed on or
14 after July 1, 2000. Not later than December 31 of each year, the
15 commission may propose modifications to the ranges. The ranges shall
16 be based on the principles in RCW 9.94A.010, and shall take into
17 account the funds available to the department for community custody.
18 The minimum term in each range shall not be less than one-half of the
19 maximum term.

20 (b) The legislature may, by enactment of a legislative bill, adopt
21 or modify the community custody ranges proposed by the commission. If
22 the legislature fails to adopt or modify the initial ranges in its next
23 regular session after they are proposed, the proposed ranges shall take
24 effect without legislative approval for crimes committed on or after
25 July 1, 2000.

26 (c) When the commission proposes modifications to ranges pursuant
27 to this subsection, the legislature may, by enactment of a bill, adopt
28 or modify the ranges proposed by the commission for crimes committed on
29 or after July 1 of the year after they were proposed. Unless the
30 legislature adopts or modifies the commission's proposal in its next
31 regular session, the proposed ranges shall not take effect.

32 (6) The commission shall exercise its duties under this section in
33 conformity with chapter 34.05 RCW.

34 **Sec. 22.** RCW 9.94A.850 and 2002 c 290 s 22, 2002 c 237 s 16, and
35 2002 c 175 s 16 are each reenacted and amended to read as follows:

36 (1) A sentencing guidelines commission is established as an agency
37 of state government.

1 (2) The legislature finds that the commission, having accomplished
2 its original statutory directive to implement this chapter, and having
3 expertise in sentencing practice and policies, shall:

4 (a) Evaluate state sentencing policy, to include whether the
5 sentencing ranges and standards are consistent with and further:

6 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

7 (ii) The intent of the legislature to emphasize confinement for the
8 violent offender and alternatives to confinement for the nonviolent
9 offender.

10 The commission shall provide the governor and the legislature with
11 its evaluation and recommendations under this subsection not later than
12 December 1, 1996, and every two years thereafter;

13 (b) Recommend to the legislature revisions or modifications to the
14 standard sentence ranges, state sentencing policy, prosecuting
15 standards, and other standards. If implementation of the revisions or
16 modifications would result in exceeding the capacity of correctional
17 facilities, then the commission shall accompany its recommendation with
18 an additional list of standard sentence ranges which are consistent
19 with correction capacity;

20 (c) Study the existing criminal code and from time to time make
21 recommendations to the legislature for modification;

22 (d)(i) Serve as a clearinghouse and information center for the
23 collection, preparation, analysis, and dissemination of information on
24 state and local adult and juvenile sentencing practices; (ii) develop
25 and maintain a computerized adult and juvenile sentencing information
26 system by individual superior court judge consisting of offender,
27 offense, history, and sentence information entered from judgment and
28 sentence forms for all adult felons; and (iii) conduct ongoing research
29 regarding adult and juvenile sentencing guidelines, use of total
30 confinement and alternatives to total confinement, plea bargaining, and
31 other matters relating to the improvement of the adult criminal justice
32 system and the juvenile justice system;

33 (e) Assume the powers and duties of the juvenile disposition
34 standards commission after June 30, 1996;

35 (f) Evaluate the effectiveness of existing disposition standards
36 and related statutes in implementing policies set forth in RCW
37 13.40.010 generally, specifically review the guidelines relating to the
38 confinement of minor and first-time offenders as well as the use of

1 diversion, and review the application of current and proposed juvenile
2 sentencing standards and guidelines for potential adverse impacts on
3 the sentencing outcomes of racial and ethnic minority youth;

4 (g) Solicit the comments and suggestions of the juvenile justice
5 community concerning disposition standards, and make recommendations to
6 the legislature regarding revisions or modifications of the standards.
7 The evaluations shall be submitted to the legislature on December 1 of
8 each odd-numbered year. The department of social and health services
9 shall provide the commission with available data concerning the
10 implementation of the disposition standards and related statutes and
11 their effect on the performance of the department's responsibilities
12 relating to juvenile offenders, and with recommendations for
13 modification of the disposition standards. The administrative office
14 of the (~~administrator for the~~) courts shall provide the commission
15 with available data on diversion, including the use of youth court
16 programs, and dispositions of juvenile offenders under chapter 13.40
17 RCW; and

18 (h) Not later than December 1, 1997, and at least every two years
19 thereafter, based on available information, report to the governor and
20 the legislature on:

21 (i) Racial disproportionality in juvenile and adult sentencing,
22 and, if available, the impact that diversions, such as youth courts,
23 have on racial disproportionality in juvenile prosecution,
24 adjudication, and sentencing;

25 (ii) The capacity of state and local juvenile and adult facilities
26 and resources; and

27 (iii) Recidivism information on adult and juvenile offenders.

28 (3) Each of the commission's recommended standard sentence ranges
29 shall include one or more of the following: Total confinement, partial
30 confinement, community supervision, community restitution, and a fine.

31 (4) The standard sentence ranges of total and partial confinement
32 under this chapter, except as provided in RCW 9.94A.517, are subject to
33 the following limitations:

34 (a) If the maximum term in the range is one year or less, the
35 minimum term in the range shall be no less than one-third of the
36 maximum term in the range, except that if the maximum term in the range
37 is ninety days or less, the minimum term may be less than one-third of
38 the maximum;

1 (b) If the maximum term in the range is greater than one year, the
2 minimum term in the range shall be no less than seventy-five percent of
3 the maximum term in the range, except that for murder in the second
4 degree in seriousness level XIV under RCW 9.94A.510, the minimum term
5 in the range shall be no less than fifty percent of the maximum term in
6 the range; and

7 (c) The maximum term of confinement in a range may not exceed the
8 statutory maximum for the crime as provided in RCW 9A.20.021.

9 (5)(a) Not later than December 31, 1999, the commission shall
10 propose to the legislature the initial community custody ranges to be
11 included in sentences under RCW 9.94A.715 for crimes committed on or
12 after July 1, 2000. Not later than December 31 of each year, the
13 commission may propose modifications to the ranges. The ranges shall
14 be based on the principles in RCW 9.94A.010, and shall take into
15 account the funds available to the department for community custody.
16 The minimum term in each range shall not be less than one-half of the
17 maximum term.

18 (b) The legislature may, by enactment of a legislative bill, adopt
19 or modify the community custody ranges proposed by the commission. If
20 the legislature fails to adopt or modify the initial ranges in its next
21 regular session after they are proposed, the proposed ranges shall take
22 effect without legislative approval for crimes committed on or after
23 July 1, 2000.

24 (c) When the commission proposes modifications to ranges pursuant
25 to this subsection, the legislature may, by enactment of a bill, adopt
26 or modify the ranges proposed by the commission for crimes committed on
27 or after July 1 of the year after they were proposed. Unless the
28 legislature adopts or modifies the commission's proposal in its next
29 regular session, the proposed ranges shall not take effect.

30 (6) The commission shall exercise its duties under this section in
31 conformity with chapter 34.05 RCW.

32 **Sec. 23.** RCW 9.94A.855 and 1999 c 143 s 10 are each amended to
33 read as follows:

34 The commission shall appoint a research staff of sufficient size
35 and with sufficient resources to accomplish its duties. The commission
36 may request from the office of financial management, the indeterminate
37 sentence review board, (~~administrator for~~) the administrative office

1 of the courts, the department of corrections, and the department of
2 social and health services such data, information, and data processing
3 assistance as it may need to accomplish its duties, and such services
4 shall be provided without cost to the commission. The commission shall
5 adopt its own bylaws.

6 The salary for a full-time executive officer, if any, shall be
7 fixed by the governor pursuant to RCW 43.03.040.

8 **Sec. 24.** 1983 c 199 s 2 (uncodified) is amended to read as
9 follows:

10 The administrative office of the ((~~administrator for the~~)) courts
11 shall notify all courts of the requirements contained in RCW 10.40.200.
12 The judicial council shall recommend to the supreme court appropriate
13 court rules to ensure compliance with the requirements of RCW
14 10.40.200. Until court rules are promulgated, the administrative
15 office of the ((~~administrator for the~~)) courts shall develop and
16 distribute forms necessary for the courts to comply with RCW 10.40.200.

17 **Sec. 25.** RCW 10.64.120 and 1996 c 298 s 6 are each amended to read
18 as follows:

19 (1) Every judge of a court of limited jurisdiction shall have the
20 authority to levy upon a person a monthly assessment not to exceed one
21 hundred dollars for services provided whenever the person is referred
22 by the court to the misdemeanor probation department for evaluation or
23 supervision services. The assessment may also be made by a judge in
24 superior court when such misdemeanor or gross misdemeanor cases are
25 heard in the superior court.

26 (2) For the purposes of this section the administrative office of
27 the ((~~administrator for the~~)) courts shall define a probation
28 department and adopt rules for the qualifications of probation officers
29 based on occupational and educational requirements developed by an
30 oversight committee. This oversight committee shall include a
31 representative from the district and municipal court judges
32 association, the misdemeanor corrections association, the
33 administrative office of the ((~~administrator for the~~)) courts, and
34 associations of cities and counties. The oversight committee shall
35 consider qualifications that provide the training and education
36 necessary to (a) conduct presentencing and postsentencing background

1 investigations, including sentencing recommendations to the court
2 regarding jail terms, alternatives to incarceration, and conditions of
3 release; and (b) provide ongoing supervision and assessment of
4 offenders' needs and the risk they pose to the community.

5 (3) It shall be the responsibility of the probation services office
6 to implement local procedures approved by the court of limited
7 jurisdiction to ensure collection and payment of such fees into the
8 general fund of the city or county treasury.

9 (4) Revenues raised under this section shall be used to fund
10 programs for probation services and shall be in addition to those funds
11 provided in RCW 3.62.050.

12 **Sec. 26.** RCW 10.98.080 and 1985 c 201 s 3 are each amended to read
13 as follows:

14 The section shall promptly furnish a state identification number to
15 the originating agency and to the prosecuting attorney who received a
16 copy of the arrest and fingerprint form. In the case of juvenile
17 felony-like adjudications, the section shall furnish, upon request, the
18 state identification number to the juvenile information section of the
19 (~~administrator for~~) administrative office of the courts.

20 **Sec. 27.** RCW 10.98.100 and 1985 c 201 s 5 are each amended to read
21 as follows:

22 The section shall administer a compliance audit at least once
23 annually for each prosecuting attorney, district and municipal court,
24 and originating agency to ensure that all disposition reports have been
25 received and added to the criminal offender record information
26 described in RCW 43.43.705. The section shall prepare listings of all
27 arrests charged and listed in the criminal offender record information
28 for which no disposition report has been received and which has been
29 outstanding for more than nine months since the date of arrest. Each
30 prosecuting attorney, district and municipal court, and originating
31 agency shall be furnished a list of outstanding disposition reports.
32 Cases pending prosecution shall be considered outstanding dispositions
33 in the compliance audit. Within forty-five days, the prosecuting
34 attorney, district and municipal court, and originating agency shall
35 provide the section with a current disposition report for each
36 outstanding disposition. The section shall assist prosecuting

1 attorneys with the compliance audit by cross-checking outstanding cases
2 with the ((~~administrator for~~)) administrative office of the courts and
3 the department of corrections. The section may provide technical
4 assistance to prosecuting attorneys, district or municipal courts, or
5 originating agencies for their compliance audits. The results of
6 compliance audits shall be published annually and distributed to
7 legislative committees dealing with criminal justice issues, the office
8 of financial management, and criminal justice agencies and
9 associations.

10 **Sec. 28.** RCW 10.98.160 and 1999 c 143 s 53 are each amended to
11 read as follows:

12 In the development and modification of the procedures, definitions,
13 and reporting capabilities of the section, the department, the office
14 of financial management, and the responsible agencies and persons shall
15 consider the needs of other criminal justice agencies such as the
16 ((~~administrator for~~)) administrative office of the courts, local law
17 enforcement agencies, jailers, the sentencing guidelines commission,
18 the indeterminate sentence review board, the clemency board,
19 prosecuting attorneys, and affected state agencies such as the office
20 of financial management and legislative committees dealing with
21 criminal justice issues. An executive committee appointed by the heads
22 of the department, the Washington state patrol, and the office of
23 financial management shall review and provide recommendations for
24 development and modification of the section, the department, and the
25 office of financial management's felony criminal information systems.

26 **Sec. 29.** RCW 13.34.102 and 2000 c 124 s 3 are each amended to read
27 as follows:

28 (1) All guardians ad litem must comply with the training
29 requirements established under RCW 2.56.030(15), prior to their
30 appointment in cases under Title 13 RCW, except that volunteer
31 guardians ad litem or court-appointed special advocates may comply with
32 alternative training requirements approved by the administrative office
33 of the ((~~administrator for the~~)) courts that meet or exceed the
34 statewide requirements.

35 (2)(a) Each guardian ad litem program for compensated guardians ad
36 litem shall establish a rotational registry system for the appointment

1 of guardians ad litem. If a judicial district does not have a program
2 the court shall establish the rotational registry system. Guardians ad
3 litem shall be selected from the registry except in exceptional
4 circumstances as determined and documented by the court. The parties
5 may make a joint recommendation for the appointment of a guardian ad
6 litem from the registry.

7 (b) In judicial districts with a population over one hundred
8 thousand, a list of three names shall be selected from the registry and
9 given to the parties along with the background information as specified
10 in RCW 13.34.100(3), including their hourly rate for services. Each
11 party may, within three judicial days, strike one name from the list.
12 If more than one name remains on the list, the court shall make the
13 appointment from the names on the list. In the event all three names
14 are stricken the person whose name appears next on the registry shall
15 be appointed.

16 (c) If a party reasonably believes that the appointed guardian ad
17 litem lacks the necessary expertise for the proceeding, charges an
18 hourly rate higher than what is reasonable for the particular
19 proceeding, or has a conflict of interest, the party may, within three
20 judicial days from the appointment, move for substitution of the
21 appointed guardian ad litem by filing a motion with the court.

22 (d) The superior court shall remove any person from the guardian ad
23 litem registry who misrepresents his or her qualifications pursuant to
24 a grievance procedure established by the court.

25 (3) The rotational registry system shall not apply to court-
26 appointed special advocate programs.

27 **Sec. 30.** RCW 13.64.080 and 1993 c 294 s 8 are each amended to read
28 as follows:

29 The administrative office of the (~~administrator for the~~) courts
30 shall prepare and distribute to the county court clerks appropriate
31 forms for minors seeking to initiate a petition of emancipation.

32 **Sec. 31.** RCW 13.70.130 and 1989 1st ex.s. c 17 s 15 are each
33 amended to read as follows:

34 The (~~administrator for~~) administrative office of the courts may
35 apply for and receive funds from federal, local, and private sources
36 for carrying out the purposes of this chapter.

1 **Sec. 32.** RCW 26.12.177 and 2000 c 124 s 7 are each amended to read
2 as follows:

3 (1) All guardians ad litem and investigators appointed under this
4 title must comply with the training requirements established under RCW
5 2.56.030(15), prior to their appointment in cases under Title 26 RCW,
6 except that volunteer guardians ad litem or court-appointed special
7 advocates may comply with alternative training requirements approved by
8 the administrative office of the (~~administrator for the~~) courts that
9 meet or exceed the statewide requirements.

10 (2)(a) Each guardian ad litem program for compensated guardians ad
11 litem shall establish a rotational registry system for the appointment
12 of guardians ad litem and investigators under this title. If a
13 judicial district does not have a program the court shall establish the
14 rotational registry system. Guardians ad litem and investigators under
15 this title shall be selected from the registry except in exceptional
16 circumstances as determined and documented by the court. The parties
17 may make a joint recommendation for the appointment of a guardian ad
18 litem from the registry.

19 (b) In judicial districts with a population over one hundred
20 thousand, a list of three names shall be selected from the registry and
21 given to the parties along with the background information as specified
22 in RCW 26.12.175(3), including their hourly rate for services. Each
23 party may, within three judicial days, strike one name from the list.
24 If more than one name remains on the list, the court shall make the
25 appointment from the names on the list. In the event all three names
26 are stricken the person whose name appears next on the registry shall
27 be appointed.

28 (c) If a party reasonably believes that the appointed guardian ad
29 litem lacks the necessary expertise for the proceeding, charges an
30 hourly rate higher than what is reasonable for the particular
31 proceeding, or has a conflict of interest, the party may, within three
32 judicial days from the appointment, move for substitution of the
33 appointed guardian ad litem by filing a motion with the court.

34 (d) Under this section, within either registry referred to in (a)
35 of this subsection, a subregistry may be created that consists of
36 guardians ad litem under contract with the department of social and
37 health services' division of child support. Guardians ad litem on such

1 a subregistry shall be selected and appointed in state-initiated
2 paternity cases only.

3 (e) The superior court shall remove any person from the guardian ad
4 litem registry who misrepresents his or her qualifications pursuant to
5 a grievance procedure established by the court.

6 (3) The rotational registry system shall not apply to court-
7 appointed special advocate programs.

8 **Sec. 33.** RCW 26.12.802 and 1999 c 397 s 2 are each amended to read
9 as follows:

10 The ((~~administrator for~~)) administrative office of the courts shall
11 conduct a unified family court pilot program.

12 (1) Pilot program sites shall be selected through a request for
13 proposal process, and shall be established in no more than three
14 superior court judicial districts.

15 (2) To be eligible for consideration as a pilot project site,
16 judicial districts must have a statutorily authorized judicial
17 complement of at least five judges.

18 (3) The ((~~administrator for~~)) administrative office of the courts
19 shall develop criteria for the unified family court pilot program. The
20 pilot program shall include:

21 (a) All case types under Title 13 RCW, chapters 26.09, 26.10,
22 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

23 (b) Unified family court judicial officers, who volunteer for the
24 program, and meet training requirements established by local court
25 rule;

26 (c) Case management practices that provide a flexible response to
27 the diverse court-related needs of families involved in multiple areas
28 of the justice system. Case management practices should result in a
29 reduction in process redundancies and an efficient use of time and
30 resources, and create a system enabling multiple case type resolution
31 by one judicial officer or judicial team;

32 (d) A court facilitator to provide assistance to parties with
33 matters before the unified family court; and

34 (e) An emphasis on providing nonadversarial methods of dispute
35 resolution such as a settlement conference, evaluative mediation by
36 attorney mediators, and facilitative mediation by nonattorney
37 mediators.

1 (4) The administrative office of the (~~administrator for the~~)
2 courts shall publish and disseminate a state-approved listing of
3 definitions of nonadversarial methods of dispute resolution so that
4 court officials, practitioners, and users can choose the most
5 appropriate process for the matter at hand.

6 (5) The administrative office of the (~~administrator for the~~)
7 courts shall provide to the judicial districts selected for the pilot
8 program the computer resources needed by each judicial district to
9 implement the unified family court pilot program.

10 (6) The administrative office of the (~~administrator for the~~)
11 courts shall conduct a study of the pilot program measuring
12 improvements in the judicial system's response to family involvement in
13 the judicial system. The administrator for the courts shall report
14 preliminary findings and final results of the study to the governor,
15 the chief justice of the supreme court, and the legislature on a
16 biennial basis. The initial report is due by July 1, 2000, and the
17 final report is due by December 1, 2004.

18 **Sec. 34.** RCW 26.12.804 and 1999 c 397 s 3 are each amended to read
19 as follows:

20 The judges of the superior court judicial districts with unified
21 family court pilot programs shall adopt local court rules directing the
22 program. The local court rules shall comply with the criteria
23 established by the (~~administrator for~~) administrative office of the
24 courts and shall include:

25 (1) A requirement that all judicial officers hearing cases in
26 unified family court:

27 (a) Complete an initial training program including the topic areas
28 of childhood development, domestic violence, cultural awareness, child
29 abuse and neglect, chemical dependency, and mental illness; and

30 (b) Subsequent to the training in (a) of this subsection, annually
31 attend a minimum of eight hours of continuing education of pertinence
32 to the unified family court;

33 (2) Case management that is based on the practice of one judge or
34 judicial team handling all matters relating to a family;

35 (3) An emphasis on coordinating or consolidating, to the extent
36 possible, all cases before the unified family court relating to a
37 family; and

1 (4) Programs that provide for record confidentiality to protect the
2 confidentiality of court records in accordance with the law. However
3 law enforcement agencies shall have access to the records to the extent
4 permissible under the law.

5 **Sec. 35.** RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each
6 amended to read as follows:

7 (1) The ((~~administrator for~~)) administrative office of the courts
8 shall develop a child support order summary report form to provide for
9 the reporting of summary information in every case in which a child
10 support order is entered or modified either judicially or
11 administratively. The ((~~administrator for~~)) administrative office of
12 the courts shall attempt to the greatest extent possible to make the
13 form simple and understandable by the parties. The form shall indicate
14 the following:

- 15 (a) The county in which the order was entered and the cause number;
- 16 (b) Whether it was a judicial or administrative order;
- 17 (c) Whether the order is an original order or from a modification;
- 18 (d) The number of children of the parties and the children's ages;
- 19 (e) The combined monthly net income of parties;
- 20 (f) The monthly net income of the father as determined by the
21 court;
- 22 (g) The monthly net income of the mother as determined by the
23 court;
- 24 (h) The basic child support obligation for each child as determined
25 from the economic table;
- 26 (i) Whether or not the court deviated from the child support for
27 each child;
- 28 (j) The reason or reasons stated by the court for the deviation;
- 29 (k) The amount of child support after the deviation;
- 30 (l) Any amount awarded for day care;
- 31 (m) Any other extraordinary amounts in the order;
- 32 (n) Any amount ordered for postsecondary education;
- 33 (o) The total amount of support ordered;
- 34 (p) In the case of a modification, the amount of support in the
35 previous order;
- 36 (q) If the change in support was in excess of thirty percent,
37 whether the change was phased in;

1 (r) The amount of the transfer payment ordered;

2 (s) Which parent was ordered to make the transfer payment; and

3 (t) The date of the entry of the order.

4 (2) The (~~administrator for~~) administrative office of the courts
5 shall make the form available to the parties.

6 **Sec. 36.** RCW 26.18.220 and 1992 c 229 s 5 are each amended to read
7 as follows:

8 (1) The (~~administrator for~~) administrative office of the courts
9 shall develop not later than July 1, 1991, standard court forms and
10 format rules for mandatory use by litigants in all actions commenced
11 under chapters 26.09, 26.10, and 26.26 RCW effective January 1, 1992.
12 The administrator for the courts shall develop mandatory forms for
13 financial affidavits for integration into the worksheets. The forms
14 shall be developed and approved not later than September 1, 1992. The
15 parties shall use the mandatory form for financial affidavits for
16 actions commenced on or after September 1, 1992. The (~~administrator~~
17 ~~for~~) administrative office of the courts has continuing responsibility
18 to develop and revise mandatory forms and format rules as appropriate.

19 (2) A party may delete unnecessary portions of the forms according
20 to the rules established by the (~~administrator for~~) administrative
21 office of the courts. A party may supplement the mandatory forms with
22 additional material.

23 (3) A party's failure to use the mandatory forms or follow the
24 format rules shall not be a reason to dismiss a case, refuse a filing,
25 or strike a pleading. However, the court may require the party to
26 submit a corrected pleading and may impose terms payable to the
27 opposing party or payable to the court, or both.

28 (4) The (~~administrator for~~) administrative office of the courts
29 shall distribute a master copy of the forms to all county court clerks.
30 The (~~administrator for~~) administrative office of the courts and
31 county clerks shall distribute the mandatory forms to the public upon
32 request and may charge for the cost of production and distribution of
33 the forms. Private vendors may distribute the mandatory forms.
34 Distribution may be in printed or electronic form.

35 **Sec. 37.** RCW 26.19.011 and 1991 sp.s. c 28 s 4 are each amended to
36 read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Basic child support obligation" means the monthly child
4 support obligation determined from the economic table based on the
5 parties' combined monthly net income and the number of children for
6 whom support is owed.

7 (2) "Child support schedule" means the standards, economic table,
8 worksheets, and instructions, as defined in this chapter.

9 (3) "Court" means a superior court judge, court commissioner, and
10 presiding and reviewing officers who administratively determine or
11 enforce child support orders.

12 (4) "Deviation" means a child support amount that differs from the
13 standard calculation.

14 (5) "Economic table" means the child support table for the basic
15 support obligation provided in RCW 26.19.020.

16 (6) "Instructions" means the instructions developed by the
17 administrative office of the (~~administrator for the~~) courts pursuant
18 to RCW 26.19.050 for use in completing the worksheets.

19 (7) "Standards" means the standards for determination of child
20 support as provided in this chapter.

21 (8) "Standard calculation" means the presumptive amount of child
22 support owed as determined from the child support schedule before the
23 court considers any reasons for deviation.

24 (9) "Support transfer payment" means the amount of money the court
25 orders one parent to pay to another parent or custodian for child
26 support after determination of the standard calculation and deviations.
27 If certain expenses or credits are expected to fluctuate and the order
28 states a formula or percentage to determine the additional amount or
29 credit on an ongoing basis, the term "support transfer payment" does
30 not mean the additional amount or credit.

31 (10) "Worksheets" means the forms developed by the administrative
32 office of the (~~administrator for the~~) courts pursuant to RCW
33 26.19.050 for use in determining the amount of child support.

34 **Sec. 38.** RCW 26.19.035 and 1992 c 229 s 6 are each amended to read
35 as follows:

36 (1) **Application of the child support schedule.** The child support
37 schedule shall be applied:

- 1 (a) In each county of the state;
- 2 (b) In judicial and administrative proceedings under this title or
3 Title 13 or 74 RCW;
- 4 (c) In all proceedings in which child support is determined or
5 modified;
- 6 (d) In setting temporary and permanent support;
- 7 (e) In automatic modification provisions or decrees entered
8 pursuant to RCW 26.09.100; and
- 9 (f) In addition to proceedings in which child support is determined
10 for minors, to adult children who are dependent on their parents and
11 for whom support is ordered pursuant to RCW 26.09.100.

12 The provisions of this chapter for determining child support and
13 reasons for deviation from the standard calculation shall be applied in
14 the same manner by the court, presiding officers, and reviewing
15 officers.

16 (2) **Written findings of fact supported by the evidence.** An order
17 for child support shall be supported by written findings of fact upon
18 which the support determination is based and shall include reasons for
19 any deviation from the standard calculation and reasons for denial of
20 a party's request for deviation from the standard calculation. The
21 court shall enter written findings of fact in all cases whether or not
22 the court: (a) Sets the support at the presumptive amount, for
23 combined monthly net incomes below five thousand dollars; (b) sets the
24 support at an advisory amount, for combined monthly net incomes between
25 five thousand and seven thousand dollars; or (c) deviates from the
26 presumptive or advisory amounts.

27 (3) **Completion of worksheets.** Worksheets in the form developed by
28 the administrative office of the (~~administrator for the~~) courts shall
29 be completed under penalty of perjury and filed in every proceeding in
30 which child support is determined. The court shall not accept
31 incomplete worksheets or worksheets that vary from the worksheets
32 developed by the administrative office of the (~~administrator for the~~)
33 courts.

34 (4) **Court review of the worksheets and order.** The court shall
35 review the worksheets and the order setting support for the adequacy of
36 the reasons set forth for any deviation or denial of any request for
37 deviation and for the adequacy of the amount of support ordered. Each
38 order shall state the amount of child support calculated using the

1 standard calculation and the amount of child support actually ordered.
2 Worksheets shall be attached to the decree or order or if filed
3 separately shall be initialed or signed by the judge and filed with the
4 order.

5 **Sec. 39.** RCW 26.19.050 and 1990 1st ex.s. c 2 s 5 are each amended
6 to read as follows:

7 (1) The ((~~administrator for~~)) administrative office of the courts
8 shall develop and adopt worksheets and instructions to assist the
9 parties and courts in establishing the appropriate child support level
10 and apportionment of support. The ((~~administrator for~~)) administrative
11 office of the courts shall attempt to the greatest extent possible to
12 make the worksheets and instructions understandable by persons who are
13 not represented by legal counsel.

14 (2) The ((~~administrator for~~)) administrative office of the courts
15 shall develop and adopt standards for the printing of worksheets and
16 shall establish a process for certifying printed worksheets. The
17 administrator may maintain a register of sources for approved
18 worksheets.

19 (3) The ((~~administrator for~~)) administrative office of the courts
20 should explore methods to assist pro se parties and judges in the
21 courtroom to calculate support payments through automated software,
22 equipment, or personal assistance.

23 **Sec. 40.** RCW 26.26.065 and 1992 c 229 s 7 are each amended to read
24 as follows:

25 (1) Effective January 1, 1992, a party shall not file any pleading
26 with the clerk of the court in an action commenced under this chapter
27 unless on forms approved by the ((~~administrator for~~)) administrative
28 office of the courts.

29 (2) The parties shall comply with requirements for submission to
30 the court of forms as provided in RCW 26.18.220.

31 **Sec. 41.** RCW 26.50.030 and 1996 c 248 s 12 are each amended to
32 read as follows:

33 There shall exist an action known as a petition for an order for
34 protection in cases of domestic violence.

1 (1) A petition for relief shall allege the existence of domestic
2 violence, and shall be accompanied by an affidavit made under oath
3 stating the specific facts and circumstances from which relief is
4 sought. Petitioner and respondent shall disclose the existence of any
5 other litigation concerning the custody or residential placement of a
6 child of the parties as set forth in RCW (~~(26.27.090)~~) 26.27.281 and
7 the existence of any other restraining, protection, or no-contact
8 orders between the parties.

9 (2) A petition for relief may be made regardless of whether or not
10 there is a pending lawsuit, complaint, petition, or other action
11 between the parties except in cases where the court realigns petitioner
12 and respondent in accordance with RCW 26.50.060(4).

13 (3) Within ninety days of receipt of the master copy from the
14 (~~(administrator for)~~) administrative office of the courts, all court
15 clerk's offices shall make available the standardized forms,
16 instructions, and informational brochures required by RCW 26.50.035 and
17 shall fill in and keep current specific program names and telephone
18 numbers for community resources. Any assistance or information
19 provided by clerks under this section does not constitute the practice
20 of law and clerks are not responsible for incorrect information
21 contained in a petition.

22 (4) No filing fee may be charged for proceedings under this
23 section. Forms and instructional brochures shall be provided free of
24 charge.

25 (5) A person is not required to post a bond to obtain relief in any
26 proceeding under this section.

27 **Sec. 42.** RCW 26.50.035 and 2000 c 119 s 14 are each amended to
28 read as follows:

29 (1) The (~~(administrator for)~~) administrative office of the courts
30 shall develop and prepare instructions and informational brochures
31 required under RCW 26.50.030(4), standard petition and order for
32 protection forms, and a court staff handbook on domestic violence and
33 the protection order process. The standard petition and order for
34 protection forms must be used after September 1, 1994, for all
35 petitions filed and orders issued under this chapter. The
36 instructions, brochures, forms, and handbook shall be prepared in

1 consultation with interested persons, including a representative of the
2 state domestic violence coalition, judges, and law enforcement
3 personnel.

4 (a) The instructions shall be designed to assist petitioners in
5 completing the petition, and shall include a sample of standard
6 petition and order for protection forms.

7 (b) The informational brochure shall describe the use of and the
8 process for obtaining, modifying, and terminating a domestic violence
9 protection order as provided under this chapter, an antiharassment no-
10 contact order as provided under chapter 9A.46 RCW, a domestic violence
11 no-contact order as provided under chapter 10.99 RCW, a restraining
12 order as provided under chapters 26.09, 26.10, 26.26, and 26.44 RCW, an
13 antiharassment protection order as provided by chapter 10.14 RCW, and
14 a foreign protection order as defined in chapter 26.52 RCW.

15 (c) The order for protection form shall include, in a conspicuous
16 location, notice of criminal penalties resulting from violation of the
17 order, and the following statement: "You can be arrested even if the
18 person or persons who obtained the order invite or allow you to violate
19 the order's prohibitions. The respondent has the sole responsibility
20 to avoid or refrain from violating the order's provisions. Only the
21 court can change the order upon written application."

22 (d) The court staff handbook shall allow for the addition of a
23 community resource list by the court clerk.

24 (2) All court clerks shall obtain a community resource list from a
25 domestic violence program, defined in RCW 70.123.020, serving the
26 county in which the court is located. The community resource list
27 shall include the names and telephone numbers of domestic violence
28 programs serving the community in which the court is located, including
29 law enforcement agencies, domestic violence agencies, sexual assault
30 agencies, legal assistance programs, interpreters, multicultural
31 programs, and batterers' treatment programs. The court shall make the
32 community resource list available as part of or in addition to the
33 informational brochures described in subsection (1) of this section.

34 (3) The (~~administrator for~~) administrative office of the courts
35 shall distribute a master copy of the petition and order forms,
36 instructions, and informational brochures to all court clerks and shall
37 distribute a master copy of the petition and order forms to all
38 superior, district, and municipal courts.

1 (4) For purposes of this section, "court clerks" means court
2 administrators in courts of limited jurisdiction and elected court
3 clerks.

4 (5) The ((~~administrator for~~)) administrative office of the courts
5 shall determine the significant non-English-speaking or limited
6 English-speaking populations in the state. The administrator shall
7 then arrange for translation of the instructions and informational
8 brochures required by this section, which shall contain a sample of the
9 standard petition and order for protection forms, into the languages
10 spoken by those significant non-English-speaking populations and shall
11 distribute a master copy of the translated instructions and
12 informational brochures to all court clerks by January 1, 1997.

13 (6) The ((~~administrator for~~)) administrative office of the courts
14 shall update the instructions, brochures, standard petition and order
15 for protection forms, and court staff handbook when changes in the law
16 make an update necessary.

17 **Sec. 43.** RCW 35.20.030 and 2000 c 111 s 7 are each amended to read
18 as follows:

19 The municipal court shall have jurisdiction to try violations of
20 all city ordinances and all other actions brought to enforce or recover
21 license penalties or forfeitures declared or given by any such
22 ordinances. It is empowered to forfeit cash bail or bail bonds and
23 issue execution thereon, to hear and determine all causes, civil or
24 criminal, arising under such ordinances, and to pronounce judgment in
25 accordance therewith: PROVIDED, That for a violation of the criminal
26 provisions of an ordinance no greater punishment shall be imposed than
27 a fine of five thousand dollars or imprisonment in the city jail not to
28 exceed one year, or both such fine and imprisonment, but the punishment
29 for any criminal ordinance shall be the same as the punishment provided
30 in state law for the same crime. All civil and criminal proceedings in
31 municipal court, and judgments rendered therein, shall be subject to
32 review in the superior court by writ of review or on appeal: PROVIDED,
33 That an appeal from the court's determination or order in a traffic
34 infraction proceeding may be taken only in accordance with RCW
35 46.63.090(5). Costs in civil and criminal cases may be taxed as
36 provided in district courts. A municipal court participating in the
37 program established by the administrative office of the ((~~administrator~~

1 ~~for the~~) courts pursuant to RCW 2.56.160 shall have jurisdiction to
2 take recognizance, approve bail, and arraign defendants held within its
3 jurisdiction on warrants issued by any court of limited jurisdiction
4 participating in the program.

5 **Sec. 44.** RCW 36.01.050 and 2000 c 244 s 1 are each amended to read
6 as follows:

7 (1) All actions against any county may be commenced in the superior
8 court of such county, or in the superior court of either of the two
9 nearest judicial districts. All actions by any county shall be
10 commenced in the superior court of the county in which the defendant
11 resides, or in either of the two judicial districts nearest to the
12 county bringing the action.

13 (2) The determination of the nearest judicial districts is measured
14 by the travel time between county seats using major surface routes, as
15 determined by the administrative office of the (~~administrator for~~
16 ~~the~~) courts.

17 **Sec. 45.** RCW 36.18.018 and 1995 c 292 s 15 are each amended to
18 read as follows:

19 (1) State revenue collected by county clerks under subsection (2)
20 of this section must be transmitted to the appropriate state court.
21 The administrative office of the (~~state administrator for the~~) courts
22 shall retain fees collected under subsection (3) of this section.

23 (2) For appellate review under RAP 5.1(b), two hundred fifty
24 dollars must be charged.

25 (3) For all copies and reports produced by the (~~administrator~~
26 ~~for~~) administrative office of the courts as permitted under RCW
27 2.68.020 and supreme court policy, a variable fee must be charged.

28 **Sec. 46.** RCW 43.08.250 and 2001 2nd sp.s. c 7 s 914 and 2001 c 289
29 s 4 are each reenacted and amended to read as follows:

30 The money received by the state treasurer from fees, fines,
31 forfeitures, penalties, reimbursements or assessments by any court
32 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
33 deposited in the public safety and education account which is hereby
34 created in the state treasury. The legislature shall appropriate the
35 funds in the account to promote traffic safety education, highway

1 safety, criminal justice training, crime victims' compensation,
2 judicial education, the judicial information system, civil
3 representation of indigent persons, winter recreation parking, drug
4 court operations, and state game programs. During the fiscal biennium
5 ending June 30, 2003, the legislature may appropriate moneys from the
6 public safety and education account for purposes of appellate indigent
7 defense and other operations of the office of public defense, the
8 criminal litigation unit of the attorney general's office, the
9 treatment alternatives to street crimes program, crime victims advocacy
10 programs, justice information network telecommunication planning,
11 treatment for supplemental security income clients, sexual assault
12 treatment, operations of the administrative office of (~~administrator~~
13 ~~for~~) the courts, security in the common schools, alternative school
14 start-up grants, programs for disruptive students, criminal justice
15 data collection, Washington state patrol criminal justice activities,
16 drug court operations, unified family courts, local court backlog
17 assistance, financial assistance to local jurisdictions for
18 extraordinary costs incurred in the adjudication of criminal cases,
19 domestic violence treatment and related services, the department of
20 corrections' costs in implementing chapter 196, Laws of 1999,
21 reimbursement of local governments for costs associated with
22 implementing criminal and civil justice legislation, the replacement of
23 the department of corrections' offender-based tracking system, and
24 methamphetamine-related enforcement, education, training, and drug and
25 alcohol treatment services.

26 **Sec. 47.** RCW 43.70.540 and 1995 c 399 s 76 are each amended to
27 read as follows:

28 The legislature recognizes that the state patrol, the
29 administrative office of the (~~administrator for the~~) courts, the
30 sheriffs' and police chiefs' association, the department of social and
31 health services, the department of community, trade, and economic
32 development, the sentencing guidelines commission, the department of
33 corrections, and the superintendent of public instruction each have
34 comprehensive data and analysis capabilities that have contributed
35 greatly to our current understanding of crime and violence, and their
36 causes.

1 The legislature finds, however, that a single health-oriented
2 agency must be designated to provide consistent guidelines to all these
3 groups regarding the way in which their data systems collect this
4 important data. It is not the intent of the legislature by RCW
5 43.70.545 to transfer data collection requirements from existing
6 agencies or to require the addition of major new data systems. It is
7 rather the intent to make only the minimum required changes in existing
8 data systems to increase compatibility and comparability, reduce
9 duplication, and to increase the usefulness of data collected by these
10 agencies in developing more accurate descriptions of violence.

11 **Sec. 48.** RCW 43.101.280 and 1993 c 415 s 4 are each amended to
12 read as follows:

13 The criminal justice training commission shall develop, in
14 consultation with the ((~~administrator for~~)) administrative office of
15 the courts and the commissions established under chapters 43.113,
16 43.115, and 43.117 RCW, a curriculum for a general understanding of
17 ethnic and cultural diversity and its implications for working with
18 youth of color and their families. The curriculum shall be developed
19 by October 1, 1993. The commission shall ensure that ethnic and
20 diversity training becomes an integral part of the training of law
21 enforcement personnel so as to incorporate cultural sensitivity and
22 awareness into the daily activities of law enforcement personnel.

23 **Sec. 49.** RCW 46.20.286 and 1996 c 199 s 6 are each amended to read
24 as follows:

25 The department of licensing shall adopt procedures in cooperation
26 with the administrative office of the ((~~administrator for the~~)) courts
27 and the department of corrections to implement RCW 46.20.285.

28 **Sec. 50.** RCW 74.14C.100 and 1995 c 311 s 12 are each amended to
29 read as follows:

30 (1) The department shall, within available funds, provide for
31 ongoing training and consultation to department personnel to carry out
32 their responsibilities effectively. Such training may:

33 (a) Include the family unit as the primary focus of service;
34 identifying family member strengths; empowering families; child, adult,

1 and family development; stress management; and may include parent
2 training and family therapy techniques;

3 (b) Address intake and referral, assessment of risk, case
4 assessment, matching clients to services, and service planning issues
5 in the context of the home-delivered service model, including
6 strategies for engaging family members, defusing violent situations,
7 and communication and conflict resolution skills;

8 (c) Cover methods of helping families acquire the skills they need,
9 including home management skills, life skills, parenting, child
10 development, and the use of community resources;

11 (d) Address crisis intervention and other strategies for the
12 management of depression, and suicidal, assaultive, and other high-risk
13 behavior; and

14 (e) Address skills in collaborating with other disciplines and
15 services in promoting the safety of children and other family members
16 and promoting the preservation of the family.

17 (2) The department and the administrative office of the
18 (~~administrator for the~~) courts shall, within available funds,
19 collaborate in providing training to judges, and others involved in the
20 provision of services pursuant to this title, including service
21 providers, on the function and use of preservation services.

22 **Sec. 51.** RCW 82.14.310 and 2001 2nd sp.s. c 7 s 915 are each
23 amended to read as follows:

24 (1) The county criminal justice assistance account is created in
25 the state treasury. Beginning in fiscal year 2000, the state treasurer
26 shall transfer into the county criminal justice assistance account from
27 the general fund the sum of twenty-three million two hundred thousand
28 dollars divided into four equal deposits occurring on July 1, October
29 1, January 1, and April 1. For each fiscal year thereafter, the state
30 treasurer shall increase the total transfer by the fiscal growth
31 factor, as defined in RCW 43.135.025, forecast for that fiscal year by
32 the office of financial management in November of the preceding year.

33 (2) The moneys deposited in the county criminal justice assistance
34 account for distribution under this section, less any moneys
35 appropriated for purposes under subsection (4) of this section, shall
36 be distributed at such times as distributions are made under RCW

1 82.44.150 and on the relative basis of each county's funding factor as
2 determined under this subsection.

3 (a) A county's funding factor is the sum of:

4 (i) The population of the county, divided by one thousand, and
5 multiplied by two-tenths;

6 (ii) The crime rate of the county, multiplied by three-tenths; and

7 (iii) The annual number of criminal cases filed in the county
8 superior court, for each one thousand in population, multiplied by
9 five-tenths.

10 (b) Under this section and RCW 82.14.320 and 82.14.330:

11 (i) The population of the county or city shall be as last
12 determined by the office of financial management;

13 (ii) The crime rate of the county or city is the annual occurrence
14 of specified criminal offenses, as calculated in the most recent annual
15 report on crime in Washington state as published by the Washington
16 association of sheriffs and police chiefs, for each one thousand in
17 population;

18 (iii) The annual number of criminal cases filed in the county
19 superior court shall be determined by the most recent annual report of
20 the courts of Washington, as published by the administrative office of
21 the (~~administrator for the~~) courts;

22 (iv) Distributions and eligibility for distributions in the 1989-91
23 biennium shall be based on 1988 figures for both the crime rate as
24 described under (ii) of this subsection and the annual number of
25 criminal cases that are filed as described under (iii) of this
26 subsection. Future distributions shall be based on the most recent
27 figures for both the crime rate as described under (ii) of this
28 subsection and the annual number of criminal cases that are filed as
29 described under (iii) of this subsection.

30 (3) Moneys distributed under this section shall be expended
31 exclusively for criminal justice purposes and shall not be used to
32 replace or supplant existing funding. Criminal justice purposes are
33 defined as activities that substantially assist the criminal justice
34 system, which may include circumstances where ancillary benefit to the
35 civil or juvenile justice system occurs, and which includes (a)
36 domestic violence services such as those provided by domestic violence
37 programs, community advocates, and legal advocates, as defined in RCW
38 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile

1 dispositional hearings relating to petitions for at-risk youth,
2 truancy, and children in need of services. Existing funding for
3 purposes of this subsection is defined as calendar year 1989 actual
4 operating expenditures for criminal justice purposes. Calendar year
5 1989 actual operating expenditures for criminal justice purposes
6 exclude the following: Expenditures for extraordinary events not
7 likely to reoccur, changes in contract provisions for criminal justice
8 services, beyond the control of the local jurisdiction receiving the
9 services, and major nonrecurring capital expenditures.

10 (4) Not more than five percent of the funds deposited to the county
11 criminal justice assistance account shall be available for
12 appropriations for enhancements to the state patrol crime laboratory
13 system and the continuing costs related to these enhancements. Funds
14 appropriated from this account for such enhancements shall not supplant
15 existing funds from the state general fund.

16 NEW SECTION. **Sec. 52.** Sections 19 and 21 of this act expire July
17 1, 2004.

18 NEW SECTION. **Sec. 53.** Sections 20 and 22 of this act take effect
19 July 1, 2004.

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