

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2213**

Chapter 232, Laws of 2024

68th Legislature  
2024 Regular Session

DEFECTS AND OMISSIONS

EFFECTIVE DATE: June 6, 2024

Passed by the House March 5, 2024  
Yeas 95 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate February 27,  
2024  
Yeas 49 Nays 0

DENNY HECK

**President of the Senate**

Approved March 25, 2024 1:47 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2213** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 26, 2024

**Secretary of State  
State of Washington**

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**HOUSE BILL 2213**

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AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

**State of Washington                      68th Legislature                      2024 Regular Session**

**By** Representatives Cheney, Taylor, Duerr, and Graham

Read first time 01/09/24. Referred to Committee on Civil Rights & Judiciary.

1            AN ACT Relating to defects and omissions in the laws that have  
2 been identified by the justices of the supreme court or judges of the  
3 superior courts pursuant to Article IV, section 25 of the state  
4 Constitution; amending RCW 10.116.030, 13.04.030, 21.20.380, and  
5 29A.80.061; creating a new section; repealing RCW 9.68.060, 9.68.070,  
6 and 9.68.090; and repealing 2020 c 1 ss 1, 2, 3, 4, 5, 6, 7, 8, 9,  
7 10, 11, 12, 13, 14, 15, 16, and 17 (uncodified).

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

9            **Sec. 1.** RCW 10.116.030 and 2021 c 320 s 4 are each amended to  
10 read as follows:

11            (1) A law enforcement agency may not use or authorize its peace  
12 officers or other employees to use tear gas unless necessary to  
13 alleviate a present risk of serious harm posed by a: (a) Riot; (b)  
14 barricaded subject; or (c) hostage situation.

15            (2) Prior to using tear gas as authorized under subsection (1) of  
16 this section, the officer or employee shall:

17            (a) Exhaust alternatives to the use of tear gas that are  
18 available and appropriate under the circumstances;

19            (b) Obtain authorization to use tear gas from a supervising  
20 officer, who must determine whether the present circumstances warrant

1 the use of tear gas and whether available and appropriate  
2 alternatives have been exhausted as provided under this section;

3 (c) Announce to the subject or subjects the intent to use tear  
4 gas; and

5 (d) Allow sufficient time and space for the subject or subjects  
6 to comply with the officer's or employee's directives.

7 (3) In the case of a riot outside of a correctional, jail, or  
8 detention facility, the officer or employee may use tear gas only  
9 after: (a) Receiving authorization from the highest elected official  
10 of the jurisdiction in which the tear gas is to be used, and (b)  
11 meeting the requirements of subsection (2) of this section.

12 (4) For the purposes of this section:

13 (a) "Barricaded subject" means an individual who is the focus of  
14 a law enforcement intervention effort, has taken a position in a  
15 physical location that does not allow immediate law enforcement  
16 access, and is refusing law enforcement orders to exit.

17 (b) "Highest elected official" means the county executive in  
18 those charter counties with an elective office of county executive,  
19 however designated, and in the case of other counties, the (~~chair of~~  
20 ~~the county legislative authority~~) county sheriff. In the case of  
21 cities and towns, it means the mayor, regardless of whether the mayor  
22 is directly elected, selected by the council or legislative body  
23 pursuant to RCW 35.18.190 or 35A.13.030, or selected according to a  
24 process in an established city charter. In the case of actions by the  
25 Washington state patrol, it means the governor.

26 (c) "Hostage situation" means a scenario in which a person is  
27 being held against his or her will by an armed, potentially armed, or  
28 otherwise dangerous suspect.

29 (d) "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene  
30 malononitrile (CS), and any similar chemical irritant dispersed in  
31 the air for the purpose of producing temporary physical discomfort or  
32 permanent injury, except "tear gas" does not include oleoresin  
33 capsicum (OC).

34 **Sec. 2.** RCW 13.04.030 and 2022 c 243 s 2 are each amended to  
35 read as follows:

36 (1) Except as provided in this section, the juvenile courts in  
37 this state shall have exclusive original jurisdiction over all  
38 proceedings:

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

3 (b) Relating to children alleged or found to be dependent as  
4 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

5 (c) Relating to the termination of a parent and child  
6 relationship as provided in RCW 13.34.180 through 13.34.210;

7 (d) To approve or disapprove out-of-home placement as provided in  
8 RCW 13.32A.170;

9 (e) Relating to juveniles alleged or found to have committed  
10 offenses, traffic or civil infractions, or violations as provided in  
11 RCW 13.40.020 through 13.40.230, unless:

12 (i) The juvenile court transfers jurisdiction of a particular  
13 juvenile to adult criminal court pursuant to RCW 13.40.110;

14 (ii) The statute of limitations applicable to adult prosecution  
15 for the offense, traffic or civil infraction, or violation has  
16 expired;

17 (iii) The alleged offense or infraction is a traffic, fish,  
18 boating, or game offense, or traffic or civil infraction committed by  
19 a juvenile (~~sixteen~~) 16 years of age or older and would, if  
20 committed by an adult, be tried or heard in a court of limited  
21 jurisdiction, in which instance the appropriate court of limited  
22 jurisdiction shall have jurisdiction over the alleged offense or  
23 infraction, and no guardian ad litem is required in any such  
24 proceeding due to the juvenile's age. If such an alleged offense or  
25 infraction and an alleged offense or infraction subject to juvenile  
26 court jurisdiction arise out of the same event or incident, the  
27 juvenile court may have jurisdiction of both matters. The  
28 jurisdiction under this subsection does not constitute "transfer" or  
29 a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of  
30 this subsection. Courts of limited jurisdiction which confine  
31 juveniles for an alleged offense or infraction may place juveniles in  
32 juvenile detention facilities under an agreement with the officials  
33 responsible for the administration of the juvenile detention facility  
34 in RCW 13.04.035 and 13.20.060;

35 (iv) The alleged offense is a traffic or civil infraction, a  
36 violation of compulsory school attendance provisions under chapter  
37 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction  
38 has assumed concurrent jurisdiction over those offenses as provided  
39 in RCW 13.04.0301; or

1 (v) The juvenile is (~~sixteen~~) 16 or (~~seventeen~~) 17 years old  
2 on the date the alleged offense is committed and the alleged offense  
3 is:

4 (A) A serious violent offense as defined in RCW 9.94A.030;

5 (B) A violent offense as defined in RCW 9.94A.030 and the  
6 juvenile has a criminal history consisting of: One or more prior  
7 serious violent offenses; two or more prior violent offenses; or  
8 three or more of any combination of the following offenses: Any class  
9 A felony, any class B felony, vehicular assault, or manslaughter in  
10 the second degree, all of which must have been committed after the  
11 juvenile's (~~thirteenth~~) 13th birthday and prosecuted separately; or

12 (C) Rape of a child in the first degree.

13 (I) In such a case the adult criminal court shall have exclusive  
14 original jurisdiction, except as provided in (e)(v)(C)(II) and (III)  
15 of this subsection.

16 (II) The juvenile court shall have exclusive jurisdiction over  
17 the disposition of any remaining charges in any case in which the  
18 juvenile is found not guilty in the adult criminal court of the  
19 charge or charges for which he or she was transferred, or is  
20 convicted in the adult criminal court of an offense that is not also  
21 an offense listed in (e)(v) of this subsection. The juvenile court  
22 shall maintain residual juvenile court jurisdiction up to age  
23 (~~twenty-five~~) 25 if the juvenile has turned (~~eighteen~~) 18 years  
24 of age during the adult criminal court proceedings but only for the  
25 purpose of returning a case to juvenile court for disposition  
26 pursuant to RCW 13.40.300(3)(d).

27 (III) The prosecutor and respondent may agree to juvenile court  
28 jurisdiction and waive application of exclusive adult criminal  
29 jurisdiction in (e)(v)(A) through (C) of this subsection and remove  
30 the proceeding back to juvenile court with the court's approval.

31 If the juvenile challenges the state's determination of the  
32 juvenile's criminal history under (e)(v) of this subsection, the  
33 state may establish the offender's criminal history by a  
34 preponderance of the evidence. If the criminal history consists of  
35 adjudications entered upon a plea of guilty, the state shall not bear  
36 a burden of establishing the knowing and voluntariness of the plea;

37 (f) Under the interstate compact on juveniles as provided in  
38 chapter 13.24 RCW;

1 (g) Relating to termination of a diversion agreement under RCW  
2 13.40.080, including a proceeding in which the divertee has attained  
3 (~~eighteen~~) 18 years of age;

4 (h) Relating to court validation of a voluntary consent to an  
5 out-of-home placement under chapter 13.34 RCW, by the parent or  
6 Indian custodian of an Indian child, except if the parent or Indian  
7 custodian and child are residents of or domiciled within the  
8 boundaries of a federally recognized Indian reservation over which  
9 the tribe exercises exclusive jurisdiction; and

10 (i) Relating to petitions to compel disclosure of information  
11 filed by the department of social and health services pursuant to RCW  
12 74.13.042.

13 (2) The family court shall have concurrent original jurisdiction  
14 with the juvenile court over all proceedings under this section if  
15 the superior court judges of a county authorize concurrent  
16 jurisdiction as provided in RCW 26.12.010.

17 (3) The juvenile court shall have concurrent original  
18 jurisdiction with the family or probate court over minor guardianship  
19 proceedings under chapter 11.130 RCW and parenting plans or  
20 residential schedules under chapter 26.09, 26.26A, or 26.26B RCW as  
21 provided for in RCW 13.34.155.

22 (4) A juvenile subject to adult superior court jurisdiction under  
23 subsection (1)(e)(i) through (v) of this section, who is detained  
24 pending trial, may be detained in a detention facility as defined in  
25 RCW 13.40.020 pending sentencing or a dismissal.

26 (5) Nothing in subsection (1) of this section deprives the  
27 superior courts in this state of original jurisdiction granted by the  
28 Constitution or by other laws.

29 **Sec. 3.** RCW 21.20.380 and 2002 c 65 s 7 are each amended to read  
30 as follows:

31 (1) For the purpose of any investigation or proceeding under this  
32 chapter, the director or any officer designated by the director may  
33 administer oaths and affirmations, subpoena witnesses, compel their  
34 attendance, take evidence, and require the production of any books,  
35 papers, correspondence, memoranda, agreements, or other documents or  
36 records which the director deems relevant or material to the inquiry.

37 (2) If the activities constituting an alleged violation for which  
38 the information is sought would be a violation of this chapter had  
39 the activities occurred in this state, the director may issue and

1 apply to enforce subpoenas in this state at the request of a  
2 securities agency or administrator of another state.

3 (3) A subpoena issued to a financial institution under this  
4 section may, if the director finds it necessary or appropriate in the  
5 public interest or for the protection of investors, include a  
6 directive that the financial institution subpoenaed shall not  
7 disclose to third parties that are not affiliated with the financial  
8 institution, other than to the institution's legal counsel, the  
9 existence or content of the subpoena.

10 (4) In case of disobedience on the part of any person to comply  
11 with any subpoena lawfully issued by the director, the refusal of any  
12 witness to testify to any matters regarding which the witness may be  
13 lawfully interrogated, or the failure to comply with a nondisclosure  
14 directive under subsection (3) of this section, a court of competent  
15 jurisdiction of any county or the judge thereof, on application of  
16 the director, and after satisfactory evidence of willful  
17 disobedience, may compel obedience by proceedings for contempt, as in  
18 the case of disobedience of the requirements of a subpoena issued  
19 from such a court on a refusal to testify therein.

20 (5) Nothing in this section authorizes the director or officers  
21 designated by the director to compel the production of customer  
22 banking records.

23 **Sec. 4.** RCW 29A.80.061 and 2004 c 271 s 150 are each amended to  
24 read as follows:

25 Within ((~~forty-five~~)) 45 days after the statewide general  
26 election in even-numbered years, the county chair of each major  
27 political party shall call separate meetings of all elected precinct  
28 committee officers in each legislative district for the purpose of  
29 ((~~electing~~)) selecting a legislative district chair in such district.  
30 The district chair shall hold office until the next legislative  
31 district reorganizational meeting two years later, or until a  
32 successor is ((~~elected~~)) selected.

33 The legislative district chair may be removed only by the  
34 majority vote of the elected precinct committee officers in the  
35 chair's district.

36 NEW SECTION. **Sec. 5.** The legislature finds that Article IX,  
37 section 1 of the state Constitution does not have a section caption  
38 in the original source, and that the subsequently added caption of

1 "Preamble" does not accurately describe the section. Therefore, the  
2 secretary of state is respectfully requested to publish Article IX,  
3 section 1 of the state Constitution without a section caption.

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

6 (1) RCW 9.68.060 ("Erotic material"—Determination by court—  
7 Labeling—Penalties) and 2011 c 96 s 8, 2003 c 53 s 41, 1992 c 5 s 2,  
8 & 1969 ex.s. c 256 s 14;

9 (2) RCW 9.68.070 (Prosecution for violation of RCW 9.68.060—  
10 Defense) and 2011 c 336 s 318, 1992 c 5 s 4, & 1969 ex.s. c 256 s 15;  
11 and

12 (3) RCW 9.68.090 (Civil liability of wholesaler or wholesaler-  
13 distributor) and 2011 c 336 s 320, 1992 c 5 s 3, & 1969 ex.s. c 256 s  
14 17.

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

17 (1) 2020 c 1 s 1 (uncodified);

18 (2) 2020 c 1 s 2 (uncodified);

19 (3) 2020 c 1 s 3 (uncodified);

20 (4) 2020 c 1 s 4 (uncodified);

21 (5) 2020 c 1 s 5 (uncodified);

22 (6) 2020 c 1 s 6 (uncodified);

23 (7) 2020 c 1 s 7 (uncodified);

24 (8) 2020 c 1 s 8 (uncodified);

25 (9) 2020 c 1 s 9 (uncodified);

26 (10) 2020 c 1 s 10 (uncodified);

27 (11) 2020 c 1 s 11 (uncodified);

28 (12) 2020 c 1 s 12 (uncodified);

29 (13) 2020 c 1 s 13 (uncodified);

30 (14) 2020 c 1 s 14 (uncodified);

31 (15) 2020 c 1 s 15 (uncodified);

32 (16) 2020 c 1 s 16 (uncodified); and

33 (17) 2020 c 1 s 17 (uncodified).

Passed by the House March 5, 2024.

Passed by the Senate February 27, 2024.

Approved by the Governor March 25, 2024.



Filed in Office of Secretary of State March 26, 2024.

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