

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5087**

Chapter 102, Laws of 2023

68th Legislature  
2023 Regular Session

REMOVING LANGUAGE—DEFECTS AND OMISSIONS

EFFECTIVE DATE: July 23, 2023

Passed by the Senate February 1, 2023  
Yeas 34 Nays 14

DENNY HECK

**President of the Senate**

Passed by the House April 7, 2023  
Yeas 58 Nays 39

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved April 20, 2023 9:38 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5087** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

**Secretary**

FILED

April 21, 2023

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5087**

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Passed Legislature - 2023 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Pedersen, Mullet, Billig, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Kuderer, Liias, Lovelett, Nobles, Saldaña, Stanford, and Wellman; by request of Attorney General)

READ FIRST TIME 01/20/23.

1       AN ACT Relating to removing language from the Revised Code of  
2 Washington that has been identified by the justices of the supreme  
3 court or judges of the superior courts as defects and omissions in  
4 the laws pursuant to Article IV, section 25 of the Washington state  
5 Constitution; amending RCW 2.43.040, 2.48.190, 4.16.190, 48.140.010,  
6 6.25.030, 10.105.900, 7.80.120, 9.94A.530, 9A.46.020, 10.05.030,  
7 10.95.030, 10.95.035, 10.95.030, 41.56.0251, 43.135.034, 35A.66.020,  
8 and 9A.72.160; and repealing RCW 2.48.210, 4.56.250, 7.48.050,  
9 7.48.052, 7.48.054, 7.48.056, 7.48.058, 7.48.060, 7.48.062, 7.48.064,  
10 7.48.066, 7.48.068, 7.48.070, 7.48.072, 7.48.074, 7.48.076, 7.48.078,  
11 7.48.080, 7.48.085, 7.48.090, 7.48.100, 7.70.150, 9.81.010, 9.81.020,  
12 9.81.030, 9.81.040, 9.81.050, 9.81.060, 9.81.070, 9.81.080, 9.81.082,  
13 9.81.083, 9.81.090, 9.81.110, 9.81.120, 9.91.180, 9.92.100,  
14 10.52.100, 10.58.090, 10.95.040, 10.95.050, 10.95.060, 10.95.070,  
15 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130,  
16 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185,  
17 10.95.190, 10.95.200, 10.95.901, 18.108.190, 35.13.165, 36.105.010,  
18 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060,  
19 36.105.070, 36.105.080, 36.105.090, 36.105.100, 39.88.010, 39.88.020,  
20 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080,  
21 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900,  
22 39.88.905, 39.88.910, 41.20.110, 47.44.030, 49.32.072, 49.32.073,  
23 49.32.074, 66.24.480, 66.28.080, 73.04.050, 73.04.060, and 85.05.130.

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

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

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

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

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

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

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

28 (a) The interpreter appointed is an interpreter certified by the  
29 administrative office of the courts or is a qualified interpreter  
30 registered by the administrative office of the courts in a  
31 noncertified language, or where the necessary language is not  
32 certified or registered, the interpreter has been qualified by the  
33 judicial officer pursuant to this chapter;

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

36 (c) The fee paid to the interpreter for services is in accordance  
37 with standards established by the administrative office of the  
38 courts.

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

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

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

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

20       ((~~1~~)) Unless otherwise provided in this section, if a person  
21 entitled to bring an action mentioned in this chapter, except for a  
22 penalty or forfeiture, or against a sheriff or other officer, for an  
23 escape, be at the time the cause of action accrued either under the  
24 age of eighteen years, or incompetent or disabled to such a degree  
25 that he or she cannot understand the nature of the proceedings, such  
26 incompetency or disability as determined according to chapter 11.130  
27 RCW, or imprisoned on a criminal charge prior to sentencing, the time  
28 of such disability shall not be a part of the time limited for the  
29 commencement of action.

30       ((~~2~~ ~~Subsection (1) of this section with respect to a person~~  
31 ~~under the age of eighteen years does not apply to the time limited~~  
32 ~~for the commencement of an action under RCW 4.16.350.~~))

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

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

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Claim" means a demand for monetary damages for injury or  
4 death caused by medical malpractice, and a voluntary indemnity  
5 payment for injury or death caused by medical malpractice made in the  
6 absence of a demand for monetary damages.

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

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

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

15 (5) "Economic damages" (~~(has the same meaning as in RCW~~  
16 ~~4.56.250(1)(a))~~) means objectively verifiable monetary losses,  
17 including medical expenses, loss of earnings, burial costs, loss of  
18 use of property, cost of replacement or repair, cost of obtaining  
19 substitute domestic services, loss of employment, and loss of  
20 business or employment opportunities.

21 (6) "Health care facility" or "facility" means a clinic,  
22 diagnostic center, hospital, laboratory, mental health center,  
23 nursing home, office, surgical facility, treatment facility, or  
24 similar place where a health care provider provides health care to  
25 patients, and includes entities described in RCW 7.70.020(3).

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

28 (8) "Insuring entity" means:

29 (a) An insurer;

30 (b) A joint underwriting association;

31 (c) A risk retention group; or

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

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

36 (10) "Noneconomic damages" (~~(has the same meaning as in RCW~~  
37 ~~4.56.250(1)(b))~~) means subjective, nonmonetary losses including, but  
38 not limited to, pain, suffering, inconvenience, mental anguish,  
39 disability or disfigurement incurred by the injured party, emotional  
40 distress, loss of society and companionship, loss of consortium,

1 injury to reputation and humiliation, and destruction of the parent-  
2 child relationship.

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

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

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

- 10 (1) That the defendant is a foreign corporation; or  
11 (2) That the defendant is not a resident of this state; or  
12 (3) That the defendant conceals himself or herself so that the  
13 ordinary process of law cannot be served upon him or her; or  
14 (4) That the defendant has absconded or absented himself or  
15 herself from his or her usual place of abode in this state, so that  
16 the ordinary process of law cannot be served upon him or her; or  
17 (5) That the defendant has removed or is about to remove any of  
18 his or her property from this state, with intent to delay or defraud  
19 his or her creditors; or  
20 (6) That the defendant has assigned, secreted, or disposed of, or  
21 is about to assign, secrete, or dispose of, any of his or her  
22 property, with intent to delay or defraud his or her creditors; or  
23 (7) That the defendant is about to convert his or her property,  
24 or a part thereof, into money, for the purpose of placing it beyond  
25 the reach of his or her creditors; or  
26 (8) That the defendant has been guilty of a fraud in contracting  
27 the debt or incurring the obligation for which the action is brought;  
28 or  
29 (9) That the damages for which the action is brought are for  
30 injuries arising from the commission of some felony, gross  
31 misdemeanor, or misdemeanor(~~(; or~~  
32 ~~(10) That the object for which the action is brought is to~~  
33 ~~recover on a contract, express or implied)).~~

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

- 36 (1) RCW 7.48.050 (Moral nuisances—Definitions) and 1990 c 152 s  
37 1, 1979 c 1 s 1 (Initiative Measure No. 335, approved November 8,  
38 1977), & 1913 c 127 s 1;

1 (2) RCW 7.48.052 (Moral nuisances) and 1990 c 152 s 2, 1988 c 141  
2 s 1, & 1979 c 1 s 2 (Initiative Measure No. 335, approved November 8,  
3 1977);

4 (3) RCW 7.48.054 (Moral nuisance—Personal property—Effects of  
5 notice) and 1990 c 152 s 3 & 1979 c 1 s 3 (Initiative Measure No.  
6 335, approved November 8, 1977);

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

9 (5) RCW 7.48.058 (Maintaining action to abate moral nuisance—  
10 Bond) and 2011 c 336 s 212 & 1979 c 1 s 5 (Initiative Measure No.  
11 335, approved November 8, 1977);

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

15 (7) RCW 7.48.062 (Moral nuisance—Restraining order—Violations)  
16 and 1979 c 1 s 7 (Initiative Measure No. 335, approved November 8,  
17 1977);

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

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

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

26 (11) RCW 7.48.070 (Moral nuisance—Priority of action on calendar)  
27 and 1979 c 1 s 11 (Initiative Measure No. 335, approved November 8,  
28 1977) & 1913 c 127 s 3;

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

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

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

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

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

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

10 (18) RCW 7.48.090 (Moral nuisance—Contraband—Forfeitures) and  
11 1979 c 1 s 18 (Initiative Measure No. 335, approved November 8,  
12 1977), 1927 c 94 s 1, & 1913 c 127 s 5; and

13 (19) RCW 7.48.100 (Moral nuisance—Immunity of certain motion  
14 picture theater employees) and 2011 c 336 s 216, 1979 c 1 s 19  
15 (Initiative Measure No. 335, approved November 8, 1977), 1927 c 94 s  
16 2, & 1913 c 127 s 6.

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

19 This chapter does not apply to property subject to forfeiture  
20 under chapter 66.32 RCW, RCW 69.50.505, 9.41.098, 9.46.231,  
21 9A.82.100, 9A.83.030, (~~7.48.090,~~) or 77.15.070.

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

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

27 (1) RCW 9.81.010 (Definitions) and 1953 c 142 s 1 & 1951 c 254 s  
28 1;

29 (2) RCW 9.81.020 (Subversive activities made felony—Penalty) and  
30 2003 c 53 s 44 & 1951 c 254 s 2;

31 (3) RCW 9.81.030 (Membership in subversive organization is felony  
32 —Penalty) and 2003 c 53 s 45 & 1951 c 254 s 3;

33 (4) RCW 9.81.040 (Disqualification from voting or holding public  
34 office) and 1951 c 254 s 4;

35 (5) RCW 9.81.050 (Dissolution of subversive organizations—  
36 Disposition of property) and 1951 c 254 s 5;



1 (6) RCW 9.81.060 (Public employment—Subversive person ineligible)  
2 and 1951 c 254 s 11;

3 (7) RCW 9.81.070 (Public employment—Determining eligibility—  
4 Inquiries—Oath) and 1955 c 377 s 1 & 1951 c 254 s 12;

5 (8) RCW 9.81.080 (Public employment—Inquiries may be dispensed  
6 with, when) and 1955 c 377 s 2 & 1951 c 254 s 13;

7 (9) RCW 9.81.082 (Membership in subversive organization  
8 described) and 1955 c 377 s 3;

9 (10) RCW 9.81.083 (Communist party declared a subversive  
10 organization) and 1955 c 377 s 4;

11 (11) RCW 9.81.090 (Public employees—Discharge of subversive  
12 persons—Procedure—Hearing—Appeal) and 2011 c 336 s 328, 1971 c 81 s  
13 44, & 1951 c 254 s 15;

14 (12) RCW 9.81.110 (Misstatements are punishable as perjury—  
15 Penalty) and 1951 c 254 s 17; and

16 (13) RCW 9.81.120 (Constitutional rights—Censorship or  
17 infringement) and 1951 c 254 s 19.

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

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

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

24 (a) The maximum penalty and the default amount for a class 1  
25 civil infraction shall be \$250, not including statutory assessments,  
26 except for an infraction of state law involving (i) potentially  
27 dangerous litter as specified in RCW 70A.200.060(4) (~~or violent~~  
28 ~~video or computer games under RCW 9.91.180)), in which case the~~  
29 maximum penalty and default amount is \$500; or (ii) a person's  
30 refusal to submit to a test or tests pursuant to RCW 79A.60.040 and  
31 79A.60.700, in which case the maximum penalty and default amount is  
32 \$1,000; or (iii) the misrepresentation of service animals under RCW  
33 49.60.214, in which case the maximum penalty and default amount is  
34 \$500; or (iv) untraceable firearms pursuant to RCW 9.41.326 or  
35 unfinished frames or receivers pursuant to RCW 9.41.327, in which  
36 case the maximum penalty and default amount is \$500;

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

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

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

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

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

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

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

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

24 (1) The intersection of the column defined by the offender score  
25 and the row defined by the offense seriousness score determines the  
26 standard sentence range (see RCW 9.94A.510, (Table 1) and RCW  
27 9.94A.517, (Table 3)). The additional time for deadly weapon findings  
28 or for other adjustments as specified in RCW 9.94A.533 shall be added  
29 to the entire standard sentence range. The court may impose any  
30 sentence within the range that it deems appropriate. All standard  
31 sentence ranges are expressed in terms of total confinement.

32 (2) In determining any sentence other than a sentence above the  
33 standard range, the trial court may rely on no more information than  
34 is admitted by the plea agreement, or admitted, acknowledged, or  
35 proved in a trial or at the time of sentencing, or proven pursuant to  
36 RCW 9.94A.537. (~~Acknowledgment includes not objecting to information  
37 stated in the presentence reports and not objecting to criminal  
38 history presented at the time of sentencing.~~) Where the defendant

1 disputes material facts, the court must either not consider the fact  
2 or grant an evidentiary hearing on the point. The facts shall be  
3 deemed proved at the hearing by a preponderance of the evidence,  
4 except as otherwise specified in RCW 9.94A.537. On remand for  
5 resentencing following appeal or collateral attack, the parties shall  
6 have the opportunity to present and the court to consider all  
7 relevant evidence regarding criminal history, including criminal  
8 history not previously presented.

9 (3) In determining any sentence above the standard sentence  
10 range, the court shall follow the procedures set forth in RCW  
11 9.94A.537. Facts that establish the elements of a more serious crime  
12 or additional crimes may not be used to go outside the standard  
13 sentence range except upon stipulation or when specifically provided  
14 for in RCW 9.94A.535(3)(d), (e), (g), and (h).

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

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

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

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

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

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

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

28 (b) The person by words or conduct places the person threatened  
29 in reasonable fear that the threat will be carried out. "Words or  
30 conduct" includes, in addition to any other form of communication or  
31 conduct, the sending of an electronic communication.

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

34 (b) A person who harasses another is guilty of a class C felony  
35 if any of the following apply: (i) The person has previously been  
36 convicted in this or any other state of any crime of harassment, as  
37 defined in RCW 9A.46.060, of the same victim or members of the  
38 victim's family or household or any person specifically named in a  
39 no-contact or no-harassment order; (ii) the person harasses another

1 person under subsection (1)(a)(i) of this section by threatening to  
2 kill the person threatened or any other person; (iii) the person  
3 harasses a criminal justice participant who is performing his or her  
4 official duties at the time the threat is made; or (iv) the person  
5 harasses a criminal justice participant because of an action taken or  
6 decision made by the criminal justice participant during the  
7 performance of his or her official duties. For the purposes of  
8 (b)(iii) and (iv) of this subsection, the fear from the threat must  
9 be a fear that a reasonable criminal justice participant would have  
10 under all the circumstances. Threatening words do not constitute  
11 harassment if it is apparent to the criminal justice participant that  
12 the person does not have the present and future ability to carry out  
13 the threat.

14 (3) Any criminal justice participant who is a target for threats  
15 or harassment prohibited under subsection (2)(b)(iii) or (iv) of this  
16 section, and any family members residing with him or her, shall be  
17 eligible for the address confidentiality program created under RCW  
18 40.24.030.

19 (4) For purposes of this section, a criminal justice participant  
20 includes any (a) federal, state, or local law enforcement agency  
21 employee; (b) federal, state, or local prosecuting attorney or deputy  
22 prosecuting attorney; (c) staff member of any adult corrections  
23 institution or local adult detention facility; (d) staff member of  
24 any juvenile corrections institution or local juvenile detention  
25 facility; (e) community corrections officer, probation, or parole  
26 officer; (f) member of the indeterminate sentence review board; (g)  
27 advocate from a crime victim/witness program; or (h) defense  
28 attorney.

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

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

34 The arraignment judge upon consideration of the petition (~~and~~  
35 ~~with the concurrence of the prosecuting attorney~~) may continue the  
36 arraignment and refer such person for a diagnostic investigation and  
37 evaluation to:

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

4 (2) An approved mental health center if the petition alleges a  
5 mental problem;

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

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

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

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

16 **Sec. 20.** RCW 10.95.030 and 2015 c 134 s 5 are each amended to  
17 read as follows:

18 (1) Except as provided in subsection((s)) (2) (~~and (3)~~) of this  
19 section, any person convicted of the crime of aggravated first degree  
20 murder shall be sentenced to life imprisonment without possibility of  
21 release or parole. A person sentenced to life imprisonment under this  
22 section shall not have that sentence suspended, deferred, or commuted  
23 by any judicial officer and the indeterminate sentence review board  
24 or its successor may not parole such prisoner nor reduce the period  
25 of confinement in any manner whatsoever including but not limited to  
26 any sort of good-time calculation. The department of social and  
27 health services or its successor or any executive official may not  
28 permit such prisoner to participate in any sort of release or  
29 furlough program.

30 ~~(2) ((If, pursuant to a special sentencing proceeding held under  
31 RCW 10.95.050, the trier of fact finds that there are not sufficient  
32 mitigating circumstances to merit leniency, the sentence shall be  
33 death. In no case, however, shall a person be sentenced to death if  
34 the person had an intellectual disability at the time the crime was  
35 committed, under the definition of intellectual disability set forth  
36 in (a) of this subsection. A diagnosis of intellectual disability  
37 shall be documented by a licensed psychiatrist or licensed~~

1 ~~psychologist designated by the court, who is an expert in the~~  
2 ~~diagnosis and evaluation of intellectual disabilities. The defense~~  
3 ~~must establish an intellectual disability by a preponderance of the~~  
4 ~~evidence and the court must make a finding as to the existence of an~~  
5 ~~intellectual disability.~~

6 ~~(a) "Intellectual disability" means the individual has: (i)~~  
7 ~~Significantly subaverage general intellectual functioning; (ii)~~  
8 ~~existing concurrently with deficits in adaptive behavior; and (iii)~~  
9 ~~both significantly subaverage general intellectual functioning and~~  
10 ~~deficits in adaptive behavior were manifested during the~~  
11 ~~developmental period.~~

12 ~~(b) "General intellectual functioning" means the results obtained~~  
13 ~~by assessment with one or more of the individually administered~~  
14 ~~general intelligence tests developed for the purpose of assessing~~  
15 ~~intellectual functioning.~~

16 ~~(c) "Significantly subaverage general intellectual functioning"~~  
17 ~~means intelligence quotient seventy or below.~~

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

21 ~~(e) "Developmental period" means the period of time between~~  
22 ~~conception and the eighteenth birthday.~~

23 ~~(3)) (a) (i) Any person convicted of the crime of aggravated first~~  
24 ~~degree murder for an offense committed prior to the person's~~  
25 ~~sixteenth birthday shall be sentenced to a maximum term of life~~  
26 ~~imprisonment and a minimum term of total confinement of twenty-five~~  
27 ~~years.~~

28 (ii) Any person convicted of the crime of aggravated first degree  
29 murder for an offense committed when the person is at least sixteen  
30 years old but less than eighteen years old shall be sentenced to a  
31 maximum term of life imprisonment and a minimum term of total  
32 confinement of no less than twenty-five years. A minimum term of life  
33 may be imposed, in which case the person will be ineligible for  
34 parole or early release.

35 (b) In setting a minimum term, the court must take into account  
36 mitigating factors that account for the diminished culpability of  
37 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)  
38 including, but not limited to, the age of the individual, the youth's  
39 childhood and life experience, the degree of responsibility the youth

1 was capable of exercising, and the youth's chances of becoming  
2 rehabilitated.

3 (c) A person sentenced under this subsection shall serve the  
4 sentence in a facility or institution operated, or utilized under  
5 contract, by the state. During the minimum term of total confinement,  
6 the person shall not be eligible for community custody, earned  
7 release time, furlough, home detention, partial confinement, work  
8 crew, work release, or any other form of early release authorized  
9 under RCW 9.94A.728, or any other form of authorized leave or absence  
10 from the correctional facility while not in the direct custody of a  
11 corrections officer. The provisions of this subsection shall not  
12 apply: (i) In the case of an offender in need of emergency medical  
13 treatment; or (ii) for an extraordinary medical placement when  
14 authorized under RCW 9.94A.728(~~(3)~~) (1)(c).

15 (d) Any person sentenced pursuant to this subsection shall be  
16 subject to community custody under the supervision of the department  
17 of corrections and the authority of the indeterminate sentence review  
18 board. As part of any sentence under this subsection, the court shall  
19 require the person to comply with any conditions imposed by the  
20 board.

21 (e) No later than five years prior to the expiration of the  
22 person's minimum term, the department of corrections shall conduct an  
23 assessment of the offender and identify programming and services that  
24 would be appropriate to prepare the offender for return to the  
25 community. To the extent possible, the department shall make  
26 programming available as identified by the assessment.

27 (f) No later than one hundred eighty days prior to the expiration  
28 of the person's minimum term, the department of corrections shall  
29 conduct, and the offender shall participate in, an examination of the  
30 person, incorporating methodologies that are recognized by experts in  
31 the prediction of dangerousness, and including a prediction of the  
32 probability that the person will engage in future criminal behavior  
33 if released on conditions to be set by the board. The board may  
34 consider a person's failure to participate in an evaluation under  
35 this subsection in determining whether to release the person. The  
36 board shall order the person released, under such affirmative and  
37 other conditions as the board determines appropriate, unless the  
38 board determines by a preponderance of the evidence that, despite  
39 such conditions, it is more likely than not that the person will  
40 commit new criminal law violations if released. If the board does not

1 order the person released, the board shall set a new minimum term not  
2 to exceed five additional years. The board shall give public safety  
3 considerations the highest priority when making all discretionary  
4 decisions regarding the ability for release and conditions of  
5 release.

6 (g) In a hearing conducted under (f) of this subsection, the  
7 board shall provide opportunities for victims and survivors of  
8 victims of any crimes for which the offender has been convicted to  
9 present statements as set forth in RCW 7.69.032. The procedures for  
10 victim and survivor of victim input shall be provided by rule. To  
11 facilitate victim and survivor of victim involvement, county  
12 prosecutor's offices shall ensure that any victim impact statements  
13 and known contact information for victims of record and survivors of  
14 victims are forwarded as part of the judgment and sentence.

15 (h) An offender released by the board is subject to the  
16 supervision of the department of corrections for a period of time to  
17 be determined by the board. The department shall monitor the  
18 offender's compliance with conditions of community custody imposed by  
19 the court or board and promptly report any violations to the board.  
20 Any violation of conditions of community custody established or  
21 modified by the board are subject to the provisions of RCW 9.95.425  
22 through 9.95.440.

23 (i) An offender released or discharged under this section may be  
24 returned to the institution at the discretion of the board if the  
25 offender is found to have violated a condition of community custody.  
26 The offender is entitled to a hearing pursuant to RCW 9.95.435. The  
27 board shall set a new minimum term of incarceration not to exceed  
28 five years.

29 NEW SECTION. **Sec. 21.** The following acts or parts of acts are  
30 each repealed:

31 (1) RCW 10.95.040 (Special sentencing proceeding—Notice—Filing—  
32 Service) and 1981 c 138 s 4;

33 (2) RCW 10.95.050 (Special sentencing proceeding—When held—Jury  
34 to decide matters presented—Waiver—Reconvening same jury—  
35 Impanelling new jury—Peremptory challenges) and 1981 c 138 s 5;

36 (3) RCW 10.95.060 (Special sentencing proceeding—Jury  
37 instructions—Opening statements—Evidence—Arguments—Question for  
38 jury) and 1981 c 138 s 6;



1 (4) RCW 10.95.070 (Special sentencing proceeding—Factors which  
2 jury may consider in deciding whether leniency merited) and 2010 c 94  
3 s 4, 1993 c 479 s 2, & 1981 c 138 s 7;  
4 (5) RCW 10.95.080 (When sentence to death or sentence to life  
5 imprisonment shall be imposed) and 1981 c 138 s 8;  
6 (6) RCW 10.95.090 (Sentence if death sentence commuted, held  
7 invalid, or if death sentence established by chapter held invalid)  
8 and 1981 c 138 s 9;  
9 (7) RCW 10.95.100 (Mandatory review of death sentence by supreme  
10 court—Notice—Transmittal—Contents of notice—Jurisdiction) and 1981  
11 c 138 s 10;  
12 (8) RCW 10.95.110 (Verbatim report of trial proceedings—  
13 Preparation—Transmittal to supreme court—Clerk's papers—Receipt)  
14 and 1981 c 138 s 11;  
15 (9) RCW 10.95.120 (Information report—Form—Contents—Submission  
16 to supreme court, defendant, prosecuting attorney) and 1981 c 138 s  
17 12;  
18 (10) RCW 10.95.130 (Questions posed for determination by supreme  
19 court in death sentence review—Review in addition to appeal—  
20 Consolidation of review and appeal) and 2010 c 94 s 5, 1993 c 479 s  
21 3, & 1981 c 138 s 13;  
22 (11) RCW 10.95.140 (Invalidation of sentence, remand for  
23 resentencing—Affirmation of sentence, remand for execution) and 1993  
24 c 479 s 4 & 1981 c 138 s 14;  
25 (12) RCW 10.95.150 (Time limit for appellate review of death  
26 sentence and filing opinion) and 1988 c 202 s 17 & 1981 c 138 s 15;  
27 (13) RCW 10.95.160 (Death warrant—Issuance—Form—Time for  
28 execution of judgment and sentence) and 1990 c 263 s 1 & 1981 c 138 s  
29 16;  
30 (14) RCW 10.95.170 (Imprisonment of defendant) and 1983 c 255 s 1  
31 & 1981 c 138 s 17;  
32 (15) RCW 10.95.180 (Death penalty—How executed) and 1996 c 251 s  
33 1, 1986 c 194 s 1, & 1981 c 138 s 18;  
34 (16) RCW 10.95.185 (Witnesses) and 1999 c 332 s 1 & 1993 c 463 s  
35 2;  
36 (17) RCW 10.95.190 (Death warrant—Record—Return to trial court)  
37 and 1981 c 138 s 19;  
38 (18) RCW 10.95.200 (Proceedings for failure to execute on day  
39 named) and 1990 c 263 s 2, 1987 c 286 s 1, & 1981 c 138 s 20; and

1 (19) RCW 10.95.901 (Construction—Chapter applicable to state  
2 registered domestic partnerships—2009 c 521) and 2009 c 521 s 28.

3 **Sec. 22.** RCW 10.95.035 and 2015 c 134 s 7 are each amended to  
4 read as follows:

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

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

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

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

21 **Sec. 23.** RCW 10.95.030 and 2015 c 134 s 5 are each amended to  
22 read as follows:

23 (1) Except as provided in subsections (2) and (3) of this  
24 section, any person convicted of the crime of aggravated first degree  
25 murder shall be sentenced to life imprisonment without possibility of  
26 release or parole. A person sentenced to life imprisonment under this  
27 section shall not have that sentence suspended, deferred, or commuted  
28 by any judicial officer and the indeterminate sentence review board  
29 or its successor may not parole such prisoner nor reduce the period  
30 of confinement in any manner whatsoever including but not limited to  
31 any sort of good-time calculation. The department of social and  
32 health services or its successor or any executive official may not  
33 permit such prisoner to participate in any sort of release or  
34 furlough program.

35 (2) If, pursuant to a special sentencing proceeding held under  
36 RCW 10.95.050, the trier of fact finds that there are not sufficient  
37 mitigating circumstances to merit leniency, the sentence shall be  
38 death. In no case, however, shall a person be sentenced to death if

1 the person had an intellectual disability at the time the crime was  
2 committed, under the definition of intellectual disability set forth  
3 in (a) of this subsection. A diagnosis of intellectual disability  
4 shall be documented by a licensed psychiatrist or licensed  
5 psychologist designated by the court, who is an expert in the  
6 diagnosis and evaluation of intellectual disabilities. The defense  
7 must establish an intellectual disability by a preponderance of the  
8 evidence and the court must make a finding as to the existence of an  
9 intellectual disability.

10 (a) "Intellectual disability" means the individual has: (i)  
11 Significantly subaverage general intellectual functioning; (ii)  
12 existing concurrently with deficits in adaptive behavior; and (iii)  
13 both significantly subaverage general intellectual functioning and  
14 deficits in adaptive behavior were manifested during the  
15 developmental period.

16 (b) "General intellectual functioning" means the results obtained  
17 by assessment with one or more of the individually administered  
18 general intelligence tests developed for the purpose of assessing  
19 intellectual functioning.

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

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

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

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

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

39 (b) In setting a minimum term, the court must take into account  
40 mitigating factors that account for the diminished culpability of

1 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)  
2 including, but not limited to, the age of the individual, the youth's  
3 childhood and life experience, the degree of responsibility the youth  
4 was capable of exercising, and the youth's chances of becoming  
5 rehabilitated.

6 (c) A person sentenced under this subsection shall serve the  
7 sentence in a facility or institution operated, or utilized under  
8 contract, by the state. During the minimum term of total confinement,  
9 the person shall not be eligible for community custody, earned  
10 release time, furlough, home detention, partial confinement, work  
11 crew, work release, or any other form of early release authorized  
12 under RCW 9.94A.728, or any other form of authorized leave or absence  
13 from the correctional facility while not in the direct custody of a  
14 corrections officer. The provisions of this subsection shall not  
15 apply: (i) In the case of an offender in need of emergency medical  
16 treatment; or (ii) for an extraordinary medical placement when  
17 authorized under RCW 9.94A.728(~~((3))~~) (1)(c).

18 (d) Any person sentenced pursuant to this subsection shall be  
19 subject to community custody under the supervision of the department  
20 of corrections and the authority of the indeterminate sentence review  
21 board. As part of any sentence under this subsection, the court shall  
22 require the person to comply with any conditions imposed by the  
23 board.

24 (e) No later than five years prior to the expiration of the  
25 person's minimum term, the department of corrections shall conduct an  
26 assessment of the offender and identify programming and services that  
27 would be appropriate to prepare the offender for return to the  
28 community. To the extent possible, the department shall make  
29 programming available as identified by the assessment.

30 (f) No later than one hundred eighty days prior to the expiration  
31 of the person's minimum term, the department of corrections shall  
32 conduct, and the offender shall participate in, an examination of the  
33 person, incorporating methodologies that are recognized by experts in  
34 the prediction of dangerousness, and including a prediction of the  
35 probability that the person will engage in future criminal behavior  
36 if released on conditions to be set by the board. The board may  
37 consider a person's failure to participate in an evaluation under  
38 this subsection in determining whether to release the person. The  
39 board shall order the person released, under such affirmative and  
40 other conditions as the board determines appropriate, unless the

1 board determines by a preponderance of the evidence that, despite  
2 such conditions, it is more likely than not that the person will  
3 commit new criminal law violations if released. If the board does not  
4 order the person released, the board shall set a new minimum term not  
5 to exceed five additional years. The board shall give public safety  
6 considerations the highest priority when making all discretionary  
7 decisions regarding the ability for release and conditions of  
8 release.

9 (g) In a hearing conducted under (f) of this subsection, the  
10 board shall provide opportunities for victims and survivors of  
11 victims of any crimes for which the offender has been convicted to  
12 present statements as set forth in RCW 7.69.032. The procedures for  
13 victim and survivor of victim input shall be provided by rule. To  
14 facilitate victim and survivor of victim involvement, county  
15 prosecutor's offices shall ensure that any victim impact statements  
16 and known contact information for victims of record and survivors of  
17 victims are forwarded as part of the judgment and sentence.

18 (h) An offender released by the board is subject to the  
19 supervision of the department of corrections for a period of time to  
20 be determined by the board. The department shall monitor the  
21 offender's compliance with conditions of community custody imposed by  
22 the court or board and promptly report any violations to the board.  
23 Any violation of conditions of community custody established or  
24 modified by the board are subject to the provisions of RCW 9.95.425  
25 through 9.95.440.

26 (i) An offender released or discharged under this section may be  
27 returned to the institution at the discretion of the board if the  
28 offender is found to have violated a condition of community custody.  
29 The offender is entitled to a hearing pursuant to RCW 9.95.435. The  
30 board shall set a new minimum term of incarceration not to exceed  
31 five years.

32 NEW SECTION. **Sec. 24.** RCW 18.108.190 (Inspection of premises by  
33 law enforcement personnel) and 1975 1st ex.s. c 280 s 20 are each  
34 repealed.

35 NEW SECTION. **Sec. 25.** RCW 35.13.165 (Termination of annexation  
36 proceedings in cities over four hundred thousand—Declarations of  
37 termination filed by property owners) and 1989 c 351 s 7 & 1981 c 332  
38 s 2 are each repealed.

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

- 3        (1) RCW 36.105.010 (Purpose) and 1991 c 363 s 99;
- 4        (2) RCW 36.105.020 (Definitions) and 1991 c 363 s 100;
- 5        (3) RCW 36.105.030 (Minimum requirements) and 1991 c 363 s 101;
- 6        (4) RCW 36.105.040 (Creation) and 1991 c 363 s 102;
- 7        (5) RCW 36.105.050 (Election of initial community councilmembers)  
8 and 2015 c 53 s 68 & 1991 c 363 s 103;
- 9        (6) RCW 36.105.060 (Community councilmembers—Election—Terms) and  
10 1991 c 363 s 104;
- 11       (7) RCW 36.105.070 (Responsibility of county legislative  
12 authority) and 1991 c 363 s 105;
- 13       (8) RCW 36.105.080 (Powers) and 1991 c 363 s 106;
- 14       (9) RCW 36.105.090 (Annexation) and 1991 c 363 s 107; and
- 15       (10) RCW 36.105.100 (Dissolution) and 1991 c 363 s 108.

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

- 18       (1) RCW 39.88.010 (Declaration) and 1982 1st ex.s. c 42 s 2;
- 19       (2) RCW 39.88.020 (Definitions) and 2011 c 336 s 815 & 1982 1st  
20 ex.s. c 42 s 3;
- 21       (3) RCW 39.88.030 (Authority—Limitations) and 1982 1st ex.s. c 42  
22 s 4;
- 23       (4) RCW 39.88.040 (Procedure for adoption of public improvement)  
24 and 1982 1st ex.s. c 42 s 5;
- 25       (5) RCW 39.88.050 (Notice of public improvement) and 1982 1st  
26 ex.s. c 42 s 6;
- 27       (6) RCW 39.88.060 (Disagreements between taxing districts) and  
28 1989 c 378 s 1 & 1982 1st ex.s. c 42 s 7;
- 29       (7) RCW 39.88.070 (Apportionment of taxes) and 1982 1st ex.s. c  
30 42 s 8;
- 31       (8) RCW 39.88.080 (Application of tax allocation revenues) and  
32 1982 1st ex.s. c 42 s 9;
- 33       (9) RCW 39.88.090 (General obligation bonds) and 1982 1st ex.s. c  
34 42 s 10;
- 35       (10) RCW 39.88.100 (Tax allocation bonds) and 1982 1st ex.s. c 42  
36 s 11;
- 37       (11) RCW 39.88.110 (Legal investments) and 1982 1st ex.s. c 42 s  
38 13;

1 (12) RCW 39.88.120 (Notice to state) and 1982 1st ex.s. c 42 s  
2 14;

3 (13) RCW 39.88.130 (Conclusive presumption of validity) and 1982  
4 1st ex.s. c 42 s 15;

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

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

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

10 NEW SECTION. **Sec. 28.** RCW 41.20.110 (Withdrawal of pension—  
11 Grounds) and 2012 c 117 s 30, 1937 c 24 s 5, & 1909 c 39 s 10 are  
12 each repealed.

13 **Sec. 29.** RCW 41.56.0251 and 2016 c 241 s 137 are each amended to  
14 read as follows:

15 In addition to the entities listed in RCW 41.56.020, this chapter  
16 applies to any charter school established under chapter 28A.710 RCW.  
17 (~~Any bargaining unit or units established at the charter school must  
18 be limited to employees working in the charter school and must be  
19 separate from other bargaining units in school districts, educational  
20 service districts, or institutions of higher education.~~) Any charter  
21 school established under chapter 28A.710 RCW is a separate employer  
22 from any school district, including the school district in which it  
23 is located.

24 **Sec. 30.** RCW 43.135.034 and 2020 c 218 s 4 are each amended to  
25 read as follows:

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

32 ~~(b))~~) For the purposes of this chapter, "raises taxes" means any  
33 action or combination of actions by the state legislature that  
34 increases state tax revenue deposited in any fund, budget, or  
35 account, regardless of whether the revenues are deposited into the  
36 general fund.

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

4 NEW SECTION. **Sec. 31.** RCW 47.44.030 (Removal of facilities—  
5 Notice—Reimbursement, when) and 1984 c 7 s 234 & 1961 c 13 s  
6 47.44.030 are each repealed.

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

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

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

13 (3) RCW 49.32.074 (Injunctions—Findings and order essential) and  
14 1933 ex.s. c 7 s 9.

15 NEW SECTION. **Sec. 33.** RCW 66.24.480 (Bottle clubs—License  
16 required) and 2012 c 117 s 281 & 1951 c 120 s 2 (adding a new section  
17 to Title 66 RCW) are each repealed.

18 NEW SECTION. **Sec. 34.** RCW 66.28.080 (Permit for music and  
19 dancing upon licensed premises) and 1969 ex.s. c 178 s 8, 1949 c 5 s  
20 7, & 1937 c 217 s 3 (adding new section 27-A to 1933 ex.s. c 62) are  
21 each repealed.

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

24 The qualified electors of any code city may petition for an  
25 election upon the question of whether the sale of liquor shall be  
26 permitted within the boundaries of such city as provided by chapter  
27 66.40 RCW, and shall be governed by the procedure therein(~~(7—and may~~  
28 ~~regulate music, dancing and entertainment as authorized by RCW~~  
29 ~~66.28.080))): PROVIDED, That every code city shall enforce state laws  
30 relating to the investigation and prosecution of all violations of  
31 Title 66 RCW relating to control of alcoholic beverages and shall be  
32 entitled to retain the fines collected therefrom as therein provided.  
33 Every code city shall also share in the allocation and distribution  
34 of liquor profits and excise as provided in RCW 82.08.170, 66.08.190,~~



1 and 66.08.210, and make reports of seizure as required by RCW  
2 66.32.090, and otherwise regulate by ordinances not in conflict with  
3 state law or liquor and cannabis board regulations.

4 NEW SECTION. **Sec. 36.** The following acts or parts of acts are  
5 each repealed:

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

10 (2) RCW 73.04.060 (Right to peddle, vend, sell goods without  
11 license—Issuance of license) and 2012 c 117 s 505, 1945 c 144 s 10, &  
12 1903 c 69 s 2.

13 NEW SECTION. **Sec. 37.** RCW 85.05.130 (Assessment of benefited  
14 lands formerly omitted—Procedure—Appeals) and 2013 c 23 s 385, 1971  
15 c 81 s 157, 1913 c 89 s 1, 1901 c 111 s 1, & 1895 c 117 s 13 are each  
16 repealed.

17 **Sec. 38.** RCW 9A.72.160 and 1985 c 327 s 1 are each amended to  
18 read as follows:

19 (1) A person is guilty of intimidating a judge if a person  
20 directs a threat to a judge because of a ruling or decision of the  
21 judge in any official proceeding, or if by use of a threat directed  
22 to a judge, a person attempts to influence a ruling or decision of  
23 the judge in any official proceeding.

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

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

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

29 (3) Intimidating a judge is a class B felony.

Passed by the Senate February 1, 2023.

Passed by the House April 7, 2023.

Approved by the Governor April 20, 2023.

Filed in Office of Secretary of State April 21, 2023.

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