

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1668

Chapter 282, Laws of 2005

(partial veto)

59th Legislature
2005 Regular Session

ADMINISTRATIVE OFFICE OF THE COURTS

EFFECTIVE DATE: 7/24/05

Passed by the House February 28, 2005
Yeas 90 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 39 Nays 0

BRAD OWEN

President of the Senate

Approved May 4, 2005, with the
exception of Section 18, which is vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1668** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 4, 2005 - 3:47 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1668

Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Representatives Lantz and Priest; by request of Board For Judicial Administration

Read first time 02/01/2005. 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.855, 10.64.120,
5 10.98.080, 10.98.100, 10.98.160, 13.34.102, 13.40.430, 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, 43.08.250, 43.70.540, 43.101.280,
9 46.20.286, 74.14C.100, and 82.14.310; amending 1983 c 199 s 2
10 (uncodified); and reenacting and amending RCW 9.94A.660 and 9.94A.850.

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

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

14 If a member dies, the amount of the accumulated contributions
15 standing to the member's credit at the time of the member's death shall
16 be paid to the member's estate, or such person or persons, trust, or
17 organization as the member has nominated by written designation duly
18 executed and filed with the administrative office of the
19 (~~administrator for the~~) courts. If there is no such designated

1 person or persons still living at the time of the member's death, the
2 member's accumulated contributions shall be paid to the member's
3 surviving spouse as if in fact the spouse had been nominated by written
4 designation or, if there is no such surviving spouse, then to the
5 member's legal representatives.

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

8 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (1) Subject to the availability of funds, the administrative office
36 of the ((~~administrator for the~~)) courts shall establish and administer

1 a comprehensive testing and certification program for language
2 interpreters.

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

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

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

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

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

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

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

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

1 (1) The administrator for the courts, with the approval of the
2 chief justice of the supreme court of this state, shall appoint and fix
3 the compensation of such assistants as are necessary to enable ((him to
4 perform)) performance of the power and duties vested in ((him. During
5 his term of office or employment,)) the administrative office of the
6 courts.

7 (2) Neither the administrator nor any assistant shall engage
8 ((directly or indirectly)) in the private practice of law ((in this
9 state)) except as otherwise provided for in this section.

10 (3) Except as provided in subsection (4) of this section, nothing
11 in this section prohibits the administrator or any assistant from:

12 (a) Performing legal services for himself or herself or his or her
13 immediate family; or

14 (b) Performing legal services of a charitable nature.

15 (4) The legal services identified in subsection (3) of this section
16 may not be performed if they would interfere with the duties of the
17 administrator or any assistant and no services that are performed shall
18 be deemed within the scope of employment.

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

21 The administrator for the courts shall, under the supervision and
22 direction of the chief justice:

23 (1) Examine the administrative methods and systems employed in the
24 offices of the judges, clerks, stenographers, and employees of the
25 courts and make recommendations, through the chief justice, for the
26 improvement of the same;

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

29 (3) Make recommendations to the chief justice relating to the
30 assignment of judges where courts are in need of assistance and carry
31 out the direction of the chief justice as to the assignments of judges
32 to counties and districts where the courts are in need of assistance;

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

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

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

8 (7) Obtain reports from clerks of courts in accordance with law or
9 rules adopted by the supreme court of this state on cases and other
10 judicial business in which action has been delayed beyond periods of
11 time specified by law or rules of court and make report thereof to
12 supreme court of this state;

13 (8) Act as secretary of the judicial conference referred to in RCW
14 2.56.060;

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

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

21 (11) Examine the need for new superior court and district court
22 judge positions under ~~((a weighted caseload))~~ an objective workload
23 analysis ~~((that takes into account the time required to hear all the~~
24 ~~cases in a particular court and the amount of time existing judges have~~
25 ~~available to hear cases in that court))~~. The results of the ~~((weighted~~
26 ~~caseload))~~ objective workload analysis shall be reviewed by the board
27 for judicial administration which shall make recommendations to the
28 legislature. It is the intent of the legislature that ~~((weighted~~
29 ~~caseload))~~ an objective workload analysis become the basis for creating
30 additional district and superior court positions, and recommendations
31 should address that objective;

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

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

36 (14) Within available funds, develop a curriculum for a general
37 understanding of child development, placement, and treatment resources,
38 as well as specific legal skills and knowledge of relevant statutes

1 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
2 interviewing skills, and special needs of the abused or neglected
3 child. This curriculum shall be completed and made available to all
4 juvenile court judges, court personnel, and service providers and be
5 updated yearly to reflect changes in statutes, court rules, or case
6 law;

7 (15) Develop, in consultation with the entities set forth in RCW
8 2.56.150(3), a comprehensive statewide curriculum for persons who act
9 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
10 be made available July 1, 1997, and include specialty sections on child
11 development, child sexual abuse, child physical abuse, child neglect,
12 clinical and forensic investigative and interviewing techniques, family
13 reconciliation and mediation services, and relevant statutory and legal
14 requirements. The curriculum shall be made available to all superior
15 court judges, court personnel, and all persons who act as guardians ad
16 litem;

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

23 (17) Develop, in consultation with the criminal justice training
24 commission and the commissions established under chapters 43.113,
25 43.115, and 43.117 RCW, a curriculum for a general understanding of
26 ethnic and cultural diversity and its implications for working with
27 youth of color and their families. The curriculum shall be available
28 to all superior court judges and court commissioners assigned to
29 juvenile court, and other court personnel. Ethnic and cultural
30 diversity training shall be provided annually so as to incorporate
31 cultural sensitivity and awareness into the daily operation of juvenile
32 courts statewide;

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

37 (19) Develop a Washington family law handbook in accordance with
38 RCW 2.56.180;

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

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

6 (1) The administrative office of the (~~administrator for the~~)
7 courts, in cooperation with appropriate legislative committees and
8 legislative staff, shall establish a procedure for the provision of
9 judicial impact notes on the effect legislative bills will have on the
10 workload and administration of the courts of this state. The
11 (~~administrator for~~) administrative office of the courts and the
12 office of financial management shall coordinate the development of
13 judicial impact notes with the preparation of fiscal notes under
14 chapters 43.88A and 43.132 RCW.

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

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

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

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

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

28 (d) The senate judiciary committee;

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

30 (f) The office of financial management.

31 (4) This section shall not prevent either house of the legislature
32 from acting on any bill before it as otherwise provided by the state
33 Constitution, by law, and by the rules and joint rules of the senate
34 and house of representatives, nor shall the lack of any judicial impact
35 note as provided in this section or any error in the accuracy thereof
36 affect the validity of any measure otherwise duly passed by the
37 legislature.

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

3 (1) The administrator for the courts shall review the advisability
4 and feasibility of the statewide mandatory use of court-appointed
5 special advocates as described in RCW 26.12.175 to act as guardians ad
6 litem in appropriate cases under Titles 13 and 26 RCW. The review must
7 explore the feasibility of obtaining various sources of private and
8 public funding to implement statewide mandatory use of court-appointed
9 special advocates, such as grants and donations, instead of or in
10 combination with raising court fees or assessments.

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

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

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

1 **Sec. 10.** RCW 2.56.180 and 2003 c 225 s 1 are each amended to read
2 as follows:

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

9 (2) The handbook created under subsection (1) of this section
10 (~~will~~) shall be provided by the county auditor when an individual
11 applies for a marriage license under RCW 26.04.140.

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

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

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

21 (c) Information on notice requirements and standards for parental
22 relocation;

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

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

26 (f) Information on spousal maintenance;

27 (g) Information on domestic violence, child abuse, and neglect,
28 including penalties;

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

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

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

33 **Sec. 11.** RCW 2.68.020 and 1994 c 8 s 1 are each amended to read as
34 follows:

35 There is created an account in the custody of the state treasurer
36 to be known as the judicial information system account. The
37 administrative office of the (~~administrator for the~~) courts shall

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

14 **Sec. 12.** RCW 2.70.050 and 1996 c 221 s 6 are each amended to read
15 as follows:

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

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

32 (b) Any appropriations made to the supreme court or the
33 administrative office of the ((~~administrator for the~~)) courts for
34 carrying out the powers, functions, and duties transferred shall, on
35 June 6, 1996, be transferred and credited to the office of public
36 defense.

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

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

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

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

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

32 (7) Nothing contained in this section may be construed to alter any
33 existing collective bargaining unit or the provisions of any existing
34 collective bargaining agreement until the agreement has expired or
35 until the bargaining unit has been modified by action of the personnel
36 board as provided by law.

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

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

17 **Sec. 16.** RCW 3.66.070 and 2002 c 59 s 1 are each amended to read
18 as follows:

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

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

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

12 **Sec. 17.** RCW 9.73.230 and 1989 c 271 s 204 are each amended to
13 read as follows:

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

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

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

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

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

33 (a) The circumstances that meet the requirements of subsection (1)
34 of this section;

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

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

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

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

8 (f) Whether there was an attempt to obtain authorization pursuant
9 to RCW 9.73.090(2) and, if there was such an attempt, the outcome of
10 the attempt.

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

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

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

30 (6) Within fifteen days after the signing of an authorization that
31 results in any interception, transmission, or recording of a
32 conversation or communication pursuant to this section, the law
33 enforcement agency which made the interception, transmission, or
34 recording shall submit a report including the original authorization
35 under subsection (2) of this section to a judge of a court having
36 jurisdiction which report shall identify (a) the persons, including the
37 consenting party, who participated in the conversation, and (b) the
38 date, location, and approximate time of the conversation.

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

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

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

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

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

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

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

1 (b) The evidence is admitted with the permission of the person
2 whose communication or conversation was intercepted, transmitted, or
3 recorded; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 The court shall also impose:

33 (a) The remainder of the midpoint of the standard range as a term
34 of community custody which must include appropriate substance abuse
35 treatment in a program that has been approved by the division of
36 alcohol and substance abuse of the department of social and health
37 services;

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

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

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

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

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

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

20 (iii) Report as directed to a community corrections officer;

21 (iv) Pay all court-ordered legal financial obligations;

22 (v) Perform community restitution work;

23 (vi) Stay out of areas designated by the sentencing court;

24 (vii) Such other conditions as the court may require such as
25 affirmative conditions.

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

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

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

37 (4) The department shall determine the rules for calculating the
38 value of a day fine based on the offender's income and reasonable

1 obligations which the offender has for the support of the offender and
2 any dependents. These rules shall be developed in consultation with
3 the ((~~administrator for~~)) administrative office of the courts, the
4 office of financial management, and the commission.

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

*Sec. 18 was vetoed. See message at end of chapter.

16 **Sec. 19.** RCW 9.94A.850 and 2002 c 290 s 22, 2002 c 237 s 16, and
17 2002 c 175 s 16 are each reenacted and amended to read as follows:

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

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

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

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

26 (ii) The intent of the legislature to emphasize confinement for the
27 violent offender and alternatives to confinement for the nonviolent
28 offender.

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

32 (b) Recommend to the legislature revisions or modifications to the
33 standard sentence ranges, state sentencing policy, prosecuting
34 standards, and other standards. If implementation of the revisions or
35 modifications would result in exceeding the capacity of correctional
36 facilities, then the commission shall accompany its recommendation with

1 an additional list of standard sentence ranges which are consistent
2 with correction capacity;

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

5 (d)(i) Serve as a clearinghouse and information center for the
6 collection, preparation, analysis, and dissemination of information on
7 state and local adult and juvenile sentencing practices; (ii) develop
8 and maintain a computerized adult and juvenile sentencing information
9 system by individual superior court judge consisting of offender,
10 offense, history, and sentence information entered from judgment and
11 sentence forms for all adult felons; and (iii) conduct ongoing research
12 regarding adult and juvenile sentencing guidelines, use of total
13 confinement and alternatives to total confinement, plea bargaining, and
14 other matters relating to the improvement of the adult criminal justice
15 system and the juvenile justice system;

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

18 (f) Evaluate the effectiveness of existing disposition standards
19 and related statutes in implementing policies set forth in RCW
20 13.40.010 generally, specifically review the guidelines relating to the
21 confinement of minor and first-time offenders as well as the use of
22 diversion, and review the application of current and proposed juvenile
23 sentencing standards and guidelines for potential adverse impacts on
24 the sentencing outcomes of racial and ethnic minority youth;

25 (g) Solicit the comments and suggestions of the juvenile justice
26 community concerning disposition standards, and make recommendations to
27 the legislature regarding revisions or modifications of the standards.
28 The evaluations shall be submitted to the legislature on December 1 of
29 each odd-numbered year. The department of social and health services
30 shall provide the commission with available data concerning the
31 implementation of the disposition standards and related statutes and
32 their effect on the performance of the department's responsibilities
33 relating to juvenile offenders, and with recommendations for
34 modification of the disposition standards. The administrative office
35 of the (~~administrator for the~~) courts shall provide the commission
36 with available data on diversion, including the use of youth court
37 programs, and dispositions of juvenile offenders under chapter 13.40
38 RCW; and

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

4 (i) Racial disproportionality in juvenile and adult sentencing,
5 and, if available, the impact that diversions, such as youth courts,
6 have on racial disproportionality in juvenile prosecution,
7 adjudication, and sentencing;

8 (ii) The capacity of state and local juvenile and adult facilities
9 and resources; and

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

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

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

17 (a) If the maximum term in the range is one year or less, the
18 minimum term in the range shall be no less than one-third of the
19 maximum term in the range, except that if the maximum term in the range
20 is ninety days or less, the minimum term may be less than one-third of
21 the maximum;

22 (b) If the maximum term in the range is greater than one year, the
23 minimum term in the range shall be no less than seventy-five percent of
24 the maximum term in the range, except that for murder in the second
25 degree in seriousness level XIV under RCW 9.94A.510, the minimum term
26 in the range shall be no less than fifty percent of the maximum term in
27 the range; and

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

30 (5)(a) Not later than December 31, 1999, the commission shall
31 propose to the legislature the initial community custody ranges to be
32 included in sentences under RCW 9.94A.715 for crimes committed on or
33 after July 1, 2000. Not later than December 31 of each year, the
34 commission may propose modifications to the ranges. The ranges shall
35 be based on the principles in RCW 9.94A.010, and shall take into
36 account the funds available to the department for community custody.
37 The minimum term in each range shall not be less than one-half of the
38 maximum term.

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

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

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

15 **Sec. 20.** RCW 9.94A.855 and 1999 c 143 s 10 are each amended to
16 read as follows:

17 The commission shall appoint a research staff of sufficient size
18 and with sufficient resources to accomplish its duties. The commission
19 may request from the office of financial management, the indeterminate
20 sentence review board, (~~administrator for~~) the administrative office
21 of the courts, the department of corrections, and the department of
22 social and health services such data, information, and data processing
23 assistance as it may need to accomplish its duties, and such services
24 shall be provided without cost to the commission. The commission shall
25 adopt its own bylaws.

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

28 **Sec. 21.** 1983 c 199 s 2 (uncodified) is amended to read as
29 follows:

30 The administrative office of the (~~administrator for the~~) courts
31 shall notify all courts of the requirements contained in RCW 10.40.200.
32 The judicial council shall recommend to the supreme court appropriate
33 court rules to ensure compliance with the requirements of RCW
34 10.40.200. Until court rules are promulgated, the administrative
35 office of the (~~administrator for the~~) courts shall develop and
36 distribute forms necessary for the courts to comply with RCW 10.40.200.

1 **Sec. 22.** RCW 10.64.120 and 1996 c 298 s 6 are each amended to read
2 as follows:

3 (1) Every judge of a court of limited jurisdiction shall have the
4 authority to levy upon a person a monthly assessment not to exceed one
5 hundred dollars for services provided whenever the person is referred
6 by the court to the misdemeanor probation department for evaluation or
7 supervision services. The assessment may also be made by a judge in
8 superior court when such misdemeanor or gross misdemeanor cases are
9 heard in the superior court.

10 (2) For the purposes of this section the administrative office of
11 the (~~administrator for the~~) courts shall define a probation
12 department and adopt rules for the qualifications of probation officers
13 based on occupational and educational requirements developed by an
14 oversight committee. This oversight committee shall include a
15 representative from the district and municipal court judges
16 association, the misdemeanor corrections association, the
17 administrative office of the (~~administrator for the~~) courts, and
18 associations of cities and counties. The oversight committee shall
19 consider qualifications that provide the training and education
20 necessary to (a) conduct presentencing and postsentencing background
21 investigations, including sentencing recommendations to the court
22 regarding jail terms, alternatives to incarceration, and conditions of
23 release; and (b) provide ongoing supervision and assessment of
24 offenders' needs and the risk they pose to the community.

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

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

32 **Sec. 23.** RCW 10.98.080 and 1985 c 201 s 3 are each amended to read
33 as follows:

34 The section shall promptly furnish a state identification number to
35 the originating agency and to the prosecuting attorney who received a
36 copy of the arrest and fingerprint form. In the case of juvenile

1 felony-like adjudications, the section shall furnish, upon request, the
2 state identification number to the juvenile information section of the
3 (~~administrator for~~) administrative office of the courts.

4 **Sec. 24.** RCW 10.98.100 and 1985 c 201 s 5 are each amended to read
5 as follows:

6 The section shall administer a compliance audit at least once
7 annually for each prosecuting attorney, district and municipal court,
8 and originating agency to ensure that all disposition reports have been
9 received and added to the criminal offender record information
10 described in RCW 43.43.705. The section shall prepare listings of all
11 arrests charged and listed in the criminal offender record information
12 for which no disposition report has been received and which has been
13 outstanding for more than nine months since the date of arrest. Each
14 prosecuting attorney, district and municipal court, and originating
15 agency shall be furnished a list of outstanding disposition reports.
16 Cases pending prosecution shall be considered outstanding dispositions
17 in the compliance audit. Within forty-five days, the prosecuting
18 attorney, district and municipal court, and originating agency shall
19 provide the section with a current disposition report for each
20 outstanding disposition. The section shall assist prosecuting
21 attorneys with the compliance audit by cross-checking outstanding cases
22 with the (~~administrator for~~) administrative office of the courts and
23 the department of corrections. The section may provide technical
24 assistance to prosecuting attorneys, district or municipal courts, or
25 originating agencies for their compliance audits. The results of
26 compliance audits shall be published annually and distributed to
27 legislative committees dealing with criminal justice issues, the office
28 of financial management, and criminal justice agencies and
29 associations.

30 **Sec. 25.** RCW 10.98.160 and 2003 c 104 s 2 are each amended to read
31 as follows:

32 In the development and modification of the procedures, definitions,
33 and reporting capabilities of the section, the department, the office
34 of financial management, and the responsible agencies and persons shall
35 consider the needs of other criminal justice agencies such as the
36 (~~administrator for~~) administrative office of the courts, local law

1 enforcement agencies, local jails, the sentencing guidelines
2 commission, the indeterminate sentence review board, the clemency
3 board, prosecuting attorneys, and affected state agencies such as the
4 office of financial management and legislative committees dealing with
5 criminal justice issues. The Washington integrated justice information
6 board shall review and provide recommendations to state justice
7 agencies and the courts for development and modification of the
8 statewide justice information network.

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

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

18 (2)(a) Each guardian ad litem program for compensated guardians ad
19 litem shall establish a rotational registry system for the appointment
20 of guardians ad litem. If a judicial district does not have a program
21 the court shall establish the rotational registry system. Guardians ad
22 litem shall be selected from the registry except in exceptional
23 circumstances as determined and documented by the court. The parties
24 may make a joint recommendation for the appointment of a guardian ad
25 litem from the registry.

26 (b) In judicial districts with a population over one hundred
27 thousand, a list of three names shall be selected from the registry and
28 given to the parties along with the background information as specified
29 in RCW 13.34.100(3), including their hourly rate for services. Each
30 party may, within three judicial days, strike one name from the list.
31 If more than one name remains on the list, the court shall make the
32 appointment from the names on the list. In the event all three names
33 are stricken the person whose name appears next on the registry shall
34 be appointed.

35 (c) If a party reasonably believes that the appointed guardian ad
36 litem lacks the necessary expertise for the proceeding, charges an
37 hourly rate higher than what is reasonable for the particular

1 proceeding, or has a conflict of interest, the party may, within three
2 judicial days from the appointment, move for substitution of the
3 appointed guardian ad litem by filing a motion with the court.

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

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

9 **Sec. 27.** RCW 13.40.430 and 2003 c 207 s 13 are each amended to
10 read as follows:

11 The (~~administrator for~~) administrative office of the courts shall
12 collect such data as may be necessary to monitor any disparity in
13 processing or disposing of cases involving juvenile offenders due to
14 economic, gender, geographic, or racial factors that may result from
15 implementation of section 1, chapter 373, Laws of 1993. The
16 (~~administrator for~~) administrative office of the courts may, in
17 consultation with juvenile courts, determine a format for the
18 collection of such data and a schedule for the reporting of such data
19 and shall keep a minimum of five years of data at any given time.

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

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

25 **Sec. 29.** RCW 13.70.130 and 1989 1st ex.s. c 17 s 15 are each
26 amended to read as follows:

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

30 **Sec. 30.** RCW 26.12.177 and 2000 c 124 s 7 are each amended to read
31 as follows:

32 (1) All guardians ad litem and investigators appointed under this
33 title must comply with the training requirements established under RCW
34 2.56.030(15), prior to their appointment in cases under Title 26 RCW,

1 except that volunteer guardians ad litem or court-appointed special
2 advocates may comply with alternative training requirements approved by
3 the administrative office of the ((~~administrator for the~~)) courts that
4 meet or exceed the statewide requirements.

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

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

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

29 (d) Under this section, within either registry referred to in (a)
30 of this subsection, a subregistry may be created that consists of
31 guardians ad litem under contract with the department of social and
32 health services' division of child support. Guardians ad litem on such
33 a subregistry shall be selected and appointed in state-initiated
34 paternity cases only.

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

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

3 **Sec. 31.** RCW 26.12.802 and 1999 c 397 s 2 are each amended to read
4 as follows:

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

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

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

13 (3) The (~~administrator for~~) administrative office of the courts
14 shall develop criteria for the unified family court pilot program. The
15 pilot program shall include:

16 (a) All case types under Title 13 RCW, chapters 26.09, 26.10,
17 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

18 (b) Unified family court judicial officers, who volunteer for the
19 program, and meet training requirements established by local court
20 rule;

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

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

29 (e) An emphasis on providing nonadversarial methods of dispute
30 resolution such as a settlement conference, evaluative mediation by
31 attorney mediators, and facilitative mediation by nonattorney
32 mediators.

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

1 (5) The administrative office of the (~~administrator for the~~)
2 courts shall provide to the judicial districts selected for the pilot
3 program the computer resources needed by each judicial district to
4 implement the unified family court pilot program.

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

13 **Sec. 32.** RCW 26.12.804 and 1999 c 397 s 3 are each amended to read
14 as follows:

15 The judges of the superior court judicial districts with unified
16 family court pilot programs shall adopt local court rules directing the
17 program. The local court rules shall comply with the criteria
18 established by the (~~administrator for~~) administrative office of the
19 courts and shall include:

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

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

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

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

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

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

1 **Sec. 33.** RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each
2 amended to read as follows:

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

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

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

1 **Sec. 34.** RCW 26.18.220 and 1992 c 229 s 5 are each amended to read
2 as follows:

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

14 (2) A party may delete unnecessary portions of the forms according
15 to the rules established by the (~~administrator for~~) administrative
16 office of the courts. A party may supplement the mandatory forms with
17 additional material.

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

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

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

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Basic child support obligation" means the monthly child
35 support obligation determined from the economic table based on the
36 parties' combined monthly net income and the number of children for
37 whom support is owed.

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

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

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

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

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

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

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

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

25 (10) "Worksheets" means the forms developed by the administrative
26 office of the (~~administrator for the~~) courts pursuant to RCW
27 26.19.050 for use in determining the amount of child support.

28 **Sec. 36.** RCW 26.19.035 and 1992 c 229 s 6 are each amended to read
29 as follows:

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

32 (a) In each county of the state;

33 (b) In judicial and administrative proceedings under this title or
34 Title 13 or 74 RCW;

35 (c) In all proceedings in which child support is determined or
36 modified;

37 (d) In setting temporary and permanent support;

1 (e) In automatic modification provisions or decrees entered
2 pursuant to RCW 26.09.100; and

3 (f) In addition to proceedings in which child support is determined
4 for minors, to adult children who are dependent on their parents and
5 for whom support is ordered pursuant to RCW 26.09.100.

6 The provisions of this chapter for determining child support and
7 reasons for deviation from the standard calculation shall be applied in
8 the same manner by the court, presiding officers, and reviewing
9 officers.

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

21 (3) **Completion of worksheets.** Worksheets in the form developed by
22 the administrative office of the (~~administrator for the~~) courts shall
23 be completed under penalty of perjury and filed in every proceeding in
24 which child support is determined. The court shall not accept
25 incomplete worksheets or worksheets that vary from the worksheets
26 developed by the administrative office of the (~~administrator for the~~)
27 courts.

28 (4) **Court review of the worksheets and order.** The court shall
29 review the worksheets and the order setting support for the adequacy of
30 the reasons set forth for any deviation or denial of any request for
31 deviation and for the adequacy of the amount of support ordered. Each
32 order shall state the amount of child support calculated using the
33 standard calculation and the amount of child support actually ordered.
34 Worksheets shall be attached to the decree or order or if filed
35 separately shall be initialed or signed by the judge and filed with the
36 order.

1 **Sec. 37.** RCW 26.19.050 and 1990 1st ex.s. c 2 s 5 are each amended
2 to read as follows:

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

10 (2) The ((~~administrator for~~)) administrative office of the courts
11 shall develop and adopt standards for the printing of worksheets and
12 shall establish a process for certifying printed worksheets. The
13 administrator may maintain a register of sources for approved
14 worksheets.

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

19 **Sec. 38.** RCW 26.26.065 and 1992 c 229 s 7 are each amended to read
20 as follows:

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

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

27 **Sec. 39.** RCW 26.50.030 and 1996 c 248 s 12 are each amended to
28 read as follows:

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

31 (1) A petition for relief shall allege the existence of domestic
32 violence, and shall be accompanied by an affidavit made under oath
33 stating the specific facts and circumstances from which relief is
34 sought. Petitioner and respondent shall disclose the existence of any
35 other litigation concerning the custody or residential placement of a

1 child of the parties as set forth in RCW ((~~26.27.090~~)) 26.27.281 and
2 the existence of any other restraining, protection, or no-contact
3 orders between the parties.

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

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

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

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

22 **Sec. 40.** RCW 26.50.035 and 2000 c 119 s 14 are each amended to
23 read as follows:

24 (1) The ((~~administrator for~~)) administrative office of the courts
25 shall develop and prepare instructions and informational brochures
26 required under RCW 26.50.030(4), standard petition and order for
27 protection forms, and a court staff handbook on domestic violence and
28 the protection order process. The standard petition and order for
29 protection forms must be used after September 1, 1994, for all
30 petitions filed and orders issued under this chapter. The
31 instructions, brochures, forms, and handbook shall be prepared in
32 consultation with interested persons, including a representative of the
33 state domestic violence coalition, judges, and law enforcement
34 personnel.

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

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

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

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

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

28 (3) The ((~~administrator for~~)) administrative office of the courts
29 shall distribute a master copy of the petition and order forms,
30 instructions, and informational brochures to all court clerks and shall
31 distribute a master copy of the petition and order forms to all
32 superior, district, and municipal courts.

33 (4) For purposes of this section, "court clerks" means court
34 administrators in courts of limited jurisdiction and elected court
35 clerks.

36 (5) The ((~~administrator for~~)) administrative office of the courts
37 shall determine the significant non-English-speaking or limited
38 English-speaking populations in the state. The administrator shall

1 then arrange for translation of the instructions and informational
2 brochures required by this section, which shall contain a sample of the
3 standard petition and order for protection forms, into the languages
4 spoken by those significant non-English-speaking populations and shall
5 distribute a master copy of the translated instructions and
6 informational brochures to all court clerks by January 1, 1997.

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

11 **Sec. 41.** RCW 35.20.030 and 2000 c 111 s 7 are each amended to read
12 as follows:

13 The municipal court shall have jurisdiction to try violations of
14 all city ordinances and all other actions brought to enforce or recover
15 license penalties or forfeitures declared or given by any such
16 ordinances. It is empowered to forfeit cash bail or bail bonds and
17 issue execution thereon, to hear and determine all causes, civil or
18 criminal, arising under such ordinances, and to pronounce judgment in
19 accordance therewith: PROVIDED, That for a violation of the criminal
20 provisions of an ordinance no greater punishment shall be imposed than
21 a fine of five thousand dollars or imprisonment in the city jail not to
22 exceed one year, or both such fine and imprisonment, but the punishment
23 for any criminal ordinance shall be the same as the punishment provided
24 in state law for the same crime. All civil and criminal proceedings in
25 municipal court, and judgments rendered therein, shall be subject to
26 review in the superior court by writ of review or on appeal: PROVIDED,
27 That an appeal from the court's determination or order in a traffic
28 infraction proceeding may be taken only in accordance with RCW
29 46.63.090(5). Costs in civil and criminal cases may be taxed as
30 provided in district courts. A municipal court participating in the
31 program established by the administrative office of the ((~~administrator~~
32 ~~for the~~)) courts pursuant to RCW 2.56.160 shall have jurisdiction to
33 take recognizance, approve bail, and arraign defendants held within its
34 jurisdiction on warrants issued by any court of limited jurisdiction
35 participating in the program.

1 **Sec. 42.** RCW 36.01.050 and 2000 c 244 s 1 are each amended to read
2 as follows:

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

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

13 **Sec. 43.** RCW 36.18.018 and 1995 c 292 s 15 are each amended to
14 read as follows:

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

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

21 (3) For all copies and reports produced by the (~~administrator~~
22 ~~for~~) administrative office of the courts as permitted under RCW
23 2.68.020 and supreme court policy, a variable fee must be charged.

24 **Sec. 44.** RCW 43.08.250 and 2003 1st sp.s. c 25 s 918 are each
25 amended to read as follows:

26 The money received by the state treasurer from fees, fines,
27 forfeitures, penalties, reimbursements or assessments by any court
28 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
29 deposited in the public safety and education account which is hereby
30 created in the state treasury. The legislature shall appropriate the
31 funds in the account to promote traffic safety education, highway
32 safety, criminal justice training, crime victims' compensation,
33 judicial education, the judicial information system, civil
34 representation of indigent persons, winter recreation parking, drug
35 court operations, and state game programs. During the fiscal biennium
36 ending June 30, 2005, the legislature may appropriate moneys from the

1 public safety and education account for purposes of appellate indigent
2 defense and other operations of the office of public defense, the
3 criminal litigation unit of the attorney general's office, the
4 treatment alternatives to street crimes program, crime victims advocacy
5 programs, justice information network telecommunication planning,
6 treatment for supplemental security income clients, sexual assault
7 treatment, operations of the administrative office of (~~administrator~~
8 ~~for~~) the courts, security in the common schools, alternative school
9 start-up grants, programs for disruptive students, criminal justice
10 data collection, Washington state patrol criminal justice activities,
11 drug court operations, unified family courts, local court backlog
12 assistance, financial assistance to local jurisdictions for
13 extraordinary costs incurred in the adjudication of criminal cases,
14 domestic violence treatment and related services, the department of
15 corrections' costs in implementing chapter 196, Laws of 1999,
16 reimbursement of local governments for costs associated with
17 implementing criminal and civil justice legislation, the replacement of
18 the department of corrections' offender-based tracking system, secure
19 and semi-secure crisis residential centers, HOPE beds, the family
20 policy council and community public health and safety networks, the
21 street youth program, public notification about registered sex
22 offenders, and narcotics or methamphetamine-related enforcement,
23 education, training, and drug and alcohol treatment services.

24 **Sec. 45.** RCW 43.70.540 and 1995 c 399 s 76 are each amended to
25 read as follows:

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

35 The legislature finds, however, that a single health-oriented
36 agency must be designated to provide consistent guidelines to all these
37 groups regarding the way in which their data systems collect this

1 important data. It is not the intent of the legislature by RCW
2 43.70.545 to transfer data collection requirements from existing
3 agencies or to require the addition of major new data systems. It is
4 rather the intent to make only the minimum required changes in existing
5 data systems to increase compatibility and comparability, reduce
6 duplication, and to increase the usefulness of data collected by these
7 agencies in developing more accurate descriptions of violence.

8 **Sec. 46.** RCW 43.101.280 and 1993 c 415 s 4 are each amended to
9 read as follows:

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

20 **Sec. 47.** RCW 46.20.286 and 1996 c 199 s 6 are each amended to read
21 as follows:

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

25 **Sec. 48.** RCW 74.14C.100 and 1995 c 311 s 12 are each amended to
26 read as follows:

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

30 (a) Include the family unit as the primary focus of service;
31 identifying family member strengths; empowering families; child, adult,
32 and family development; stress management; and may include parent
33 training and family therapy techniques;

34 (b) Address intake and referral, assessment of risk, case
35 assessment, matching clients to services, and service planning issues

1 in the context of the home-delivered service model, including
2 strategies for engaging family members, defusing violent situations,
3 and communication and conflict resolution skills;

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

7 (d) Address crisis intervention and other strategies for the
8 management of depression, and suicidal, assaultive, and other high-risk
9 behavior; and

10 (e) Address skills in collaborating with other disciplines and
11 services in promoting the safety of children and other family members
12 and promoting the preservation of the family.

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

18 **Sec. 49.** RCW 82.14.310 and 2001 2nd sp.s. c 7 s 915 are each
19 amended to read as follows:

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

29 (2) The moneys deposited in the county criminal justice assistance
30 account for distribution under this section, less any moneys
31 appropriated for purposes under subsection (4) of this section, shall
32 be distributed at such times as distributions are made under RCW
33 82.44.150 and on the relative basis of each county's funding factor as
34 determined under this subsection.

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

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

1 (ii) The crime rate of the county, multiplied by three-tenths; and
2 (iii) The annual number of criminal cases filed in the county
3 superior court, for each one thousand in population, multiplied by
4 five-tenths.

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

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

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

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

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

25 (3) Moneys distributed under this section shall be expended
26 exclusively for criminal justice purposes and shall not be used to
27 replace or supplant existing funding. Criminal justice purposes are
28 defined as activities that substantially assist the criminal justice
29 system, which may include circumstances where ancillary benefit to the
30 civil or juvenile justice system occurs, and which includes (a)
31 domestic violence services such as those provided by domestic violence
32 programs, community advocates, and legal advocates, as defined in RCW
33 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile
34 dispositional hearings relating to petitions for at-risk youth,
35 truancy, and children in need of services. Existing funding for
36 purposes of this subsection is defined as calendar year 1989 actual
37 operating expenditures for criminal justice purposes. Calendar year
38 1989 actual operating expenditures for criminal justice purposes

1 exclude the following: Expenditures for extraordinary events not
2 likely to reoccur, changes in contract provisions for criminal justice
3 services, beyond the control of the local jurisdiction receiving the
4 services, and major nonrecurring capital expenditures.

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

Passed by the House February 28, 2005.

Passed by the Senate April 14, 2005.

Approved by the Governor May 4, 2005, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 4, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 18, House Bill No.
1668 entitled:

"AN ACT Relating to the administrative office of the courts."

Section 18, which amends RCW 9.94A.660, presents an irreconcilable
conflict with the provisions of Engrossed Second Substitute House
Bill No. 2015. Section 18 is rendered moot by language changes in
Engrossed Second Substitute House Bill No. 2015, and has no
substantive effect on either bill.

For these reasons, I have vetoed Section 18 of House Bill No. 1668.

With the exception of Section 18, House Bill No. 1668 is approved."