
SUBSTITUTE SENATE BILL 6174

State of Washington**53rd Legislature****1994 Regular Session**

By Senate Committee on Health & Human Services (originally sponsored by Senators Talmadge, Wojahn, Ludwig, Gaspard, Pelz, Niemi, Prentice, Fraser, Spanel, Franklin, Rinehart, Moore and Williams; by request of Governor Lowry)

Read first time 02/01/94.

1 AN ACT Relating to reducing violence; amending RCW 74.14A.020,
2 70.190.005, 70.190.010, 43.101.240, 70.190.020, 70.190.030, 70.190.040,
3 70.190.900, 43.06.260, 46.20.265, 13.40.265, 9.41.050, 9.41.060,
4 9.41.070, 9.41.080, 9.41.090, 9.41.095, 9.41.098, 9.41.110, 9.41.140,
5 9.41.170, 9.41.180, 9.41.190, 9.41.240, 9.41.250, 9.41.260, 9.41.270,
6 9.41.280, 9A.56.040, 9A.56.160, 9.94A.125, 13.40.110, 13.40.020,
7 13.40.0357, 13.40.160, 82.04.250, 9A.46.050, 10.14.080, 10.99.040,
8 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.137,
9 26.50.070, 77.12.720, 10.99.030, 28A.300.130, 28A.320.205, 28A.610.030,
10 28A.610.060, 28A.620.020, 9A.36.031, 28A.600.475, 13.50.050, 13.50.010,
11 28A.650.015, 66.24.210, 66.24.290, 82.08.150, 82.24.020, 82.08.020, and
12 69.50.520; amending 1993 sp.s. c 24 s 501 (uncodified); reenacting and
13 amending RCW 9.41.010, 9.41.040, 26.28.080, 26.26.130, 26.50.060,
14 10.31.100, and 28A.630.885; adding new sections to chapter 43.70 RCW;
15 adding new sections to chapter 70.190 RCW; adding a new section to
16 chapter 74.14A RCW; adding a new section to Title 28A RCW; adding a new
17 section to chapter 43.63A RCW; adding a new section to chapter 28B.50
18 RCW; adding a new section to chapter 43.101 RCW; adding new sections to
19 chapter 43.41 RCW; adding a new section to chapter 43.20A RCW; adding
20 a new section to chapter 35.21 RCW; adding a new section to chapter
21 35A.11 RCW; adding a new section to chapter 36.32 RCW; adding new

1 sections to chapter 9.41 RCW; adding new sections to chapter 9.94A RCW;
2 adding a new section to chapter 4.24 RCW; adding a new section to
3 chapter 13.04 RCW; adding a new section to chapter 2.08 RCW; adding a
4 new section to chapter 28A.310 RCW; adding a new section to chapter
5 28A.405 RCW; adding a new section to chapter 28A.600 RCW; adding a new
6 section to chapter 50.16 RCW; adding a new section to chapter 13.16
7 RCW; adding a new section to chapter 72.02 RCW; adding a new section to
8 chapter 28A.650 RCW; adding a new section to chapter 43.19 RCW; adding
9 a new section to chapter 43.33A RCW; adding a new section to chapter
10 44.28 RCW; adding a new chapter to Title 19 RCW; creating new sections;
11 recodifying RCW 9.41.160; repealing RCW 70.190.900, 9.41.030, 9.41.093,
12 9.41.100, 9.41.130, 9.41.200, 9.41.210, and 9.41.230; prescribing
13 penalties; making appropriations; providing an effective date;
14 providing for submission of certain sections of this act to a vote of
15 the people; and declaring an emergency.

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

17 TABLE OF CONTENTS

18	PART I. INTENT	2
19	PART II. PUBLIC HEALTH	5
20	PART III. COMMUNITY NETWORKS	7
21	PART IV. PUBLIC SAFETY	23
22	PART V. EDUCATION	102
23	PART VI. EMPLOYMENT	122
24	PART VII. MEDIA	123
25	PART VIII. MISCELLANEOUS	129

26 PART I. INTENT

1 NEW SECTION. **Sec. 101.** The legislature finds that the increasing
2 violence in our society causes great concern for the immediate health
3 and safety of our citizens and our social institutions. Youth violence
4 is increasing at an alarming rate and young people between the ages of
5 fifteen and twenty-four are at the highest risk of being perpetrators
6 and victims of violence. Additionally, random violence, including
7 homicide and the use of firearms, has dramatically increased over the
8 last decade.

9 The legislature finds that violence is abhorrent to the aims of a
10 free society and that it can not be tolerated. State efforts at
11 reducing violence must include changes in criminal penalties, reducing
12 the unlawful use of and access to firearms, increasing educational
13 efforts to encourage nonviolent means for resolving conflicts, and
14 allowing communities to design their prevention efforts.

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

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

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

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

37 (1) Serving children and families as a unit in the least
38 restrictive setting available and in close proximity to the family

1 home, consistent with the best interests and special needs of the
2 child;

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

6 (3) Ensuring that the safety and best interests of the child are
7 the paramount considerations when making placement and service delivery
8 decisions;

9 (4) Recognizing the interdependent and changing nature of families
10 and communities, building upon their inherent strengths, maintaining
11 their dignity and respect, and tailoring programs to their specific
12 circumstances;

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

17 ~~((+4))~~ (6) Being sensitive to the family and community culture,
18 norms, values, and expectations, ensuring that all services are
19 provided in a culturally appropriate and relevant manner, and ensuring
20 participation of racial and ethnic minorities at all levels of
21 planning, delivery, and evaluation efforts;

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

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

26 ~~((+b))~~ (ii) Seek to bring about meaningful change before family
27 situations become irreversibly destructive and before disturbed
28 psychological behavioral patterns and health problems become severe or
29 permanent;

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

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

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

37 ~~((+f))~~ (vi) Improve planning, budgeting, and communication among
38 all units of the department ~~((serving))~~ and among all agencies that
39 serve children and families; and

1 filed through existing data systems. The department may also require
2 reporting of attempted acts of violence and of nonphysical injuries.
3 For the purposes of this section "acts of violence" means self-directed
4 and interpersonal behaviors that can result in suicide, homicide, and
5 nonfatal intentional injuries.

6 (2) The department is designated as the state-wide agency for the
7 coordination of all information relating to violence and other
8 intentional injuries.

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

12 (4) The department shall publish periodic reports on intentional
13 injuries, unintentional injuries, and the associated risk and
14 protective factors related to violence.

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

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

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

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

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

28 (1) Compatible minimum standards for state and local public health
29 assessment, policy development, and assurances regarding social
30 development to reduce at-risk factors and behaviors associated with
31 violence and other public health threats.

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

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

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

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

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

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

13 The department shall establish, by rule, standards for local health
14 departments to use in assessment, policy development, and assurances
15 regarding social development to prevent health problems caused by risk
16 factors empirically linked to: Violent criminal acts by juveniles,
17 substance abuse, teen pregnancy and parentage, suicide attempts, and
18 dropping out of school. The standards shall be based on the standards
19 set forth in the public health improvement plan as required by section
20 203 of this act.

21 The department shall review the definitions of at-risk children and
22 youth, protective factors, and risk factors contained in RCW 70.190.010
23 and make any suggested recommendations for change to the legislature by
24 January 1, 1995.

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

27 The legislature encourages the use of a state-wide voluntary,
28 socially responsible policy to reduce the emphasis, amount, and type of
29 violence in all public media. The department shall develop a suggested
30 reporting format for use by the print, television, and radio media in
31 reporting their voluntary violence reduction efforts. Each area of the
32 public media may carry out the policy in whatever manner that area
33 deems appropriate.

34 **PART III. COMMUNITY NETWORKS**

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

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

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

13 The legislature finds that a broad variety of services for children
14 and families has been independently designed over the years and that
15 the coordination and cost-effectiveness of these services will be
16 enhanced through the adoption of ~~((a common))~~ an approach ~~((to their~~
17 ~~delivery))~~ that allows communities to prioritize and coordinate
18 services to meet their local needs. The legislature further finds that
19 the most successful programs for reaching and working with at-risk
20 families and children treat individuals' problems in the context of the
21 family, offer a broad spectrum of services, are flexible in the use of
22 program resources, and use staff who are trained in crossing
23 traditional program categories in order to broker services necessary to
24 fully meet a family's needs.

25 The legislature further finds that eligibility criteria,
26 expenditure restrictions, and reporting requirements of state and
27 federal categorical programs often create barriers toward the effective
28 use of resources for addressing the multiple problems of at-risk
29 families and children.

30 The purposes of this chapter are (1) to modify public policy and
31 programs to empower communities to support and respond to the needs of
32 individual families and children and (2) to improve the responsiveness
33 of services for children and families at risk by facilitating greater
34 coordination and flexibility in the use of funds by state and local
35 service agencies.

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

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

3 (1) "At-risk" children and youth are those who risk the significant
4 loss of social, educational, or economic opportunities. At-risk
5 behaviors include delinquent acts, substance abuse, teen pregnancy and
6 parentage, suicide attempts, and dropping out of school. At-risk
7 children and youth also include those who are victims of violence,
8 abuse, neglect, and those who have been removed from the custody of
9 their parents.

10 (2) "Comprehensive plan" means a two-year plan that examines
11 available resources and unmet needs for a county or multicounty area,
12 barriers that limit the effective use of resources, and a plan to
13 address these issues that is broadly supported.

14 (~~((2))~~) (3) "Participating state agencies" means the office of the
15 superintendent of public instruction, the department of social and
16 health services, the department of health, the employment security
17 department, the department of community, trade, and economic
18 development, and such other departments as may be specifically
19 designated by the governor.

20 (~~((3) "Family policy"))~~ (4) "Community public health and safety
21 council" or "council" means: The superintendent of public instruction,
22 the secretary of social and health services, the secretary of health,
23 the commissioner of the employment security department, and the
24 director of the department of community, trade, and economic
25 development or their designees~~((7))~~; one legislator from each caucus of
26 the senate and house of representatives~~((7 and))~~; one representative of
27 the governor; one representative each appointed by the governor for
28 cities, towns, counties, federally recognized Indian tribes, school
29 districts, the children's commission, law enforcement agencies,
30 superior courts, public parks and recreation programs, and private
31 agency service providers; and two chief executive officers of major
32 Washington corporations appointed by the governor.

33 (~~((4))~~) (5) "Outcome" or "outcome based" means defined and
34 measurable outcomes and indicators that make it possible for
35 communities to evaluate progress in meeting their goals ~~((and whether~~
36 ~~systems are fulfilling their responsibilities))~~ in reducing the number
37 of at-risk children and youth through reducing their risk factors and
38 increasing their protective factors.

1 (~~(5)~~) (6) "Matching funds" means an amount no less than twenty-
2 five percent of the amount budgeted for a (~~consortium's project~~)
3 community network's plan. Up to half of the (~~consortium's~~) community
4 network's matching funds may be in-kind goods and services. Funding
5 sources allowable for match include appropriate federal or local levy
6 funds, private charitable funding, and other charitable giving. Basic
7 education funds shall not be used as a match.

8 (~~(6) "Consortium" means a diverse group of individuals that~~
9 ~~includes at least representatives of local service providers, service~~
10 ~~recipients, local government administering or funding children or~~
11 ~~family service programs, participating state agencies, school~~
12 ~~districts, existing children's commissions, ethnic and racial minority~~
13 ~~populations, and other interested persons organized for the purpose of~~
14 ~~designing and providing collaborative and coordinated services under~~
15 ~~this chapter. Consortiums shall represent a county, multicounty, or~~
16 ~~municipal service area. In addition, consortiums may represent Indian~~
17 ~~tribes applying either individually or collectively.))~~

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

20 (8) "Protective factors" means those factors determined by the
21 department of health to be empirically associated with behaviors that
22 contribute to socially acceptable and healthy nonviolent behaviors.
23 Protective factors include promulgation, identification, and acceptance
24 of community norms regarding appropriate behaviors in the area of
25 delinquency, early sexual activity, and alcohol and substance abuse,
26 educational opportunities, employment opportunities, and absence of
27 crime.

28 (9) "Risk factors" means those factors determined by the department
29 of health to be empirically associated with at-risk behaviors that
30 contribute to violence. Risk factors include availability of drugs,
31 economic, educational, and social deprivation, rejection of
32 identification with the community, academic failure, a family history
33 of high substance abuse, crime, a lack of acceptance of societal norms,
34 and substance, child, and sexual abuse.

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

1 (1) Community public health and safety networks are authorized for
2 the purpose of enhancing local efforts to reduce the number of at-risk
3 children and youth in each community.

4 (2) The membership of each community public health and safety
5 network is limited to twenty-one people and shall include local
6 representation from the following groups or entities: Citizens, youth,
7 citizens reflecting racial and ethnic diversity, cities, towns,
8 counties, federally recognized Indian tribes, local school districts,
9 public parks and recreation programs, existing children's commissions,
10 law enforcement agencies, superior court judges, local health
11 departments, early childhood education and assistance programs, a
12 regional child services office, a regional employment assistance
13 office, private agency service providers, broad-based nonsecular
14 organizations and a locally owned and operated business.

15 (3) The governor shall appoint a temporary chair of each community
16 network by September 1, 1994. The temporary chair shall convene the
17 initial meeting of parties named in subsection (2) of this section for
18 the purpose of determining membership in the network. At the initial
19 meeting, or any time thereafter, the network members may select their
20 officers including a permanent chair. Following the initial meeting,
21 the chair shall submit a proposed list of members to the governor by
22 December 1, 1994. The list shall become final unless the governor
23 chooses other members by December 20, 1994. The governor shall accept
24 the list unless he or she believes the proposed list does not
25 adequately represent all parties identified in subsection (2) of this
26 section or a member has a conflict of interest between his or her
27 membership and his or her livelihood. Members of the community network
28 shall serve terms of three years.

29 The terms of the initial members of each network shall be as
30 follows: (a) One-third shall serve for one year; (b) one-third shall
31 serve for two years; and (c) one-third shall serve for three years.
32 Initial members may agree which shall serve fewer than three years or
33 the decision may be made by lot. The same process shall be used in the
34 selection of the chair and members for subsequent terms. Any vacancy
35 occurring during the term may be filled by the chair for the balance of
36 the unexpired term.

37 (4) The network shall select a public entity as the lead
38 administrative and fiscal agency for the network. In making the
39 selection, the network shall consider: (a) Experience in administering

1 prevention and intervention programs; (b) the relative geographical
2 size of the network and its members; (c) budgeting and fiscal capacity;
3 and (d) how diverse a population each entity represents.

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

6 The community public health and safety networks shall:

7 (1) Review local public health data relating to risk factors,
8 protective factors, and at-risk children and youth;

9 (2) Prioritize the risk factors and protective factors to reduce
10 the likelihood of their children and youth being at risk. The
11 priorities shall be based upon the local public health data and shall
12 utilize the data standards established by the department of health
13 under section 204 of this act;

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

17 (4) Distribute funds to local programs that reflect the locally
18 established priorities;

19 (5) Comply with outcome-based standards for determining success;
20 and

21 (6) Cooperate with the department of health and local boards of
22 health to provide data and determine outcomes.

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

25 The community network's plan may include a program to provide
26 postsecondary scholarships to at-risk students who: (1) Are community
27 role models under criteria established by the community network; (2)
28 successfully complete high school; and (3) maintain at least a 2.5
29 grade point average throughout high school. Funding for the
30 scholarships may include public and private sources.

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

33 (1) All community networks shall be eligible to receive planning
34 grants and technical assistance from the council on January 1, 1995.
35 Planning grants may be funded through available federal funds for
36 family preservation services. After receiving the planning grant the

1 region will be given up to one year to submit the long-term community
2 plan. Effective July 1, 1995, up to one-half of the community networks
3 will be eligible to receive grant funds for prevention and early
4 intervention programs.

5 (2) The community networks that did not receive the initial grants
6 shall be eligible, upon approval of their plans by the council, to
7 receive such funds on January 1, 1997.

8 (3) The participating state agencies shall enter into biennial
9 contracts with community networks as part of the grant process. The
10 contracts shall be consistent with available resources, and shall be
11 distributed in accordance with the distribution formula developed
12 pursuant to section 326 of this act.

13 (4) No later than February 1 of each odd-numbered year following
14 the initial contract between the council and a network, the council
15 shall request from the network its plan for the upcoming biennial
16 contract period.

17 (5) The council shall notify the community networks of their
18 allocation of available resources at least sixty days prior to the
19 start of a new biennial contract period.

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

22 The community public health and safety council shall:

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

34 (2) Develop a technical assistance and training program to assist
35 communities in creating and developing community networks;

36 (3) Approve the structure, purpose, goals, and plan of each
37 community network;

1 (4) Identify all prevention and early intervention programs and
2 funds, other than program funds designed for treatment as defined in
3 section 308 of this act, including all programs funded under RCW
4 69.50.520, in addition to those set forth in sections 311 through 316
5 of this act, which could be transferred, in all or part, to the
6 community networks, and report their findings and recommendations to
7 the governor and the legislature regarding any appropriate program
8 transfers by January 1 of each year;

9 (5) Authorize the transfer, in whole or part, of additional
10 prevention and early intervention programs and funds, currently
11 operated by any of the participating state agencies, to the community
12 networks, and report those transfers to the governor and the
13 legislature by January 1 of each year;

14 (6) Reward community networks that show exceptional success as
15 provided in section 326 of this act;

16 (7) Seek every opportunity to maximize federal and other funding
17 that is consistent with the plans approved by the council for the
18 purpose and goals of this chapter;

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

24 (9) Review the implementation of chapter . . . , Laws of 1994 (this
25 act) and report its recommendations to the legislature annually.

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

28 (1) The council may, by a two-thirds vote of its membership, remove
29 from a program, subject to the grant process under this chapter, any
30 funds that are used for treatment.

31 (2) For the purposes of this section, "treatment" means remediation
32 of personal functioning that has been lost or impaired as the immediate
33 result of an act of violence, as defined in section 202 of this act.

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

36 (1) The participating state agencies shall execute an interagency
37 agreement to ensure the coordination of their local program efforts

1 regarding children. This agreement shall recognize and give specific
2 planning, coordination, and program administration responsibilities to
3 community networks after the approval under section 310 of this act of
4 their comprehensive community plans. The community networks shall
5 encourage the development of integrated, regionally based children,
6 youth, and family activities and services with adequate local
7 flexibility to accomplish the purposes stated in section 101 of this
8 act and RCW 74.14A.020.

9 (2) The community networks shall exercise the planning,
10 coordinating, and program administration functions specified by the
11 state interagency agreement in addition to other activities required by
12 law, and shall participate in the planning process required by chapter
13 71.36 RCW.

14 (3) Any state or federal funds identified for contracts with
15 community networks shall be transferred with no reductions and shall
16 from the date of transfer receive the same cost of living adjustments
17 that may be appropriated and allocated for state employees.

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

20 (1) The council shall only disburse funds to a community network
21 after a comprehensive community plan has been prepared and approved by
22 the network. In approving the plan the council shall consider whether
23 the network:

24 (a) Promoted input from the widest practical range of agencies and
25 affected parties;

26 (b) Reviewed the indicators of violence data compiled by the local
27 public health departments and incorporated a response to those
28 indicators in the plan;

29 (c) Obtained a declaration by the largest health department in the
30 region, ensuring that the plan met the department of health's minimum
31 standards for assessment and policy development relating to social
32 development under section 204 of this act;

33 (d) Included a specific mechanism of data collection and
34 transmission based on the rules established by the department of health
35 under section 204 of this act;

36 (e) Considered all relevant causes of violence in its community and
37 did not isolate only one or a few of the elements to the exclusion of
38 others; and

1 (f) Committed to make measurable reductions in the number of at-
2 risk children and youth by reducing state-funded out-of-home placements
3 and make reductions in at least three of the following areas: Violent
4 criminal acts by juveniles, substance abuse, teen pregnancy and
5 parentage, teen suicide attempts, or the youth rate of dropping out of
6 school.

7 (2) Upon approval of a community network's plan, the council shall
8 grant all of the funds for the programs identified in sections 311
9 through 316 of this act, unless the community network has demonstrated
10 that a specific program, or a part of a program, should not be granted
11 to the network. To preclude a grant, the community network shall
12 demonstrate, in a detailed plan, that the existing program, or part of
13 a program:

14 (a) Is incorporated into the community plan;

15 (b) Is adequately integrated and coordinated with other prevention
16 and intervention programs in the community;

17 (c) Possesses such a unique character that the community network
18 would be unable to independently contract for those services;

19 (d) Is adequately supported and reinforced by the community;

20 (e) Presently ensures that follow-up efforts are utilized so that
21 the program has long-lasting benefits;

22 (f) Is designed such that decategorization of the services would be
23 detrimental to the consumer; and

24 (g) Is contributing to the reduction in the number of at-risk
25 children and youth in the community through reducing risk factors or
26 increasing protective factors.

27 NEW SECTION. **Sec. 311.** A new section is added to chapter 74.14A
28 RCW to read as follows:

29 The secretary shall, subject to the provisions of sections 308 and
30 310(2) of this act, contract with the community networks approved under
31 section 310 of this act, on a grant basis, for the administration of an
32 integrated program reducing the number of at-risk children and youth
33 beginning July 1, 1995. The contract shall include state and federal
34 funds currently appropriated for at least:

35 (1) The victim's assistance program, except sexual assault
36 services;

37 (2) Consolidated juvenile services;

38 (3) Family preservation and support services; and

1 (4) Any other programs as decided by the community public health
2 and safety council under chapter 70.190 RCW.

3 The contract may also include funds for family preservation
4 services which may be available for the purposes of chapter 70.190 RCW.

5 NEW SECTION. **Sec. 312.** A new section is added to Title 28A RCW to
6 read as follows:

7 The superintendent of public instruction shall, subject to the
8 provisions of sections 308 and 310(2) of this act, contract with the
9 community networks approved under section 310 of this act, on a grant
10 basis, for the administration of an integrated program reducing the
11 number of at-risk children and youth beginning July 1, 1995. The
12 contracts shall include state and federal funds currently appropriated
13 for at least:

14 (1) The readiness to learn program;

15 (2) Drug and alcohol abuse prevention and early intervention in
16 schools under RCW 28A.170.075 through 28A.170.100; and

17 (3) Any other programs as determined by the community public health
18 and safety council under chapter 70.190 RCW.

19 NEW SECTION. **Sec. 313.** A new section is added to chapter 43.63A
20 RCW to read as follows:

21 The department of community, trade, and economic development shall,
22 subject to the provisions of sections 308 and 310(2) of this act,
23 contract with the community networks approved under section 310 of this
24 act, on a grant basis, for the administration of an integrated program
25 reducing the number of at-risk children and youth beginning July 1,
26 1995. The contracts shall include state and federal funds currently
27 appropriated for at least:

28 (1) The community mobilization program;

29 (2) The violence prevention program; and

30 (3) Any other program as determined by the community public health
31 and safety council under chapter 70.190 RCW.

32 NEW SECTION. **Sec. 314.** A new section is added to chapter 43.70
33 RCW to read as follows:

34 The department of health shall, subject to the provisions of
35 sections 308 and 310(2) of this act, contract with the community
36 networks approved under section 310 of this act, on a grant basis, for

1 the administration of an integrated program reducing the number of at-
2 risk children and youth beginning July 1, 1995. The contracts shall
3 include state and federal funds currently appropriated for all programs
4 as determined by the community public health and safety council under
5 chapter 70.190 RCW.

6 NEW SECTION. **Sec. 315.** A new section is added to chapter 28B.50
7 RCW to read as follows:

8 The state board for community and technical colleges shall, subject
9 to the provisions of sections 308 and 310(2) of this act, contract with
10 community networks approved under section 310 of this act, on a grant
11 basis, for the administration of an integrated program reducing the
12 number of at-risk children and youth beginning July 1, 1995. The
13 contracts shall include all state funds currently appropriated for at
14 least: (1) The even start program; and (2) any other programs as
15 determined by the community public health and safety council under
16 chapter 70.190 RCW.

17 NEW SECTION. **Sec. 316.** A new section is added to chapter 43.101
18 RCW to read as follows:

19 The criminal justice training commission shall, subject to the
20 provisions of sections 308 and 310(2) of this act, contract with
21 community networks approved under section 310 of this act, on a grant
22 basis for the administration of an integrated program reducing the
23 number of at-risk children and youth. The contract shall include all
24 state and federal funds currently appropriated for the community-police
25 partnership program under RCW 43.101.240.

26 **Sec. 317.** RCW 43.101.240 and 1989 c 271 s 423 are each amended to
27 read as follows:

28 (1) The criminal justice training commission in cooperation with
29 the United States department of justice department of community
30 relations (region X) shall conduct an assessment of successful
31 community-police partnerships throughout the United States. The
32 commission shall develop training for local law enforcement agencies
33 targeted toward those communities where there has been a substantial
34 increase in drug crimes. The purpose of the training is to facilitate
35 cooperative community-police efforts and enhanced community protection
36 to reduce drug abuse and related crimes. The training shall include

1 but not be limited to conflict management, ethnic sensitivity, cultural
2 awareness, and effective community policing. ((The commission shall
3 report its findings and progress to the legislature by January 1990.))

4 (2) Local law enforcement agencies are encouraged to form
5 community-police partnerships in ((areas of substantial drug crimes))
6 all neighborhoods and particularly areas with high rates of criminal
7 activity. These partnerships are encouraged to organize citizen-police
8 task forces which meet on a regular basis to promote greater citizen
9 involvement in combatting drug abuse and to reduce tension between
10 police and citizens. Partnerships that are formed are encouraged to
11 report to the criminal justice training commission of their formation
12 and progress.

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

18 NEW SECTION. Sec. 318. A new section is added to chapter 70.190
19 RCW to read as follows:

20 If there exist any federal restrictions against the transfer of
21 funds, for the programs enumerated in sections 309 through 316 of this
22 act or programs authorized under section 307(5) of this act, to the
23 community networks, the council shall assist the governor in
24 immediately applying to the federal government for waivers of the
25 federal restrictions. The council shall also assist the governor in
26 coordinating efforts to make any changes in federal law necessary to
27 meet the purpose and intent of chapter . . . , Laws of 1994 (this act).

28 NEW SECTION. Sec. 319. A new section is added to chapter 70.190
29 RCW to read as follows:

30 For grant funds awarded under sections 307 and 311 through 316 of
31 this act, no state agency may require any other program requirements,
32 except those necessary to meet federal funding standards or
33 requirements. None of the grant funds awarded to the community
34 networks shall be considered as new entitlements.

35 NEW SECTION. Sec. 320. A new section is added to chapter 70.190
36 RCW to read as follows:

1 The implementation of community networks shall be included in all
2 federal and state plans affecting the state's children, youth, and
3 families. The plans shall be consistent with the intent and
4 requirements of this chapter.

5 **Sec. 321.** RCW 70.190.020 and 1992 c 198 s 4 are each amended to
6 read as follows:

7 To the extent that any power or duty of the council (~~created~~
8 ~~according to chapter 198, Laws of 1992~~) may duplicate efforts of
9 existing councils, commissions, advisory committees, or other entities,
10 the governor is authorized to take necessary actions to eliminate such
11 duplication. This shall include authority to consolidate similar
12 councils or activities in a manner consistent with the goals of this
13 chapter (~~(198, Laws of 1992)~~).

14 **Sec. 322.** RCW 70.190.030 and 1992 c 198 s 5 are each amended to
15 read as follows:

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

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

22 ~~(b)~~) community networks;

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

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

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

34 ~~(e)~~ The consortium has provided written agreements that identify a
35 lead agency that will assume fiscal and programmatic responsibility for
36 the project, and identify participants in a consortium council with

1 ~~broad participation and that shall have responsibility for ensuring~~
2 ~~effective coordination of resources; and~~

3 ~~(f)) (4) The ((consortium)) community network has designed into~~
4 ~~its comprehensive plan standards for accountability. Accountability~~
5 ~~standards include, but are not limited to, the public hearing process~~
6 ~~eliciting public comment about the appropriateness of the proposed~~
7 ~~comprehensive plan. The ((consortium)) community network must submit~~
8 ~~reports to the ((family policy)) council outlining the public response~~
9 ~~regarding the appropriateness and effectiveness of the comprehensive~~
10 ~~plan.~~

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

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

16 **Sec. 323.** RCW 70.190.040 and 1993 c 336 s 901 are each amended to
17 read as follows:

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

20 (2) To the extent funds are appropriated, the ((family policy))
21 council shall ((award)) include those funds in grants to ((community-
22 ~~based consortia that submit comprehensive plans that include~~
23 ~~strategies to improve readiness to learn)) community networks.~~

24 **Sec. 324.** RCW 70.190.900 and 1992 c 198 s 11 are each amended to
25 read as follows:

26 By June 30, 1995, the ((family policy)) council shall report to the
27 appropriate committees of the legislature on the expenditures made,
28 outcomes attained, and other pertinent aspects of its experience in the
29 implementation of RCW 70.190.030.

30 NEW SECTION. **Sec. 325.** A new section is added to chapter 43.41
31 RCW to read as follows:

32 The office of financial management shall review the administration
33 of funds as modified by sections 307 and 311 through 318 of this act
34 and shall by January 1, 1995, propose legislation to complete
35 interdepartmental transfers of funds or programs needed to place all
36 programs and funds affected by sections 307 and 311 through 318 of this

1 act into a single existing state agency. The proposal shall place
2 these programs in a single state agency whose statutory purpose,
3 mission, goals, and operating philosophy most closely supports the
4 principles and purposes of section 101 of this act and RCW 74.14A.020.
5 The office of financial management may not suggest the creation of a
6 new state agency for the function unless, after thorough review and
7 documentation, the office of financial management determines that no
8 suitable state agency exists. The office of financial management shall
9 review statutes that authorize the programs transferred by sections 311
10 through 318 of this act and suggest legislation to eliminate statutory
11 requirements that may interfere with the administration of that policy.

12 NEW SECTION. **Sec. 326.** A new section is added to chapter 43.41
13 RCW to read as follows:

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

19 (a) The number of arrests and convictions for juvenile violent
20 offenses;

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

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

24 (d) The number of child and teenage suicides and attempted
25 suicides; and

26 (e) The high school graduation rate.

27 (2) In developing the formula, the office of financial management
28 shall reserve five percent of the funds for the purpose of rewarding
29 community networks.

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

35 (4) The office of financial management shall submit the
36 distribution formula to the community public health and safety council
37 and to the appropriate committees of the legislature by December 20,
38 1994.

1 After the proclamation of a state of emergency as provided in RCW
2 43.06.010 any person (~~sixteen~~) fourteen years of age or over who
3 violates any provision of RCW 43.06.010(~~(, and)~~) or 43.06.200 through
4 43.06.270 shall be (~~prosecuted as an adult~~) subject to a decline
5 hearing under RCW 13.40.110.

6 NEW SECTION. Sec. 402. A new section is added to chapter 35.21
7 RCW to read as follows:

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

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

21 NEW SECTION. Sec. 403. A new section is added to chapter 35A.11
22 RCW to read as follows:

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

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

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

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

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

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

18 (1) In addition to any other authority to revoke driving privileges
19 under this chapter, the department shall revoke all driving privileges
20 of a juvenile when the department receives notice from a court pursuant
21 to section 407 or 408 of this act, RCW 13.40.265, 66.44.365, 69.41.065,
22 69.50.420, 69.52.070, or a substantially similar municipal ordinance
23 adopted by a local legislative authority, or from a diversion unit
24 pursuant to RCW 13.40.265. The revocation shall be imposed without
25 hearing.

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

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

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

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

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

6 (b) If the diversion agreement was for the juvenile's first
7 violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the
8 department shall not reinstate the juvenile's privilege to drive until
9 the later of ninety days after the date the juvenile turns sixteen or
10 ninety days after the juvenile entered into a diversion agreement for
11 the offense. If the diversion agreement was for the juvenile's second
12 or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52
13 RCW, the department shall not reinstate the juvenile's privilege to
14 drive until the later of the date the juvenile turns seventeen or one
15 year after the juvenile entered into the second or subsequent diversion
16 agreement.

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

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

24 (b) Except as otherwise provided in (c) of this subsection, upon
25 petition of a juvenile who has been found by the court to have
26 committed an offense that is a violation of chapter 9.41, 66.44, 69.41,
27 69.50, or 69.52 RCW, the court may at any time the court deems
28 appropriate notify the department of licensing that the juvenile's
29 driving privileges should be reinstated.

30 (c) If the offense is the juvenile's first violation of chapter
31 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition
32 the court for reinstatement of the juvenile's privilege to drive
33 revoked pursuant to RCW 46.20.265 until ninety days after the date the
34 juvenile turns sixteen or ninety days after the judgment was entered,
35 whichever is later. If the offense is the juvenile's second or
36 subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52
37 RCW, the juvenile may not petition the court for reinstatement of the
38 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until

1 the date the juvenile turns seventeen or one year after the date
2 judgment was entered, whichever is later.

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

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

11 NEW SECTION. Sec. 407. A new section is added to chapter 9.41 RCW
12 to read as follows:

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

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

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

33 NEW SECTION. Sec. 408. A new section is added to chapter 9.94A
34 RCW to read as follows:

35 Upon conviction of any person under age eighteen of an offense
36 involving the use of a deadly weapon as defined in RCW 9A.04.110 or a

1 violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court
2 shall notify the department of licensing of the conviction.

3 **Sec. 409.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
4 each reenacted and amended to read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

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

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

12 (a) Any of the following felonies, as now existing or hereafter
13 amended: Any felony defined under any law as a class A felony or an
14 attempt to commit a class A felony, criminal solicitation of or
15 criminal conspiracy to commit a class A felony, manslaughter in the
16 first degree, manslaughter in the second degree, indecent liberties if
17 committed by forcible compulsion, rape in the second degree, kidnapping
18 in the second degree, arson in the second degree, assault in the second
19 degree, assault of a child in the second degree, extortion in the first
20 degree, residential burglary, burglary in the second degree, ((and))
21 robbery in the second degree, and malicious harassment;

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

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

29 (3) "Deadly weapon" has the same definition as in RCW 9A.04.110.

30 (4) "Dealer" means:

31 (a) Any person engaged in the business of selling firearms at
32 wholesale or retail;

33 (b) Any person engaged in the business of repairing firearms or of
34 making or fitting special barrels, stocks, or trigger mechanisms to
35 firearms; or

36 (c) Any person who is a pawnbroker.

37 (5)(a) "Engaged in the business" means:

1 (i) As applied to a dealer as defined in subsection (4)(a) of this
2 section, a person who devotes time, attention, and labor to dealing in
3 firearms as a regular course of trade or business with the principal
4 objective of livelihood and profit through the repetitive purchase and
5 resale of firearms, but such term shall not include a person who makes
6 occasional sales, exchanges, or purchases of firearms for the
7 enhancement of a personal collection or for a hobby, or who sells all
8 or part of his or her personal collection of firearms;

9 (ii) As applied to a dealer as defined in subsection (4)(b) of this
10 section, a person who devotes time, attention, and labor to engaging in
11 such activity as a regular course of trade or business with the
12 principal objective of livelihood and profit, but such term shall not
13 include a person who makes occasional repairs of firearms, or who
14 occasionally fits special barrels, stocks, or trigger mechanisms to
15 firearms.

16 (b) For the purpose of this subsection, "with the principal
17 objective of livelihood and profit" means that the intent underlying
18 the sale or disposition of firearms is predominantly one of obtaining
19 livelihood and pecuniary gain, as opposed to other intents, such as
20 improving or liquidating a personal firearms collection.

21 (6) "Firearm" ((as used in this chapter)) means a weapon or device
22 from which a projectile may be fired by an explosive such as gunpowder.

23 ~~((4) "Commercial seller" as used in this chapter means a person~~
24 ~~who has a federal firearms license.))~~

25 (7) "Machine gun" means any firearm known as a machine gun,
26 mechanical rifle, submachine gun, or any other mechanism or instrument
27 not requiring that the trigger be pressed for each shot and having a
28 reservoir clip, disc, drum, belt, or other separable mechanical device
29 for storing, carrying, or supplying ammunition which can be loaded into
30 the firearm, mechanism, or instrument, and fired therefrom.

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

34 (a) Any crime of violence;

35 (b) Child molestation in the second degree;

36 (c) Controlled substance homicide;

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

38 (e) Indecent liberties;

39 (f) Leading organized crime;

- 1 (g) Promoting prostitution in the first degree;
2 (h) Rape in the third degree;
3 (i) Sexual exploitation;
4 (j) Vehicular assault;
5 (k) Vehicular homicide, when proximately caused by the driving of
6 any vehicle by any person while under the influence of intoxicating
7 liquor or any drug as defined by RCW 46.61.502, or by the operation of
8 any vehicle in a reckless manner;
9 (l) Any other class B felony offense with a finding of sexual
10 motivation, as "sexual motivation" is defined under RCW 9.94A.030;
11 (m) Any other felony with a deadly weapon verdict under RCW
12 9.94A.125; or
13 (n) Any felony offense in effect at any time prior to the effective
14 date of this section that is comparable to a most serious offense, or
15 any federal or out-of-state conviction for an offense that under the
16 laws of this state would be a felony classified as a most serious
17 offense.
18 (9) "Pistol" means any firearm with a barrel less than twelve
19 inches in length.

20 **Sec. 410.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are
21 each reenacted and amended to read as follows:

22 (1) A person is guilty of the crime of unlawful possession of a
23 (~~short firearm or~~) pistol, if, having previously been convicted or,
24 as a juvenile, adjudicated in this state or elsewhere of a crime of
25 violence, a most serious offense, a domestic violence offense
26 enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW
27 9A.46.060, or of a felony in which a firearm was used or displayed, the
28 person owns or has in his or her possession any (~~short firearm or~~)
29 pistol.

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

32 (3) As used in this section, a person has been "convicted or
33 adjudicated" at such time as a plea of guilty has been accepted or a
34 verdict of guilty has been filed, notwithstanding the pendency of any
35 future proceedings including but not limited to sentencing or
36 disposition, post-trial or post-factfinding motions, and appeals. A
37 person shall not be precluded from possession if the conviction or
38 adjudication has been the subject of a pardon, annulment, certificate

1 of rehabilitation, or other equivalent procedure based on a finding of
2 the rehabilitation of the person convicted or adjudicated or the
3 conviction or disposition has been the subject of a pardon, annulment,
4 or other equivalent procedure based on a finding of innocence.

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

12 (5) Notwithstanding subsection (1) of this section, a person
13 convicted of an offense other than murder, manslaughter, robbery, rape,
14 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
15 violations with respect to controlled substances under RCW 69.50.401(a)
16 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
17 and who received a dismissal of the charge under RCW 9.95.240, shall
18 not be precluded from ownership, possession, or control of a firearm as
19 a result of the conviction.

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

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

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

36 **Sec. 411.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each
37 amended to read as follows:

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

5 (2) A person who is in possession of an unloaded pistol shall not
6 leave the unloaded pistol in a vehicle unless the unloaded pistol is
7 locked within the vehicle and concealed from view from outside the
8 vehicle.

9 (3) A person shall not carry or place a loaded pistol in any
10 vehicle unless the person has a concealed pistol license (~~(to carry a~~
11 ~~concealed weapon)~~) and: (a) The pistol is on the licensee's person,
12 (b) the licensee is within the vehicle at all times that the pistol is
13 there, or (c) the licensee is away from the vehicle and the pistol is
14 locked within the vehicle and concealed from view from outside the
15 vehicle.

16 **Sec. 412.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read
17 as follows:

18 The provisions of RCW 9.41.050 shall not apply to marshals,
19 sheriffs, prison or jail wardens or their deputies, (~~(policemen)~~)
20 police officers or other law enforcement officers, or to members of the
21 army, navy or marine corps of the United States or of the national
22 guard or organized reserves when on duty, or to regularly enrolled
23 members of any organization duly authorized to purchase or receive such
24 (~~(weapons)~~) pistols from the United States or from this state, or to
25 regularly enrolled members of clubs organized for the purpose of target
26 shooting or modern and antique firearm collecting or to individual
27 hunters: PROVIDED, Such members are at, or are going to or from their
28 places of target practice, or their collector's gun shows and exhibits,
29 or are on a hunting, camping or fishing trip, or to officers or
30 employees of the United States duly authorized to carry a concealed
31 pistol, or to any person engaged in the business of manufacturing,
32 repairing, or dealing in firearms or the agent or representative of any
33 such person having in his or her possession, using, or carrying a
34 pistol in the usual or ordinary course of such business, or to any
35 person while carrying a pistol unloaded and in a secure wrapper from
36 the place of purchase to his or her home or place of business or to a
37 place of repair or back to his or her home or place of business or in
38 moving from one place of abode or business to another.

1 **Sec. 413.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
2 as follows:

3 (1) The judge of a court of record, the chief of police of a
4 municipality, or the sheriff of a county, shall within (~~thirty~~)
5 forty-five days after the filing of an application of any person issue
6 a license to such person to carry a pistol concealed on his or her
7 person within this state for (~~four~~) two years from date of issue, for
8 the purposes of protection or while engaged in business, sport, or
9 while traveling. However, if the applicant does not have a valid
10 permanent Washington driver's license or Washington state
11 identification card or has not been a resident of the state for the
12 previous consecutive ninety days, the issuing authority shall have up
13 to (~~sixty~~) seventy-five days after the filing of the application to
14 issue a license. Such applicant's constitutional right to bear arms
15 shall not be denied, unless he or she:

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

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

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

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

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

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

28 (g) Has been convicted of any of the following offenses: Assault
29 in the third degree, indecent liberties, malicious mischief in the
30 first degree, possession of stolen property in the first or second
31 degree, or theft in the first or second degree. Any person who becomes
32 ineligible for a concealed pistol (~~permit~~) license as a result of a
33 conviction for a crime listed in this subsection (1)(g) and then
34 successfully completes all terms of his or her sentence, as evidenced
35 by a certificate of discharge issued under RCW 9.94A.220 in the case of
36 a sentence under chapter 9.94A RCW, and has not again been convicted of
37 any crime and is not under indictment for any crime, may, one year or
38 longer after such successful sentence completion, petition the district

1 court for a declaration that the person is no longer ineligible for a
2 concealed pistol (~~(permit)~~) license under this subsection (1)(g).

3 (2) In the event the issuing authority is unable to determine
4 whether the applicant has been convicted of an offense that
5 disqualifies the applicant from receiving a license, the issuing
6 authority may extend the period in which a decision is to be made by
7 not more than thirty days if the applicant is notified of the delay by
8 certified mail and is provided an opportunity to present to the issuing
9 authority evidence that he or she has not been convicted of any
10 disqualifying offense. If, at the end of the extended period the
11 issuing authority is unable to determine whether a disqualifying
12 conviction has been entered, the application shall be approved.

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

19 (~~((+3))~~) (4) The license shall be revoked by the issuing authority
20 immediately upon conviction of a crime which makes such a person
21 ineligible to (~~(own)~~) possess a pistol or upon the third conviction for
22 a violation of this chapter within five calendar years.

23 (~~((+4))~~) (5) Upon an order to forfeit a firearm under RCW
24 9.41.098(1)(d) the issuing authority shall:

- 25 (a) On the first forfeiture, revoke the license for one year;
26 (b) On the second forfeiture, revoke the license for two years;
27 (c) On the third or subsequent forfeiture, revoke the license for
28 five years.

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

34 (~~((+5))~~) (6) The license application shall be in triplicate, in form
35 to be prescribed by the department of licensing, and shall bear the
36 full name, street address, (~~(and)~~) date and place of birth, race,
37 gender, description, fingerprints, (~~(and)~~) signature of the licensee,
38 and the licensee's driver's license number or state identification card
39 number if used for identification in applying for the license. The

1 application shall also include a statement that the applicant is
2 eligible to possess a pistol under RCW 9.41.040. The license
3 application shall contain a warning substantially as follows:

4 CAUTION: Although state and local laws do not differ, federal
5 law and state law on the possession of firearms differ. If you
6 are prohibited by federal law from possessing a firearm, you
7 may be prosecuted in federal court. A state license is not a
8 defense to a federal prosecution.

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

28 Upon approval of the application by the issuing authority, the
29 original ((~~thereof~~)) application and license shall be delivered to the
30 licensee((~~, the~~)); a duplicate of the license shall within seven days
31 be sent ((~~by registered mail~~)) to the director of licensing; and
32 ((~~the~~)) a triplicate of the license shall be preserved for six years,
33 by the issuing authority ((~~issuing said license~~)). If the application
34 is denied, notice of the denial shall be sent to the applicant and the
35 director of licensing by the issuing authority within five days of
36 denial.

37 The department of licensing shall enter the information on the
38 application record and license into its data bank. The department

1 shall make available in an on-line format all information received
2 under this subsection and subsection (5) of this section. The form of
3 the application and license shall be as determined by the director of
4 licensing.

5 ~~((6))~~ (7) The fee for the original issuance of a ~~((four-year))~~
6 license shall be twenty-three dollars~~((: PROVIDED, That))~~. No other
7 ~~((additional charges by any))~~ branch or unit of government ~~((shall be~~
8 ~~borne by))~~ may impose any additional charges on the applicant for the
9 issuance of the license~~((: PROVIDED FURTHER, That))~~.

10 The fee shall be distributed as follows:

11 (a) ~~((Four))~~ Two dollars shall be paid to the state general fund;

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

14 (c) Twelve dollars shall be paid to the issuing authority solely
15 for the purpose of enforcing this chapter; ~~((and))~~

16 (d) ~~((Three))~~ One dollar~~((s))~~ and fifty cents to the firearms range
17 account in the general fund; and

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

20 ~~((7))~~ (8) The fee for the renewal of such license shall be
21 fifteen dollars~~((: PROVIDED, That))~~. No other ~~((additional charges by~~
22 ~~any))~~ branch or unit of government ~~((shall be borne by))~~ may impose any
23 additional charges on the applicant for the renewal of the license~~((: PROVIDED FURTHER, That))~~.

25 The renewal fee shall be distributed as follows:

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

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

29 (c) ~~((Three))~~ One dollar~~((s))~~ and fifty cents to the firearms range
30 account in the general fund; and

31 (d) One dollar and fifty cents to the department of licensing.

32 ~~((8))~~ (9) Methods of payment shall be ~~((by cash, check, or money~~
33 ~~order at the option of the applicant. Additional methods of payment~~
34 ~~may be allowed))~~ determined at the option of the issuing authority.

35 ~~((9))~~ (10) A licensee may renew a license if the licensee applies
36 for renewal within ninety days before or after the expiration date of
37 the license. A license so renewed shall take effect on the expiration
38 date of the prior license. A licensee renewing after the expiration
39 date of the license must pay a late renewal penalty of ten dollars in

1 addition to the renewal fee specified in subsection (~~(7)~~) (8) of this
2 section. The fee shall be distributed as follows:

3 (a) Three dollars shall be deposited in the state wildlife fund and
4 used exclusively for the printing and distribution of a pamphlet on the
5 legal limits of the use of firearms, firearms safety, and the
6 preemptive nature of state law. The pamphlet shall be given to each
7 applicant for a license; and

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

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

15 (~~(11)~~) (12) A political subdivision of the state shall not: (a)
16 Modify the requirements of this (~~section or~~) chapter(~~, nor may a~~
17 political subdivision); (b) refuse to accept a completed application;
18 or (c) ask the applicant to voluntarily submit any information not
19 required by this section. A civil suit may be brought to enjoin a
20 wrongful refusal to accept a completed application or to issue a
21 license or a wrongful modification of the requirements of this
22 (~~section or~~) chapter. The civil suit may be brought in the county in
23 which the application was made or in Thurston county at the discretion
24 of the petitioner. Any person who prevails against a public agency in
25 any action in the courts for a violation of this chapter shall be
26 awarded costs, including reasonable attorneys' fees, incurred in
27 connection with such legal action.

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

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

35 **Sec. 414.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
36 as follows:

37 (1) No person (~~shall~~) may deliver a pistol or ammunition usable
38 only in a pistol to any person under the age of twenty-one or to one

1 who he or she has reasonable cause to believe (~~has been convicted of~~
2 ~~a crime of violence, or is a drug addict, an habitual drunkard, or of~~
3 ~~unsound mind~~) is ineligible to possess a pistol under RCW 9.41.040.
4 Violation of this subsection is a gross misdemeanor for the first
5 offense and a class C felony punishable under chapter 9A.20 RCW for all
6 subsequent offenses.

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

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

13 **Sec. 415.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read
14 as follows:

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

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

22 (b) The (~~seller~~) dealer is notified in writing by the chief of
23 police of the municipality or the sheriff of the county that the
24 purchaser (~~meets the requirements of~~) is eligible to possess a pistol
25 under RCW 9.41.040 and that the application to purchase is (~~granted~~)
26 approved by the chief of police or sheriff; or

27 (c) Five consecutive days (~~including~~) excluding Saturday, Sunday
28 and holidays have elapsed from the time of receipt of the application
29 for the purchase thereof as provided herein by the chief of police or
30 sheriff designated in subsection (4) of this section, and, when
31 delivered, (~~said~~) the pistol shall be securely wrapped and shall not
32 be (~~unloaded~~) loaded. However, if the purchaser does not have a
33 valid permanent Washington driver's license or state identification
34 card or has not been a resident of the state for the previous
35 consecutive ninety days, the waiting period under this subsection
36 (1)(c) shall be up to sixty days.

37 (2) In any case under subsection (1)(c) of this section where the
38 applicant has an outstanding warrant for his or her arrest from any

1 court of competent jurisdiction for a felony or misdemeanor, the
2 ((seller)) dealer shall hold the delivery of the pistol until the
3 warrant for arrest is served and satisfied by appropriate court
4 appearance. The local jurisdiction for purposes of the sale shall
5 confirm the existence of outstanding warrants within seventy-two hours
6 after notification of the application to purchase a pistol is received.
7 The local jurisdiction shall also immediately confirm the satisfaction
8 of the warrant on request of the ((seller)) dealer so that the hold may
9 be released if the warrant was for a crime other than a crime of
10 violence.

11 (3) In any case where the chief or sheriff of the local
12 jurisdiction has reasonable grounds based on the following
13 circumstances: (a) Open criminal charges, (b) pending criminal
14 proceedings, (c) pending commitment proceedings, (d) an outstanding
15 warrant for a crime of violence, or (e) an arrest for a crime of
16 violence if the records of disposition have not yet been reported or
17 entered sufficiently to determine eligibility to purchase a pistol, the
18 local jurisdiction may hold the sale and delivery of the pistol beyond
19 five days up to thirty days in order to confirm existing records in
20 this state or elsewhere. After thirty days, the hold will be lifted
21 unless an extension of the thirty days is approved by a local district
22 court or municipal court for good cause shown. An applicant shall be
23 notified of each hold placed on the sale by local law enforcement and
24 of any application to the court for additional hold period to confirm
25 records or confirm the identity of the applicant.

26 (4) At the time of applying for the purchase of a pistol, the
27 purchaser shall sign in triplicate and deliver to the ((seller)) dealer
28 an application containing his or her full name, street address, date
29 and place of birth, ((and)) race, and gender; the date and hour of the
30 application; the applicant's driver's license number or state
31 identification card number; ((and)) a description of the ((weapon))
32 pistol, including((7)) the make, model, caliber and manufacturer's
33 number; and a statement that the purchaser is eligible to ((own))
34 possess a pistol under RCW 9.41.040. The application shall contain a
35 warning substantially as follows:

36 CAUTION: Although state and local laws do not differ, federal
37 law and state law on the possession of firearms differ. If you
38 are prohibited by federal law from possessing a firearm, you

1 may be prosecuted in federal court. State permission to
2 purchase a firearm is not a defense to a federal prosecution.

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

7 The ((seller)) dealer shall, by the end of the business day, sign
8 and attach his or her address and deliver the original of the
9 application and such other documentation as required under subsection
10 (1) of this section to the chief of police of the municipality or the
11 sheriff of the county of which the ((seller)) dealer is a resident.
12 The dealer shall send the duplicate to the director of licensing within
13 seven days, and retain the triplicate for six years. The ((seller))
14 dealer shall deliver the pistol to the purchaser following the period
15 of time specified in this section unless the ((seller)) dealer is
16 notified in writing by the chief of police of the municipality or the
17 sheriff of the county, whichever is applicable, denying the purchaser's
18 application to purchase and the grounds thereof. The application shall
19 not be denied unless the purchaser (~~((fails to meet the requirements~~
20 ~~specified in))~~ is not eligible to possess a pistol under RCW 9.41.040.
21 The chief of police of the municipality or the county sheriff shall
22 maintain a file containing the original of the application to purchase
23 a pistol.

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

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

30 **Sec. 416.** RCW 9.41.095 and 1969 ex.s. c 227 s 3 are each amended
31 to read as follows:

32 Any person whose application to purchase a pistol as provided in
33 RCW 9.41.090 (~~((as now or hereinafter amended))~~) is denied shall have a
34 right to appeal to the legislative body of the municipality or of the
35 county, whichever is applicable, for a review of the denial at a public
36 hearing to be conducted within fifteen days after denial. It shall be
37 the duty of the law enforcement officer recommending the denial to
38 appear at such hearing and to present proof relating to the grounds for

1 denial. In the event that the evidence so presented does not sustain
2 one of the grounds for denial enumerated in RCW 9.41.090, the
3 legislative authority shall authorize the sale.

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

7 **Sec. 417.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
8 as follows:

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

11 (a) Found concealed on a person not authorized by RCW 9.41.060 or
12 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
13 defense to forfeiture if the person possessed a valid Washington
14 concealed pistol license within the preceding two years and has not
15 become ineligible for a concealed pistol license in the interim.
16 Before the firearm may be returned, the person must pay the past due
17 renewal fee and the current renewal fee;

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

20 (c) Found in the possession or under the control of a person at the
21 time the person committed or was arrested for committing a crime of
22 violence or a crime in which a firearm was used or displayed or a
23 felony violation of the Uniform Controlled Substances Act, chapter
24 69.50 RCW;

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

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

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

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

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

7 (i) Known to have been used in the commission of a crime of
8 violence or a crime in which a firearm was used or displayed or a
9 felony violation of the ((Uniformed-[Uniform])) Uniform Controlled
10 Substances Act, chapter 69.50 RCW.

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

15 (a) Except as provided in (b), (c), and (d) of this subsection,
16 firearms that are: (i) Judicially forfeited and no longer needed for
17 evidence; or (ii) forfeited due to a failure to make a claim under RCW
18 63.32.010 or 63.40.010; may be disposed of in any manner determined by
19 the local legislative authority. Any proceeds of an auction or trade
20 may be retained by the legislative authority. This subsection (2)(a)
21 applies only to firearms that come into the possession of the law
22 enforcement agency after June 30, 1993, and applies only if the law
23 enforcement agency has complied with (b) of this subsection.

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

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

33 (i) Comply with the provisions for the auction of firearms in RCW
34 9.41.098 that were in effect immediately preceding May 7, 1993; or

35 (ii) Trade, auction, or arrange for the auction of, rifles and
36 shotguns. In addition, the law enforcement agency shall either trade,
37 auction, or arrange for the auction of, ((short firearms)) pistols, or
38 shall pay a fee of twenty-five dollars to the state treasurer for every
39 ((short firearm)) pistol neither auctioned nor traded, to a maximum of

1 fifty thousand dollars. The fees shall be accompanied by an inventory,
2 under oath, of every (~~short firearm~~) pistol listed in the inventory
3 required by (a) of this subsection, that has been neither traded nor
4 auctioned. The state treasurer shall credit the fees to the firearms
5 range account established in RCW 77.12.720. All trades or auctions of
6 firearms under this subsection shall be to (~~commercial sellers~~)
7 dealers. Proceeds of any auction less costs, including actual costs of
8 storage and sale, shall be forwarded to the firearms range account
9 established in RCW 77.12.720.

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

15 (d) Firearms in the possession of the Washington state patrol on or
16 after May 7, 1993, that are judicially forfeited and no longer needed
17 for evidence, or forfeited due to a failure to make a claim under RCW
18 63.35.020, must be disposed of as follows: (i) Firearms illegal for
19 any person to possess must be destroyed; (ii) the Washington state
20 patrol may retain a maximum of ten percent of legal firearms for agency
21 use; and (iii) all other legal firearms must be auctioned or traded to
22 (~~commercial sellers~~) dealers. The Washington state patrol may retain
23 any proceeds of an auction or trade.

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

29 (4) A law enforcement officer of the state or of any county or
30 municipality may confiscate a firearm found to be in the possession of
31 a person under circumstances specified in subsection (1) of this
32 section. After confiscation, the firearm shall not be surrendered
33 except: (a) To the prosecuting attorney for use in subsequent legal
34 proceedings; (b) for disposition according to an order of a court
35 having jurisdiction as provided in subsection (1) of this section; or
36 (c) to the owner if the proceedings are dismissed or as directed in
37 subsection (3) of this section.

1 **Sec. 418.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read
2 as follows:

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

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

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

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

23 ~~((1))~~ (5)(a) The business shall be carried on only in the
24 building designated in the license.

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

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

33 ~~((4) A true record in triplicate shall be made of every pistol~~
34 ~~sold, in a book kept for the purpose, the form of which may be~~
35 ~~prescribed by the director of licensing and shall be personally signed~~
36 ~~by the purchaser and by the person effecting the sale, each in the~~
37 ~~presence of the other, and shall contain the date of sale, the caliber,~~
38 ~~make, model and manufacturer's number of the weapon, the name, address,~~
39 ~~occupation, color and place of birth of the purchaser and a statement~~

1 signed by the purchaser that he has never been convicted in this state
2 or elsewhere of a crime of violence. One copy shall within six hours
3 be sent by registered mail to the chief of police of the municipality
4 or the sheriff of the county of which the dealer is a resident; the
5 duplicate the dealer shall within seven days send to the director of
6 licensing; the triplicate the dealer shall retain for six years.

7 ~~(5) This section shall not apply to sales at wholesale.)~~ (d) The
8 license fee for pistols shall be one hundred fifty dollars. The
9 license fee for firearms other than pistols shall be one hundred fifty
10 dollars. The license fee for ammunition shall be one hundred fifty
11 dollars, unless the dealer is licensed to sell pistols or other
12 firearms under this section, in which case there is no additional fee.
13 The fees received under this section shall be appropriated as follows:
14 (i) Not more than fifty percent to the department of fish and wildlife,
15 to be deposited in the firearm safety training account created under
16 section 809 of this act for the purpose of providing firearm safety
17 training in whatever manner the director deems appropriate; and (ii)
18 the remaining funds shall be deposited in the emergency medical
19 services and trauma care system trust account under chapter 70.168 RCW.

20 (6) The dealer's licenses authorized to be issued by this section
21 are general licenses covering all sales by the licensee within the
22 effective period of the licenses. The department shall provide a
23 single application form for dealer's licenses.

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

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

31 **Sec. 419.** RCW 9.41.140 and 1961 c 124 s 10 are each amended to
32 read as follows:

33 No person ~~((shall))~~ may change, alter, remove, or obliterate the
34 name of the maker, model, manufacturer's number, or other mark of
35 identification on any ~~((pistol))~~ firearm. Possession of any ~~((pistol))~~
36 firearm upon which any such mark shall have been changed, altered,
37 removed, or obliterated, shall be prima facie evidence that the
38 possessor has changed, altered, removed, or obliterated the same. This

1 shall not apply to replacement barrels in old (~~revolvers~~) firearms,
2 which barrels are produced by current manufacturers and (~~therefor~~) do
3 not have the markings on the barrels of the original manufacturers who
4 are no longer in business.

5 **Sec. 420.** RCW 9.41.170 and 1979 c 158 s 3 are each amended to read
6 as follows:

7 It shall be unlawful for any person who is not a citizen of the
8 United States, or who has not declared his or her intention to become
9 a citizen of the United States, to carry or have in his or her
10 possession at any time any shotgun, rifle, or other firearm, without
11 first having obtained a license from the director of licensing, and
12 such license is not to be issued by the director of licensing except
13 upon the certificate of the consul domiciled in the state and
14 representing the country of such alien, that he or she is a responsible
15 person and upon the payment for the license of the sum of fifteen
16 dollars: PROVIDED, That this section shall not apply to Canadian
17 citizens resident in a province which has an enactment or public policy
18 providing substantially similar privilege to residents of the state of
19 Washington and who are carrying or possessing weapons for the purpose
20 of using them in the hunting of game while such persons are in the act
21 of hunting, or while on a hunting trip, or while such persons are
22 competing in a bona fide trap or skeet shoot or any other organized
23 contest where rifles, pistols, or shotguns are used as to weapons used
24 in such contest. Nothing in this section (~~shall be construed to~~)
25 allows aliens to hunt or fish in this state without first having
26 obtained a regular hunting or fishing license. Any person violating
27 the provisions of this section shall be guilty of a misdemeanor.

28 **Sec. 421.** RCW 9.41.180 and 1992 c 7 s 8 are each amended to read
29 as follows:

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

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

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

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

7 **Sec. 422.** RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each
8 amended to read as follows:

9 (1) It is unlawful for any person to manufacture, own, buy, sell,
10 loan, furnish, transport, or have in his or her possession ((or under
11 control)), any machine gun, or any part thereof capable of use or
12 assembling or repairing any machine gun((:—PROVIDED, HOWEVER, That
13 such limitation)).

14 (2) This section shall not apply to:

15 (a) Any peace officer in the discharge of official duty, or to any
16 officer or member of the armed forces of the United States or the state
17 of Washington((:—PROVIDED FURTHER, That this section does not apply
18 to)) in the discharge of official duty; or

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

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

27 **Sec. 423.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read
28 as follows:

29 (1) No ((minor)) person under the age of ((fourteen)) twenty-one
30 years ((shall)) may handle or have in his or her possession or ((under
31 his)) control any firearm or ammunition, except ((while accompanied by
32 or under the immediate charge)) that (a) a person under the age of
33 twenty-one may handle or have in his or her possession or control any
34 firearm other than a pistol (i) while in the presence of his or her
35 parent or guardian or other adult approved for the purpose of this
36 section by the parent or guardian, or (ii) while engaged in hunting
37 pursuant to a license issued under RCW 77.32.101; and (b) a person

1 under the age of twenty-one may handle or have in his or her possession
2 or control any firearm while under the supervision of a certified
3 safety instructor at an established gun range or firearm training
4 class((, any firearm of any kind for hunting or target practice or for
5 other purposes)).

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

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

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

17 **Sec. 424.** RCW 9.41.250 and 1959 c 143 s 1 are each amended to read
18 as follows:

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

34 **Sec. 425.** RCW 9.41.260 and 1909 c 249 s 283 are each amended to
35 read as follows:

36 Every proprietor, lessee or occupant of any place of amusement, or
37 any plat of ground or building, who shall allow it to be used for the

1 exhibition of skill in throwing any sharp instrument or in shooting any
2 bow (~~(gun, pistol)~~) or firearm of any description, at or toward any
3 human being, shall be guilty of a misdemeanor.

4 **Sec. 426.** RCW 9.41.270 and 1969 c 8 s 1 are each amended to read
5 as follows:

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

14 (2) (~~(Any person violating the provisions of subsection (1) above~~
15 ~~shall be guilty of a gross misdemeanor)~~) It is a gross misdemeanor to
16 willfully discharge any firearm, air gun, or other deadly weapon or
17 throw any deadly weapon in a public place, or in any place where any
18 person might be endangered thereby, although no injury results; or to
19 use any contrivance or device for suppressing the noise of any firearm.

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

23 (4) Subsection (1) of this section shall not apply to or affect the
24 following:

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

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

32 (c) Any person acting for the purpose of protecting himself or
33 herself against the use of presently threatened unlawful force by
34 another, or for the purpose of protecting another against the use of
35 such unlawful force by a third person;

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

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

3 **Sec. 427.** RCW 9.41.280 and 1993 c 347 s 1 are each amended to read
4 as follows:

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

9 (a) Any ~~((firearm; or~~

10 ~~(b) Any dangerous))~~ deadly weapon ~~((as defined in RCW 9.41.250));~~

11 or

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

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

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

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

28 Any violation of subsection (1) of this section by elementary or
29 secondary school students constitutes grounds for expulsion from the
30 state's public schools in accordance with RCW 28A.600.010. However,
31 any violation of subsection (1)(a) of this section by an elementary or
32 secondary school student involving a firearm shall result in expulsion
33 in accordance with RCW 28A.600.010. An appropriate school authority
34 shall promptly notify law enforcement and the student's parent or
35 guardian regarding any allegation or indication of such violation.

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

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

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

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

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

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

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

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

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

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

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

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

29 NEW SECTION. Sec. 428. A new section is added to chapter 9.41 RCW
30 to read as follows:

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

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

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

1 **Sec. 429.** RCW 9A.56.040 and 1987 c 140 s 2 are each amended to
2 read as follows:

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

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

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

11 (c) An access device; or

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

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

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

17 **Sec. 430.** RCW 9A.56.160 and 1987 c 140 s 4 are each amended to
18 read as follows:

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

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

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

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

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

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

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

32 NEW SECTION. **Sec. 431.** A new section is added to chapter 4.24 RCW
33 to read as follows:

34 A parent or guardian is liable for any damages arising from the
35 illegal or unlawful use of a firearm by his or her minor child when the
36 parent or guardian knowingly or negligently allows his or her minor

1 child to possess a firearm with the awareness that this creates a
2 substantial risk of harm.

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

8 The prevailing party shall be entitled to costs and attorneys' fees
9 in such amount as the court shall deem reasonable.

10 **Sec. 432.** RCW 9.94A.125 and 1983 c 163 s 3 are each amended to
11 read as follows:

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

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

32 **Sec. 433.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to
33 read as follows:

34 (1) The prosecutor, respondent, or the court on its own motion may,
35 before a hearing on the information on its merits, file a motion
36 requesting the court to transfer the respondent for adult criminal
37 prosecution and the matter shall be set for a hearing on the question

1 of declining jurisdiction. Unless waived by the court, the parties,
2 and their counsel, a decline hearing shall be held where:

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

6 (b) The respondent is fourteen years of age or over and the
7 information alleges a violation of RCW 43.06.010 or 43.06.200 through
8 43.06.270;

9 (c) The respondent is seventeen years of age and the information
10 alleges assault in the second degree, extortion in the first degree,
11 indecent liberties, child molestation in the second degree, kidnapping
12 in the second degree, or robbery in the second degree; or

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

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

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

25 NEW SECTION. Sec. 434. A new section is added to chapter 13.04
26 RCW to read as follows:

27 The juvenile court shall not have jurisdiction over juveniles
28 sixteen or seventeen years of age when the alleged offense is a violent
29 offense as defined in RCW 9.94A.030, and the appropriate superior court
30 shall have exclusive original jurisdiction, subject to the provisions
31 of section 435 of this act.

32 If this section is in conflict with any provision of RCW 13.40.110,
33 this section shall take precedence.

34 NEW SECTION. Sec. 435. A new section is added to chapter 2.08 RCW
35 to read as follows:

36 (1) For any juvenile sixteen or seventeen years of age who is
37 subject to the jurisdiction of the superior court under section 434 of

1 this act for an offense other than a serious violent offense as defined
2 in RCW 9.94A.030, the prosecutor, juvenile, or court on its own motion,
3 before a hearing on the merits, may file a motion requesting the court
4 to transfer the juvenile to juvenile court for adjudication. Upon a
5 motion, the court shall set a hearing on the question of jurisdiction.

6 (2) The court, after the jurisdictional hearing, may order the case
7 transferred to juvenile court for adjudication upon a finding that the
8 transfer would be in the best interest of the public. The court shall
9 set forth in writing its findings, which shall be supported by relevant
10 facts and opinions produced at the hearing.

11 **Sec. 436.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to
12 read as follows:

13 For the purposes of this chapter:

14 (1) "Serious offender" means a person (~~fifteen years of age or~~
15 ~~older~~) who has committed an offense which if committed by an adult
16 would be:

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

18 (b) Manslaughter in the first degree; or

19 (c) Assault in the second degree, extortion in the first degree,
20 child molestation in the second degree, kidnapping in the second
21 degree, robbery in the second degree, residential burglary, or burglary
22 in the second degree, where such offenses include the infliction of
23 bodily harm upon another or where during the commission of or immediate
24 withdrawal from such an offense the perpetrator is armed with a deadly
25 weapon or firearm as defined in RCW 9A.04.110;

26 (2) "Community service" means compulsory service, without
27 compensation, performed for the benefit of the community by the
28 offender as punishment for committing an offense. Community service
29 may be performed through public or private organizations or through
30 work crews;

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

37 (a) Community-based sanctions;

38 (b) Community-based rehabilitation;

1 (c) Monitoring and reporting requirements;

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

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

5 (b) Community service not to exceed one hundred fifty hours of
6 service;

7 (5) "Community-based rehabilitation" means one or more of the
8 following: Attendance of information classes; counseling, outpatient
9 substance abuse treatment programs, outpatient mental health programs,
10 anger management classes, or other services; or attendance at school or
11 other educational programs appropriate for the juvenile as determined
12 by the school district. Placement in community-based rehabilitation
13 programs is subject to available funds;

14 (6) "Monitoring and reporting requirements" means one or more of
15 the following: Curfews; requirements to remain at home, school, work,
16 or court-ordered treatment programs during specified hours;
17 restrictions from leaving or entering specified geographical areas;
18 requirements to report to the probation officer as directed and to
19 remain under the probation officer's supervision; and other conditions
20 or limitations as the court may require which may not include
21 confinement;

22 (7) "Confinement" means physical custody by the department of
23 social and health services in a facility operated by or pursuant to a
24 contract with the state, or physical custody in a detention facility
25 operated by or pursuant to a contract with any county. The county may
26 operate or contract with vendors to operate county detention
27 facilities. The department may operate or contract to operate
28 detention facilities for juveniles committed to the department.
29 Pretrial confinement or confinement of less than thirty-one days
30 imposed as part of a disposition or modification order may be served
31 consecutively or intermittently, in the discretion of the court and may
32 be served in a detention group home, detention foster home, or with
33 electronic monitoring. Detention group homes and detention foster
34 homes used for confinement shall not also be used for the placement of
35 dependent children. Confinement in detention group homes and detention
36 foster homes and electronic monitoring are subject to available funds;

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

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

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

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

11 (10) "Department" means the department of social and health
12 services;

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

16 (12) "Diversion unit" means any probation counselor who enters into
17 a diversion agreement with an alleged youthful offender, or any other
18 person or entity except a law enforcement official or entity, with whom
19 the juvenile court administrator has contracted to arrange and
20 supervise such agreements pursuant to RCW 13.40.080, or any person or
21 entity specially funded by the legislature to arrange and supervise
22 diversion agreements in accordance with the requirements of this
23 chapter;

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

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

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

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

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

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

4 (a) Four misdemeanors;

5 (b) Two misdemeanors and one gross misdemeanor;

6 (c) One misdemeanor and two gross misdemeanors;

7 (d) Three gross misdemeanors;

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

10 (f) One class B felony except: Any felony which constitutes an
11 attempt to commit a class A felony; manslaughter in the first degree;
12 assault in the second degree; extortion in the first degree; indecent
13 liberties; kidnapping in the second degree; robbery in the second
14 degree; burglary in the second degree; residential burglary; vehicular
15 homicide; or arson in the second degree.

16 For purposes of this definition, current violations shall be
17 counted as misdemeanors;

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

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

24 (21) "Restitution" means financial reimbursement by the offender to
25 the victim, and shall be limited to easily ascertainable damages for
26 injury to or loss of property, actual expenses incurred for medical
27 treatment for physical injury to persons, lost wages resulting from
28 physical injury, and costs of the victim's counseling reasonably
29 related to the offense if the offense is a sex offense. Restitution
30 shall not include reimbursement for damages for mental anguish, pain
31 and suffering, or other intangible losses. Nothing in this chapter
32 shall limit or replace civil remedies or defenses available to the
33 victim or offender;

34 (22) "Secretary" means the secretary of the department of social
35 and health services;

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

1 (24) "Sex offense" means an offense defined as a sex offense in RCW
2 9.94A.030;

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

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

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

12 **Sec. 437.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to
13 read as follows:

14 SCHEDULE A

15 DESCRIPTION AND OFFENSE CATEGORY

16		JUVENILE	
17	JUVENILE	DISPOSITION	
18	DISPOSITION	CATEGORY FOR ATTEMPT,	
19	OFFENSE	BAILJUMP, CONSPIRACY,	
20	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
21

22		Arson and Malicious Mischief	
23	A	Arson 1 (9A.48.020)	B+
24	B	Arson 2 (9A.48.030)	C
25	C	Reckless Burning 1 (9A.48.040)	D
26	D	Reckless Burning 2 (9A.48.050)	E
27	B	Malicious Mischief 1 (9A.48.070)	C
28	C	Malicious Mischief 2 (9A.48.080)	D
29	D	Malicious Mischief 3 (<\$50 is	
30		E class) (9A.48.090)	E
31	E	Tampering with Fire Alarm	
32		Apparatus (9.40.100)	E
33	A	Possession of Incendiary Device	
34		(9.40.120)	B+

1		Assault and Other Crimes	
2		Involving Physical Harm	
3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	D+	Reckless Endangerment	
8		(9A.36.050)	E
9	C+	Promoting Suicide Attempt	
10		(9A.36.060)	D+
11	D+	Coercion (9A.36.070)	E
12	C+	Custodial Assault (9A.36.100)	D+
13		Burglary and Trespass	
14	B+	Burglary 1 (9A.52.020)	C+
15	B	Burglary 2 (9A.52.030)	C
16	D	Burglary Tools (Possession of)	
17		(9A.52.060)	E
18	D	Criminal Trespass 1 (9A.52.070)	E
19	E	Criminal Trespass 2 (9A.52.080)	E
20	D	Vehicle Prowling (9A.52.100)	E
21		Drugs	
22	E	Possession/Consumption of Alcohol	
23		(66.44.270)	E
24	C	Illegally Obtaining Legend Drug	
25		(69.41.020)	D
26	C+	Sale, Delivery, Possession of Legend	
27		Drug with Intent to Sell	
28		(69.41.030)	D+
29	E	Possession of Legend Drug	
30		(69.41.030)	E
31	B+	Violation of Uniform Controlled	
32		Substances Act - Narcotic Sale	
33		(69.50.401(a)(1)(i))	B+
34	C	Violation of Uniform Controlled	
35		Substances Act - Nonnarcotic Sale	
36		(69.50.401(a)(1)(ii))	C

1	E	Possession of Marihuana <40 grams	
2		(69.50.401(e))	E
3	C	Fraudulently Obtaining Controlled	
4		Substance (69.50.403)	C
5	C+	Sale of Controlled Substance	
6		for Profit (69.50.410)	C+
7	E	((Glue Sniffing (9.47A.050))	E
8		<u>Unlawful Inhalation (9.47A.020)</u>	
9	B	Violation of Uniform Controlled	
10		Substances Act - Narcotic	
11		Counterfeit Substances	
12		(69.50.401(b)(1)(i))	B
13	C	Violation of Uniform Controlled	
14		Substances Act - Nonnarcotic	
15		Counterfeit Substances	
16		(69.50.401(b)(1) (ii), (iii), (iv))	C
17	C	Violation of Uniform Controlled	
18		Substances Act - Possession of a	
19		Controlled Substance	
20		(69.50.401(d))	C
21	C	Violation of Uniform Controlled	
22		Substances Act - Possession of a	
23		Controlled Substance	
24		(69.50.401(c))	C
25		Firearms and Weapons	
26	((C+	Committing Crime when Armed	
27		(9.41.025)	D+))
28	E	Carrying Loaded Pistol Without	
29		Permit (9.41.050)	E
30	E	Use of Firearms by Minor (<14)	
31		(9.41.240)	E
32	D+	Possession of (Dangerous) <u>Deadly</u>	
33		Weapon (9.41.250)	E
34	D	Intimidating Another Person by use	
35		of <u>Deadly</u> Weapon (9.41.270)	E
36		Homicide	
37	A+	Murder 1 (9A.32.030)	A

1	A+	Murder 2 (9A.32.050)	B+
2	B+	Manslaughter 1 (9A.32.060)	C+
3	C+	Manslaughter 2 (9A.32.070)	D+
4	B+	Vehicular Homicide (46.61.520)	C+
5		Kidnapping	
6	A	Kidnap 1 (9A.40.020)	B+
7	B+	Kidnap 2 (9A.40.030)	C+
8	C+	Unlawful Imprisonment	
9		(9A.40.040)	D+
10	((D	Custodial Interference	
11		(9A.40.050)	E))
12		Obstructing Governmental Operation	
13	E	Obstructing a Public Servant	
14		(9A.76.020)	E
15	E	Resisting Arrest (9A.76.040)	E
16	B	Introducing Contraband 1	
17		(9A.76.140)	C
18	C	Introducing Contraband 2	
19		(9A.76.150)	D
20	E	Introducing Contraband 3	
21		(9A.76.160)	E
22	B+	Intimidating a Public Servant	
23		(9A.76.180)	C+
24	B+	Intimidating a Witness	
25		(9A.72.110)	C+
26	((E	Criminal Contempt	
27		(9.23.010)	E))
28		Public Disturbance	
29	C+	Riot with Weapon (9A.84.010)	D+
30	D+	Riot Without Weapon	
31		(9A.84.010)	E
32	E	Failure to Disperse (9A.84.020)	E
33	E	Disorderly Conduct (9A.84.030)	E
34		Sex Crimes	
35	A	Rape 1 (9A.44.040)	B+

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

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

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

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

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

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

18 SCHEDULE B
 19 PRIOR OFFENSE INCREASE FACTOR

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

22 TIME SPAN

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

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

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

9 SCHEDULE C
10 CURRENT OFFENSE POINTS

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

13 AGE

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

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-1

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

6 MINOR/FIRST OFFENDER

7 OPTION A

8 STANDARD RANGE

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

22 OR

23 OPTION B

24 STATUTORY OPTION

- 25 0-12 Months Community Supervision
- 26 0-150 Hours Community Service
- 27 0-100 Fine

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

30 OR

OPTION C
MANIFEST INJUSTICE

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

JUVENILE SENTENCING STANDARDS
SCHEDULE D-2

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

MIDDLE OFFENDER

OPTION A
STANDARD RANGE

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

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

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

9 OR

10

11 OPTION B

12 STATUTORY OPTION

13 0-12 Months Community Supervision

14 0-150 Hours Community Service

15 0-100 Fine

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

20 OR

21

22 OPTION C

23 MANIFEST INJUSTICE

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

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-3

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

6 SERIOUS OFFENDER

7 OPTION A

8 STANDARD RANGE

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

19 OR

20
21 OPTION B

22 MANIFEST INJUSTICE

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

30 **Sec. 438.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
31 as follows:

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

6 If the court concludes, and enters reasons for its conclusion, that
7 disposition within the standard range would effectuate a manifest
8 injustice the court shall impose a disposition outside the standard
9 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
10 court's finding of manifest injustice shall be supported by clear and
11 convincing evidence.

12 A disposition outside the standard range shall be determinate and
13 shall be comprised of confinement or community supervision, or a
14 combination thereof. When a judge finds a manifest injustice and
15 imposes a sentence of confinement exceeding thirty days, the court
16 shall sentence the juvenile to a maximum term, and the provisions of
17 RCW 13.40.030(2)((~~, as now or hereafter amended,~~)) shall be used to
18 determine the range. A disposition outside the standard range is
19 appealable under RCW 13.40.230((~~, as now or hereafter amended,~~)) by the
20 state or the respondent. A disposition within the standard range is
21 not appealable under RCW 13.40.230 ((~~as now or hereafter amended~~)).

22 (2) Where the respondent is found to be a minor or first offender,
23 the court shall order that the respondent serve a term of community
24 supervision as indicated in option A or option B of schedule D-1, RCW
25 13.40.0357 except as provided in subsections (5) and (6) of this
26 section. If the court determines that a disposition of community
27 supervision would effectuate a manifest injustice the court may impose
28 another disposition under option C of schedule D-1, RCW 13.40.0357.
29 Except as provided in subsection (5) of this section, a disposition
30 other than a community supervision may be imposed only after the court
31 enters reasons upon which it bases its conclusions that imposition of
32 community supervision would effectuate a manifest injustice. When a
33 judge finds a manifest injustice and imposes a sentence of confinement
34 exceeding thirty days, the court shall sentence the juvenile to a
35 maximum term, and the provisions of RCW 13.40.030(2)((~~, as now or
36 hereafter amended,~~)) shall be used to determine the range. The court's
37 finding of manifest injustice shall be supported by clear and
38 convincing evidence.

1 Except for disposition of community supervision or a disposition
2 imposed pursuant to subsection (5) of this section, a disposition may
3 be appealed as provided in RCW 13.40.230(~~(, as now or hereafter~~
4 ~~amended,)~~) by the state or the respondent. A disposition of community
5 supervision or a disposition imposed pursuant to subsection (5) of this
6 section may not be appealed under RCW 13.40.230 (~~(as now or hereafter~~
7 ~~amended)~~).

8 (3) Where a respondent is found to have committed an offense for
9 which the respondent declined to enter into a diversion agreement, the
10 court shall impose a term of community supervision limited to the
11 conditions allowed in a diversion agreement as provided in RCW
12 13.40.080(2) (~~(as now or hereafter amended)~~).

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

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

20 (b) The court shall impose a disposition under (a) of this
21 subsection, which shall be suspended, and shall impose a determinate
22 disposition of community supervision and/or up to thirty days
23 confinement, as indicated in option B of schedule D-2, RCW 13.40.0357
24 in which case, if confinement has been imposed, the court shall state
25 either aggravating or mitigating factors as set forth in RCW 13.40.150
26 (~~(as now or hereafter amended)~~). If the offender violates any
27 condition of the disposition, the court may revoke the suspension and
28 order execution of the sentence. The court shall give credit for any
29 confinement time previously served if that confinement was for the
30 offense for which the suspension is being revoked.

31 (c) Only if the court concludes, and enters reasons for its
32 conclusions, that disposition as provided in subsection (4)(a) or (b)
33 of this section would effectuate a manifest injustice, the court shall
34 sentence the juvenile to a maximum term, and the provisions of RCW
35 13.40.030(2)(~~(, as now or hereafter amended,)~~) shall be used to
36 determine the range. The court's finding of manifest injustice shall
37 be supported by clear and convincing evidence.

38 (d) A disposition pursuant to subsection (4)(c) of this section is
39 appealable under RCW 13.40.230(~~(, as now or hereafter amended,)~~) by the

1 state or the respondent. A disposition pursuant to subsection (4) (a)
2 or (b) of this section is not appealable under RCW 13.40.230 (~~as now~~
3 ~~or hereafter amended~~)).

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

10 The report of the examination shall include at a minimum the
11 following: The respondent's version of the facts and the official
12 version of the facts, the respondent's offense history, an assessment
13 of problems in addition to alleged deviant behaviors, the respondent's
14 social, educational, and employment situation, and other evaluation
15 measures used. The report shall set forth the sources of the
16 evaluator's information.

17 The examiner shall assess and report regarding the respondent's
18 amenability to treatment and relative risk to the community. A
19 proposed treatment plan shall be provided and shall include, at a
20 minimum:

21 (a)(i) Frequency and type of contact between the offender and
22 therapist;

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

25 (iii) Monitoring plans, including any requirements regarding living
26 conditions, lifestyle requirements, and monitoring by family members,
27 legal guardians, or others;

28 (iv) Anticipated length of treatment; and

29 (v) Recommended crime-related prohibitions.

30 The court on its own motion may order, or on a motion by the state
31 shall order, a second examination regarding the offender's amenability
32 to treatment. The evaluator shall be selected by the party making the
33 motion. The defendant shall pay the cost of any second examination
34 ordered unless the court finds the defendant to be indigent in which
35 case the state shall pay the cost.

36 After receipt of reports of the examination, the court shall then
37 consider whether the offender and the community will benefit from use
38 of this special sex offender disposition alternative and consider the
39 victim's opinion whether the offender should receive a treatment

1 disposition under this section. If the court determines that this
2 special sex offender disposition alternative is appropriate, then the
3 court shall impose a determinate disposition within the standard range
4 for the offense, or if the court concludes, and enters reasons for its
5 conclusion, that such disposition would effectuate a manifest
6 injustice, the court shall impose a disposition pursuant to option C of
7 schedule D-1, option C of schedule D-2, or option B of schedule D-3 as
8 appropriate, and the court may suspend the execution of the disposition
9 and place the offender on community supervision for up to two years.
10 As a condition of the suspended disposition, the court may impose the
11 conditions of community supervision and other conditions, including up
12 to thirty days of confinement and requirements that the offender do any
13 one or more of the following:

14 (b)(i) Devote time to a specific education, employment, or
15 occupation;

16 (ii) Undergo available outpatient sex offender treatment for up to
17 two years, or inpatient sex offender treatment not to exceed the
18 standard range of confinement for that offense. A community mental
19 health center may not be used for such treatment unless it has an
20 appropriate program designed for sex offender treatment. The
21 respondent shall not change sex offender treatment providers or
22 treatment conditions without first notifying the prosecutor, the
23 probation counselor, and the court, and shall not change providers
24 without court approval after a hearing if the prosecutor or probation
25 counselor object to the change;

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

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

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

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

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

37 The sex offender treatment provider shall submit quarterly reports
38 on the respondent's progress in treatment to the court and the parties.
39 The reports shall reference the treatment plan and include at a minimum

1 the following: Dates of attendance, respondent's compliance with
2 requirements, treatment activities, the respondent's relative progress
3 in treatment, and any other material specified by the court at the time
4 of the disposition.

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

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

20 If the offender violates any condition of the disposition or the
21 court finds that the respondent is failing to make satisfactory
22 progress in treatment, the court may revoke the suspension and order
23 execution of the sentence. The court shall give credit for any
24 confinement time previously served if that confinement was for the
25 offense for which the suspension is being revoked.

26 For purposes of this section, "victim" means any person who has
27 sustained emotional, psychological, physical, or financial injury to
28 person or property as a direct result of the crime charged. "Victim"
29 may also include a known parent or guardian of a victim who is a minor
30 child unless the parent or guardian is the perpetrator of the offense.

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

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

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

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

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

2 (c) Option B shall not be available for minor/first and middle
3 offenders sentenced under (a) or (b) of this subsection.

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

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

11 ~~((+8))~~ (9) In no case shall the term of confinement imposed by the
12 court at disposition exceed that to which an adult could be subjected
13 for the same offense.

14 **Sec. 439.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
15 each reenacted and amended to read as follows:

16 Every person who(~~(:~~

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

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

25 ~~(3) Shall suffer or permit any such person to play any game of~~
26 ~~skill or chance, in any such place, or in any place adjacent thereto,~~
27 ~~or to be or remain therein, or admit or allow to remain in any reputed~~
28 ~~house of prostitution or assignation, or in any place where opium or~~
29 ~~any preparation thereof, is smoked, or where any narcotic drug is used,~~
30 ~~any persons under the age of eighteen years; or,~~

31 ~~(4) Shall)) sells or gives, or permits to be sold or given to any~~
32 ~~person under the age of eighteen years any cigar, cigarette, cigarette~~
33 ~~paper or wrapper, or tobacco in any form(~~(:~~ or~~

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

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

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

4 NEW SECTION. **Sec. 440.** A new section is added to chapter 9.94A
5 RCW to read as follows:

6 The department shall adopt rules and procedures to administer this
7 section. In addition, the department is authorized to determine
8 whether any person subject to the confines of a correctional facility
9 would substantially benefit from successful participation in: (1)
10 Literacy training, (2) employment skills training, or (3) educational
11 efforts to identify and control sources of anger and, upon a
12 determination that the person would, may require such successful
13 participation as a condition for eligibility to obtain early release
14 from the confines of a correctional facility.

15 **Sec. 441.** RCW 82.04.250 and 1993 sp.s. c 25 s 103 are each amended
16 to read as follows:

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

22 (2) Upon every person engaging within this state in the business of
23 making sales at retail that are exempt from the tax imposed under
24 chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or
25 82.08.0263, as to such persons, the amount of tax with respect to such
26 business shall be equal to the gross proceeds of sales of the business,
27 multiplied by the rate of 0.484 percent.

28 (3) In addition to the tax imposed under subsection (1) of this
29 section, upon every person engaging within this state in the business
30 of making sales at retail of ammunition or firearms, as defined in RCW
31 9.41.010, as to such persons, an additional tax is imposed with respect
32 to such business equal to the gross proceeds of sales of ammunition and
33 firearms, as defined in RCW 9.41.010, multiplied by the rate of 0.5
34 percent. Proceeds of the tax imposed under this subsection shall be
35 deposited into the public health violence reduction account under
36 section 808 of this act.

1 NEW SECTION. **Sec. 442.** A new section is added to chapter 9.41 RCW
2 to read as follows:

3 (1) Any court when entering an order authorized under RCW
4 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
5 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
6 shall, upon a showing by clear and convincing evidence, that a party
7 has: Used, displayed, or threatened to use a deadly weapon in a crime
8 of violence or previously committed any offense which makes him or her
9 ineligible to possess a pistol under the provisions of RCW 9.41.040:

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

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

13 (c) Prohibit the party from obtaining or possessing a deadly
14 weapon;

15 (d) Prohibit the party from obtaining or possessing a concealed
16 pistol license.

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

22 (3) In addition to the provisions of subsections (1) and (2) of
23 this section, the court may enter an order requiring a party to comply
24 with the provisions in subsection (1) of this section if it finds that
25 the possession of a firearm by any party presents a serious and
26 imminent threat to public health or safety, or to the health or safety
27 of any individual.

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

30 (5) The court may require the party to surrender any deadly weapon
31 in his or her immediate possession or control or subject to his or her
32 immediate possession or control to the sheriff of the county having
33 jurisdiction of the proceeding or to the restrained or enjoined party's
34 counsel or to any person designated by the court.

35 **Sec. 443.** RCW 9A.46.050 and 1985 c 288 s 5 are each amended to
36 read as follows:

37 A defendant who is charged by citation, complaint, or information
38 with an offense involving harassment and not arrested shall appear in

1 court for arraignment in person as soon as practicable, but in no event
2 later than fourteen days after the next day on which court is in
3 session following the issuance of the citation or the filing of the
4 complaint or information. At that appearance, the court shall
5 determine the necessity of imposing a no-contact or no-harassment
6 order, and consider the provisions of section 442 of this act, or other
7 conditions of pretrial release according to the procedures established
8 by court rule for preliminary appearance or an arraignment.

9 **Sec. 444.** RCW 10.14.080 and 1992 c 143 s 11 are each amended to
10 read as follows:

11 (1) Upon filing a petition for a civil antiharassment protection
12 order under this chapter, the petitioner may obtain an ex parte
13 temporary antiharassment protection order. An ex parte temporary
14 antiharassment protection order may be granted with or without notice
15 upon the filing of an affidavit which, to the satisfaction of the
16 court, shows reasonable proof of unlawful harassment of the petitioner
17 by the respondent and that great or irreparable harm will result to the
18 petitioner if the temporary antiharassment protection order is not
19 granted.

20 (2) An ex parte temporary antiharassment protection order shall be
21 effective for a fixed period not to exceed fourteen days or twenty-four
22 days if the court has permitted service by publication under RCW
23 10.14.085. The ex parte order may be reissued. A full hearing, as
24 provided in this chapter, shall be set for not later than fourteen days
25 from the issuance of the temporary order or not later than twenty-four
26 days if service by publication is permitted. Except as provided in RCW
27 10.14.070 and 10.14.085, the respondent shall be personally served with
28 a copy of the ex parte order along with a copy of the petition and
29 notice of the date set for the hearing.

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

33 (4) An order issued under this chapter shall be effective for not
34 more than one year unless the court finds that the respondent is likely
35 to resume unlawful harassment of the petitioner when the order expires.
36 If so, the court may enter an order for a fixed time exceeding one year
37 or may enter a permanent antiharassment protection order. The court
38 shall not enter an order that is effective for more than one year if

1 the order restrains the respondent from contacting the respondent's
2 minor children. If the petitioner seeks relief for a period longer
3 than one year on behalf of the respondent's minor children, the court
4 shall advise the petitioner that the petitioner may apply for renewal
5 of the order as provided in this chapter or if appropriate may seek
6 relief pursuant to chapter 26.09 or 26.10 RCW.

7 (5) At any time within the three months before the expiration of
8 the order, the petitioner may apply for a renewal of the order by
9 filing a petition for renewal. The petition for renewal shall state
10 the reasons why the petitioner seeks to renew the protection order.
11 Upon receipt of the petition for renewal, the court shall order a
12 hearing which shall be not later than fourteen days from the date of
13 the order. Except as provided in RCW 10.14.085, personal service shall
14 be made upon the respondent not less than five days before the hearing.
15 If timely service cannot be made the court shall set a new hearing date
16 and shall either require additional attempts at obtaining personal
17 service or permit service by publication as provided by RCW 10.14.085.
18 If the court permits service by publication, the court shall set the
19 new hearing date not later than twenty-four days from the date of the
20 order. If the order expires because timely service cannot be made the
21 court shall grant an ex parte order of protection as provided in this
22 section. The court shall grant the petition for renewal unless the
23 respondent proves by a preponderance of the evidence that the
24 respondent will not resume harassment of the petitioner when the order
25 expires. The court may renew the protection order for another fixed
26 time period or may enter a permanent order as provided in subsection
27 (4) of this section.

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

32 (a) Restraining the respondent from making any attempts to contact
33 the petitioner;

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

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

38 (d) Considering the provisions of section 442 of this act.

1 (7) A petitioner may not obtain an ex parte temporary
2 antiharassment protection order against a respondent if the petitioner
3 has previously obtained two such ex parte orders against the same
4 respondent but has failed to obtain the issuance of a civil
5 antiharassment protection order unless good cause for such failure can
6 be shown.

7 (8) The court order shall specify the date an order issued pursuant
8 to subsections (4) and (5) of this section expires if any. The court
9 order shall also state whether the court issued the protection order
10 following personal service or service by publication and whether the
11 court has approved service by publication of an order issued under this
12 section.

13 **Sec. 445.** RCW 10.99.040 and 1992 c 86 s 2 are each amended to read
14 as follows:

15 (1) Because of the serious nature of domestic violence, the court
16 in domestic violence actions:

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

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

21 (c) Shall waive any requirement that the victim's location be
22 disclosed to any person, other than the attorney of a criminal
23 defendant, upon a showing that there is a possibility of further
24 violence: PROVIDED, That the court may order a criminal defense
25 attorney not to disclose to his or her client the victim's location;
26 and

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

29 (2) Because of the likelihood of repeated violence directed at
30 those who have been victims of domestic violence in the past, when any
31 person charged with or arrested for a crime involving domestic violence
32 is released from custody before arraignment or trial on bail or
33 personal recognizance, the court authorizing the release may prohibit
34 that person from having any contact with the victim. The jurisdiction
35 authorizing the release shall determine whether that person should be
36 prohibited from having any contact with the victim. If there is no
37 outstanding restraining or protective order prohibiting that person
38 from having contact with the victim, the court authorizing release may

1 issue, by telephone, a no-contact order prohibiting the person charged
2 or arrested from having contact with the victim. In issuing the order,
3 the court shall consider the provisions of section 442 of this act.
4 The no-contact order shall also be issued in writing as soon as
5 possible. (~~If the court has probable cause to believe that the person~~
6 ~~charged or arrested is likely to use or display or threaten to use a~~
7 ~~deadly weapon as defined in RCW 9A.04.110 in any further acts of~~
8 ~~violence, the court may also require that person to surrender any~~
9 ~~deadly weapon in that person's immediate possession or control, or~~
10 ~~subject to that person's immediate possession or control, to the~~
11 ~~sheriff of the county or chief of police of the municipality in which~~
12 ~~that person resides or to the defendant's counsel for safekeeping.))~~

13 (3) At the time of arraignment the court shall determine whether a
14 no-contact order shall be issued or extended. If a no-contact order is
15 issued or extended, the court may also include in the conditions of
16 release a requirement that the defendant submit to electronic
17 monitoring. If electronic monitoring is ordered, the court shall
18 specify who shall provide the monitoring services, and the terms under
19 which the monitoring shall be performed. Upon conviction, the court
20 may require as a condition of the sentence that the defendant reimburse
21 the providing agency for the costs of the electronic monitoring.

22 (4)(a) Willful violation of a court order issued under subsection
23 (2) or (3) of this section is a misdemeanor. Upon conviction and in
24 addition to other penalties provided by law, the court may require that
25 the defendant submit to electronic monitoring. The court shall specify
26 who shall provide the electronic monitoring services and the terms
27 under which the monitoring must be performed. The court also may
28 include a requirement that the defendant pay the costs of the
29 monitoring. The court shall consider the ability of the convicted
30 person to pay for electronic monitoring.

31 (b) Any assault that is a violation of an order issued under this
32 section and that does not amount to assault in the first or second
33 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
34 under chapter 9A.20 RCW, and any conduct in violation of a protective
35 order issued under this section that is reckless and creates a
36 substantial risk of death or serious physical injury to another person
37 is a class C felony punishable under chapter 9A.20 RCW.

38 (c) The written order releasing the person charged or arrested
39 shall contain the court's directives and shall bear the legend:

1 Violation of this order is a criminal offense under chapter 10.99 RCW
2 and will subject a violator to arrest; any assault or reckless
3 endangerment that is a violation of this order is a felony. A
4 certified copy of the order shall be provided to the victim. If a no-
5 contact order has been issued prior to charging, that order shall
6 expire at arraignment or within seventy-two hours if charges are not
7 filed. Such orders need not be entered into the computer information
8 system in this state which is used by law enforcement agencies to list
9 outstanding warrants.

10 (5) Whenever an order prohibiting contact is issued, modified, or
11 terminated under subsection (2) or (3) of this section, the clerk of
12 the court shall forward a copy of the order on or before the next
13 judicial day to the appropriate law enforcement agency specified in the
14 order. Upon receipt of the copy of the order the law enforcement
15 agency shall forthwith enter the order for one year or until the
16 expiration date specified on the order into any computer information
17 system available in this state used by law enforcement agencies to list
18 outstanding warrants. Entry into the law enforcement information
19 system constitutes notice to all law enforcement agencies of the
20 existence of the order. The order is fully enforceable in any
21 jurisdiction in the state.

22 **Sec. 446.** RCW 10.99.045 and 1984 c 263 s 23 are each amended to
23 read as follows:

24 (1) A defendant arrested for an offense involving domestic violence
25 as defined by RCW 10.99.020(2) shall be required to appear in person
26 before a magistrate within one judicial day after the arrest.

27 (2) A defendant who is charged by citation, complaint, or
28 information with an offense involving domestic violence as defined by
29 RCW 10.99.020(2) and not arrested shall appear in court for arraignment
30 in person as soon as practicable, but in no event later than fourteen
31 days after the next day on which court is in session following the
32 issuance of the citation or the filing of the complaint or information.

33 (3) At the time of the appearances provided in subsection (1) or
34 (2) of this section, the court shall determine the necessity of
35 imposing a no contact order or other conditions of pretrial release
36 according to the procedures established by court rule for a preliminary
37 appearance or an arraignment. (~~If the court has probable cause to~~
38 ~~believe that the defendant is likely to use or display or threaten to~~

1 use a deadly weapon as defined in RCW 9A.04.110 in any further acts of
2 violence, as one of the conditions of pretrial release, the court may
3 require the defendant to surrender any deadly weapon in the defendant's
4 immediate possession or control, or subject to the defendant's
5 immediate possession or control, to the sheriff of the county or chief
6 of police of the municipality in which the defendant resides or to the
7 defendant's counsel for safekeeping. The decision of the judge and
8 findings of fact in support thereof shall be in writing.)) The court
9 may include in the order any conditions authorized under section 442 of
10 this act.

11 (4) Appearances required pursuant to this section are mandatory and
12 cannot be waived.

13 (5) The no-contact order shall be issued and entered with the
14 appropriate law enforcement agency pursuant to the procedures outlined
15 in RCW 10.99.040 (2) and (4).

16 **Sec. 447.** RCW 26.09.050 and 1989 c 375 s 29 are each amended to
17 read as follows:

18 In entering a decree of dissolution of marriage, legal separation,
19 or declaration of invalidity, the court shall determine the marital
20 status of the parties, make provision for a parenting plan for any
21 minor child of the marriage, make provision for the support of any
22 child of the marriage entitled to support, consider or approve
23 provision for the maintenance of either spouse, make provision for the
24 disposition of property and liabilities of the parties, make provision
25 for the allocation of the children as federal tax exemptions, make
26 provision for any necessary continuing restraining orders including the
27 provisions contained in section 442 of this act, and make provision for
28 the change of name of any party.

29 **Sec. 448.** RCW 26.09.060 and 1992 c 229 s 9 are each amended to
30 read as follows:

31 (1) In a proceeding for:

32 (a) Dissolution of marriage, legal separation, or a declaration of
33 invalidity; or

34 (b) Disposition of property or liabilities, maintenance, or support
35 following dissolution of the marriage by a court which lacked personal
36 jurisdiction over the absent spouse; either party may move for
37 temporary maintenance or for temporary support of children entitled to

1 support. The motion shall be accompanied by an affidavit setting forth
2 the factual basis for the motion and the amounts requested.

3 (2) As a part of a motion for temporary maintenance or support or
4 by independent motion accompanied by affidavit, either party may
5 request the court to issue a temporary restraining order or preliminary
6 injunction, providing relief proper in the circumstances, and
7 restraining or enjoining any person from:

8 (a) Transferring, removing, encumbering, concealing, or in any way
9 disposing of any property except in the usual course of business or for
10 the necessities of life, and, if so restrained or enjoined, requiring
11 him or her to notify the moving party of any proposed extraordinary
12 expenditures made after the order is issued;

13 (b) ~~Molesting or disturbing the peace of the other party or of any
14 child ((and, upon a showing by clear and convincing evidence that the
15 party so restrained or enjoined has used or displayed or threatened to
16 use a deadly weapon as defined in RCW 9A.04.110 in an act of violence
17 or has previously committed acts of domestic violence and is likely to
18 use or display or threaten to use a deadly weapon in an act of domestic
19 violence, requiring the party to surrender any deadly weapon in his
20 immediate possession or control or subject to his immediate possession
21 or control to the sheriff of the county having jurisdiction of the
22 proceeding or to the restrained or enjoined party's counsel or to any
23 person designated by the court. The court may order temporary
24 surrender of deadly weapons without notice to the other party only if
25 it finds on the basis of the moving affidavit or other evidence that
26 irreparable injury could result if an order is not issued until the
27 time for response has elapsed))~~;

28 (c) Entering the family home or the home of the other party upon a
29 showing of the necessity therefor;

30 (d) Removing a child from the jurisdiction of the court.

31 (3) In issuing the order, the court shall consider the provisions
32 of section 442 of this act.

33 (4) The court may issue a temporary restraining order without
34 requiring notice to the other party only if it finds on the basis of
35 the moving affidavit or other evidence that irreparable injury could
36 result if an order is not issued until the time for responding has
37 elapsed.

38 ~~((+4))~~ (5) The court may issue a temporary restraining order or
39 preliminary injunction and an order for temporary maintenance or

1 support in such amounts and on such terms as are just and proper in the
2 circumstances. The court may in its discretion waive the filing of the
3 bond or the posting of security.

4 ~~((+5))~~ (6) Restraining orders issued under this section
5 restraining the person from molesting or disturbing another party or
6 from entering a party's home shall bear the legend: VIOLATION OF THIS
7 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
8 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

9 ~~((+6))~~ (7) The court may order that any temporary restraining
10 order granted under this section be forwarded by the clerk of the court
11 on or before the next judicial day to the appropriate law enforcement
12 agency specified in the order. Upon receipt of the order, the law
13 enforcement agency shall forthwith enter the order for one year into
14 any computer-based criminal intelligence information system available
15 in this state used by law enforcement agencies to list outstanding
16 warrants. Entry into the law enforcement information system
17 constitutes notice to all law enforcement agencies of the existence of
18 the order. The order is fully enforceable in any county in the state.

19 ~~((+7))~~ (8) A temporary order, temporary restraining order, or
20 preliminary injunction:

21 (a) Does not prejudice the rights of a party or any child which are
22 to be adjudicated at subsequent hearings in the proceeding;

23 (b) May be revoked or modified;

24 (c) Terminates when the final decree is entered, except as provided
25 under subsection ~~((+8))~~ (9) of this section, or when the petition for
26 dissolution, legal separation, or declaration of invalidity is
27 dismissed;

28 (d) May be entered in a proceeding for the modification of an
29 existing decree.

30 ~~((+8))~~ (9) Delinquent support payments accrued under an order for
31 temporary support remain collectible and are not extinguished when a
32 final decree is entered unless the decree contains specific language to
33 the contrary. A support debt under a temporary order owed to the state
34 for public assistance expenditures shall not be extinguished by the
35 final decree if:

36 (a) The obligor was given notice of the state's interest under
37 chapter 74.20A RCW; or

1 (b) The temporary order directs the obligor to make support
2 payments to the office of support enforcement or the Washington state
3 support registry.

4 **Sec. 449.** RCW 26.10.040 and 1989 c 375 s 31 are each amended to
5 read as follows:

6 In entering an order under this chapter, the court shall consider,
7 approve, or make provision for:

8 (1) Child custody, visitation, and the support of any child
9 entitled to support;

10 (2) The allocation of the children as a federal tax exemption; and

11 (3) Any necessary continuing restraining orders, including the
12 provisions contained in section 442 of this act.

13 **Sec. 450.** RCW 26.10.115 and 1989 c 375 s 32 are each amended to
14 read as follows:

15 (1) In a proceeding under this chapter either party may file a
16 motion for temporary support of children entitled to support. The
17 motion shall be accompanied by an affidavit setting forth the factual
18 basis for the motion and the amount requested.

19 (2) In a proceeding under this chapter either party may file a
20 motion for a temporary restraining order or preliminary injunction,
21 providing relief proper in the circumstances, and restraining or
22 enjoining any person from:

23 (a) ~~Molesting or disturbing the peace of the other party or of any~~
24 ~~child ((and, upon a showing by clear and convincing evidence that the~~
25 ~~party so restrained or enjoined has used or displayed or threatened to~~
26 ~~use a deadly weapon as defined in RCW 9A.04.110 in an act of violence~~
27 ~~or has previously committed acts of domestic violence and is likely to~~
28 ~~use or display or threaten to use a deadly weapon in an act of domestic~~
29 ~~violence, requiring the party to surrender any deadly weapon in his~~
30 ~~immediate possession or control or subject to his immediate possession~~
31 ~~or control to the sheriff of the county having jurisdiction of the~~
32 ~~proceeding or to the restrained or enjoined party's counsel or to any~~
33 ~~person designated by the court. The court may order temporary~~
34 ~~surrender of deadly weapons without notice to the other party only if~~
35 ~~it finds on the basis of the moving affidavit or other evidence that~~
36 ~~irreparable injury could result if an order is not issued until the~~
37 ~~time for response has elapsed))~~);

1 (b) Entering the family home or the home of the other party upon a
2 showing of the necessity therefor;

3 (c) Removing a child from the jurisdiction of the court.

4 (3) In issuing the order, the court shall consider the provisions
5 of section 442 of this act.

6 (4) The court may issue a temporary restraining order without
7 requiring notice to the other party only if it finds on the basis of
8 the moving affidavit or other evidence that irreparable injury could
9 result if an order is not issued until the time for responding has
10 elapsed.

11 (~~(4)~~) (5) The court may issue a temporary restraining order or
12 preliminary injunction and an order for temporary support in such
13 amounts and on such terms as are just and proper in the circumstances.

14 (~~(5)~~) (6) Restraining orders issued under this section
15 restraining the person from molesting or disturbing another party or
16 from entering a party's home shall bear the legend: VIOLATION OF THIS
17 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
18 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

19 (~~(6)~~) (7) The court may order that any temporary restraining
20 order granted under this section be forwarded by the clerk of the court
21 on or before the next judicial day to the appropriate law enforcement
22 agency specified in the order. Upon receipt of the order, the law
23 enforcement agency shall forthwith enter the order for one year into
24 any computer-based criminal intelligence information system available
25 in this state used by law enforcement agencies to list outstanding
26 warrants. Entry into the law enforcement information system
27 constitutes notice to all law enforcement agencies of the existence of
28 the order. The order is fully enforceable in any county in the state.

29 (~~(7)~~) (8) A temporary order, temporary restraining order, or
30 preliminary injunction:

31 (a) Does not prejudice the rights of a party or any child which are
32 to be adjudicated at subsequent hearings in the proceeding;

33 (b) May be revoked or modified;

34 (c) Terminates when the final order is entered or when the motion
35 is dismissed;

36 (d) May be entered in a proceeding for the modification of an
37 existing order.

38 (~~(8)~~) (9) A support debt owed to the state for public assistance
39 expenditures which has been charged against a party pursuant to RCW

1 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
2 extinguished by, the final decree or order, unless the office of
3 support enforcement has been given notice of the final proceeding and
4 an opportunity to present its claim for the support debt to the court
5 and has failed to file an affidavit as provided in this subsection.
6 Notice of the proceeding shall be served upon the office of support
7 enforcement personally, or by certified mail, and shall be given no
8 fewer than thirty days prior to the date of the final proceeding. An
9 original copy of the notice shall be filed with the court either before
10 service or within a reasonable time thereafter. The office of support
11 enforcement may present its claim, and thereby preserve the support
12 debt, by filing an affidavit setting forth the amount of the debt with
13 the court, and by mailing a copy of the affidavit to the parties or
14 their attorney prior to the date of the final proceeding.

15 **Sec. 451.** RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18
16 are each reenacted and amended to read as follows:

17 (1) The judgment and order of the court determining the existence
18 or nonexistence of the parent and child relationship shall be
19 determinative for all purposes.

20 (2) If the judgment and order of the court is at variance with the
21 child's birth certificate, the court shall order that an amended birth
22 certificate be issued.

23 (3) The judgment and order shall contain other appropriate
24 provisions directed to the appropriate parties to the proceeding,
25 concerning the duty of current and future support, the extent of any
26 liability for past support furnished to the child if that issue is
27 before the court, the furnishing of bond or other security for the
28 payment of the judgment, or any other matter in the best interest of
29 the child. The judgment and order may direct the father to pay the
30 reasonable expenses of the mother's pregnancy and confinement. The
31 judgment and order may include a continuing restraining order or
32 injunction. In issuing the order, the court shall consider the
33 provisions of section 442 of this act.

34 (4) Support judgment and orders shall be for periodic payments
35 which may vary in amount. The court may limit the father's liability
36 for the past support to the child to the proportion of the expenses
37 already incurred as the court deems just. The court shall not limit or
38 affect in any manner the right of nonparties including the state of

1 Washington to seek reimbursement for support and other services
2 previously furnished to the child.

3 (5) After considering all relevant factors, the court shall order
4 either or both parents to pay an amount determined pursuant to the
5 schedule and standards (~~adopted under RCW 26.19.040~~) contained in
6 chapter 26.19 RCW.

7 (6) On the same basis as provided in chapter 26.09 RCW, the court
8 shall make residential provisions with regard to minor children of the
9 parties, except that a parenting plan shall not be required unless
10 requested by a party.

11 (7) In any dispute between the natural parents of a child and a
12 person or persons who have (a) commenced adoption proceedings or who
13 have been granted an order of adoption, and (b) pursuant to a court
14 order, or placement by the department of social and health services or
15 by a licensed agency, have had actual custody of the child for a period
16 of one year or more before court action is commenced by the natural
17 parent or parents, the court shall consider the best welfare and
18 interests of the child, including the child's need for situation
19 stability, in determining the matter of custody, and the parent or
20 person who is more fit shall have the superior right to custody.

21 **Sec. 452.** RCW 26.26.137 and 1983 1st ex.s. c 41 s 12 are each
22 amended to read as follows:

23 (1) If the court has made a finding as to the paternity of a child,
24 or if a party's acknowledgment of paternity has been filed with the
25 court, or a party alleges he is the father of the child, any party may
26 move for temporary support for the child prior to the date of entry of
27 the final order. The motion shall be accompanied by an affidavit
28 setting forth the factual basis for the motion and the amounts
29 requested.

30 (2) Any party may request the court to issue a temporary
31 restraining order or preliminary injunction, providing relief proper in
32 the circumstances, and restraining or enjoining any party from:

- 33 (a) Molesting or disturbing the peace of another party;
34 (b) Entering the home of another party; or
35 (c) Removing a child from the jurisdiction of the court.

36 (3) The court may issue a temporary restraining order without
37 requiring notice to the other party only if it finds on the basis of
38 the moving affidavit or other evidence that irreparable injury could

1 result if an order is not issued until the time for responding has
2 elapsed.

3 (4) The court may issue a temporary restraining order or
4 preliminary injunction and an order for temporary support in such
5 amounts and on such terms as are just and proper in the circumstances.
6 In issuing the order, the court shall consider the provisions of
7 section 442 of this act.

8 (5) A temporary order, temporary restraining order, or preliminary
9 injunction:

10 (a) Does not prejudice the rights of a party or any child which are
11 to be adjudicated at subsequent hearings in the proceeding;

12 (b) May be revoked or modified;

13 (c) Terminates when the final order is entered or when the petition
14 is dismissed; and

15 (d) May be entered in a proceeding for the modification of an
16 existing order.

17 (6) A support debt owed to the state for public assistance
18 expenditures which has been charged against a party pursuant to RCW
19 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
20 extinguished by, the final decree or order, unless the office of
21 support enforcement has been given notice of the final proceeding and
22 an opportunity to present its claim for the support debt to the court
23 and has failed to file an affidavit as provided in this subsection.
24 Notice of the proceeding shall be served upon the office of support
25 enforcement personally, or by certified mail, and shall be given no
26 fewer than thirty days prior to the date of the final proceeding. An
27 original copy of the notice shall be filed with the court either before
28 service or within a reasonable time thereafter. The office of support
29 enforcement may present its claim, and thereby preserve the support
30 debt, by filing an affidavit setting forth the amount of the debt with
31 the court, and by mailing a copy of the affidavit to the parties or
32 their attorney prior to the date of the final proceeding.

33 **Sec. 453.** RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and
34 1992 c 86 s 4 are each reenacted and amended to read as follows:

35 (1) Upon notice and after hearing, the court may provide relief as
36 follows:

37 (a) Restrain the respondent from committing acts of domestic
38 violence;

1 (b) Exclude the respondent from the dwelling which the parties
2 share or from the residence of the petitioner;

3 (c) On the same basis as is provided in chapter 26.09 RCW, the
4 court shall make residential provision with regard to minor children of
5 the parties. However, parenting plans as specified in chapter 26.09
6 RCW shall not be required under this chapter;

7 (d) Order the respondent to participate in batterers' treatment;

8 (e) Order other relief as it deems necessary for the protection of
9 the petitioner and other family or household members sought to be
10 protected, including orders or directives to a peace officer, as
11 allowed under this chapter;

12 (f) Require the respondent to pay the filing fee and court costs,
13 including service fees, and to reimburse the petitioner for costs
14 incurred in bringing the action, including a reasonable attorney's fee.
15 If the petitioner has been granted leave to proceed in forma pauperis,
16 the court may require the respondent to pay the filing fee and costs,
17 including services fees, to the county or municipality incurring the
18 expense;

19 (g) Restrain the respondent from having any contact with the victim
20 of domestic violence or the victim's children or members of the
21 victim's household; (~~and~~)

22 (h) Require the respondent to submit to electronic monitoring. The
23 order shall specify who shall provide the electronic monitoring
24 services and the terms under which the monitoring must be performed.
25 The order also may include a requirement that the respondent pay the
26 costs of the monitoring. The court shall consider the ability of the
27 respondent to pay for electronic monitoring; and

28 (i) Consider the provisions of section 442 of this act.

29 (2) Any relief granted by the order for protection, other than a
30 judgment for costs, shall be for a fixed period not to exceed one year
31 if the restraining order restrains the respondent from contacting the
32 respondent's minor children. If the petitioner has petitioned for
33 relief on his or her own behalf or on behalf of the petitioner's family
34 or household members or minor children that are not also the
35 respondent's minor children, and the court finds that the respondent is
36 likely to resume acts of domestic violence against the petitioner or
37 the petitioner's family or household members or minor children when the
38 order expires, the court may either (a) grant relief for a fixed period

1 not to exceed one year; (b) grant relief for a fixed period in excess
2 of one year; or (c) enter a permanent order of protection.

3 If the petitioner has petitioned for relief on behalf of the
4 respondent's minor children, the court shall advise the petitioner that
5 if the petitioner wants to continue protection for a period beyond one
6 year the petitioner may either petition for renewal pursuant to the
7 provisions of this chapter or may seek relief pursuant to the
8 provisions of chapter 26.09 RCW.

9 (3) If the court grants an order for a fixed time period, the
10 petitioner may apply for renewal of the order by filing a petition for
11 renewal at any time within the three months before the order expires.
12 The petition for renewal shall state the reasons why the petitioner
13 seeks to renew the protection order. Upon receipt of the petition for
14 renewal the court shall order a hearing which shall be not later than
15 fourteen days from the date of the order. Except as provided in RCW
16 26.50.085, personal service shall be made on the respondent not less
17 than five days before the hearing. If timely service cannot be made
18 the court shall set a new hearing date and shall either require
19 additional attempts at obtaining personal service or permit service by
20 publication as provided in RCW 26.50.085. If the court permits service
21 by publication, the court shall set the new hearing date not later than
22 twenty-four days from the date of the order. If the order expires
23 because timely service cannot be made the court shall grant an ex parte
24 order of protection as provided in RCW 26.50.070. The court shall
25 grant the petition for renewal unless the respondent proves by a
26 preponderance of the evidence that the respondent will not resume acts
27 of domestic violence against the petitioner or the petitioner's
28 children or family or household members when the order expires. The
29 court may renew the protection order for another fixed time period or
30 may enter a permanent order as provided in this section. The court may
31 award court costs, service fees, and reasonable attorneys' fees as
32 provided in subsection (1)(f) of this section.

33 (4) In providing relief under this chapter, the court may realign
34 the designation of the parties as "petitioner" and "respondent" where
35 the court finds that the original petitioner is the abuser and the
36 original respondent is the victim of domestic violence and may issue an
37 ex parte temporary order for protection in accordance with RCW
38 26.50.070 on behalf of the victim until the victim is able to prepare

1 a petition for an order for protection in accordance with RCW
2 26.50.030.

3 (5) Except as provided in subsection (4) of this section, no order
4 for protection shall grant relief to any party except upon notice to
5 the respondent and hearing pursuant to a petition or counter-petition
6 filed and served by the party seeking relief in accordance with RCW
7 26.50.050.

8 (6) The court order shall specify the date the order expires if
9 any. The court order shall also state whether the court issued the
10 protection order following personal service or service by publication
11 and whether the court has approved service by publication of an order
12 issued under this section.

13 **Sec. 454.** RCW 26.50.070 and 1992 c 143 s 3 are each amended to
14 read as follows:

15 (1) Where an application under this section alleges that
16 irreparable injury could result from domestic violence if an order is
17 not issued immediately without prior notice to the respondent, the
18 court may grant an ex parte temporary order for protection, pending a
19 full hearing, and grant relief as the court deems proper, including an
20 order:

21 (a) Restraining any party from committing acts of domestic
22 violence;

23 (b) Excluding any party from the dwelling shared or from the
24 residence of the other until further order of the court;

25 (c) Restraining any party from interfering with the other's custody
26 of the minor children or from removing the children from the
27 jurisdiction of the court; ~~((and))~~

28 (d) Restraining any party from having any contact with the victim
29 of domestic violence or the victim's children or members of the
30 victim's household; and

31 (e) Considering the provisions of section 442 of this act.

32 (2) Irreparable injury under this section includes but is not
33 limited to situations in which the respondent has recently threatened
34 petitioner with bodily injury or has engaged in acts of domestic
35 violence against the petitioner.

36 (3) The court shall hold an ex parte hearing in person or by
37 telephone on the day the petition is filed or on the following judicial
38 day.

1 (4) An ex parte temporary order for protection shall be effective
2 for a fixed period not to exceed fourteen days or twenty-four days if
3 the court has permitted service by publication under RCW 26.50.085.
4 The ex parte order may be reissued. A full hearing, as provided in
5 this chapter, shall be set for not later than fourteen days from the
6 issuance of the temporary order or not later than twenty-four days if
7 service by publication is permitted. Except as provided in RCW
8 26.50.050 and 26.50.085, the respondent shall be personally served with
9 a copy of the ex parte order along with a copy of the petition and
10 notice of the date set for the hearing.

11 **Sec. 455.** RCW 77.12.720 and 1990 c 195 s 2 are each amended to
12 read as follows:

13 The firearms range account is hereby created in the state general
14 fund. ~~((Any funds remaining in the firearm range account established
15 by RCW 77.12.195, at the time of its repeal by section 7, chapter 195,
16 Laws of 1990, shall be transferred to the firearms range account
17 established in this section.))~~ Moneys in the account shall be subject
18 to legislative appropriation and shall be used for purchase and
19 development of land, construction or improvement of range facilities,
20 including fixed structure construction or remodeling, equipment
21 purchase, safety or environmental improvements, noise abatement, and
22 liability protection for public and nonprofit firearm range training
23 and practice facilities.

24 Grant funds shall not be used for expendable shooting supplies, or
25 normal operating expenses. Grant funds shall not supplant funds for
26 other organization programs.

27 The funds will be available to nonprofit shooting organizations,
28 school districts, and state, county, or local governments on a match
29 basis. All ~~((ranges))~~ entities receiving matching funds must be open
30 on a regular basis and usable by law enforcement personnel or the
31 general public who possess Washington concealed ~~((carry permits))~~
32 pistol licenses or Washington hunting licenses or who are enrolled in
33 a firearm safety class.

34 Applicants for a grant from the firearms range account shall
35 provide matching funds in either cash or in-kind contributions. The
36 match must represent one dollar in value for each one dollar of the
37 grant. In-kind contributions include but are not limited to labor,

1 materials, and new property. Existing assets and existing development
2 may not apply to the match.

3 Applicants other than school districts or local or state government
4 must be registered as a nonprofit or not-for-profit organization with
5 the Washington secretary of state and the United States internal
6 revenue service. The organization's articles of incorporation must
7 contain provisions for the organization's structure, officers, legal
8 address, and registered agent.

9 Organizations requesting grants must provide the hours of range
10 availability for public and law enforcement use. The fee structure
11 will be submitted with the grant application.

12 Any nonprofit organization or agency accepting a grant under this
13 program will be required to pay back the entire grant amount to the
14 firearms range account if the use of the range facility is discontinued
15 less than ten years after the grant is accepted.

16 ~~((Facilities))~~ Entities receiving grants must ~~((be))~~ make the
17 facilities for which grant funding is received open for hunter safety
18 education classes and firearm safety classes on a regular basis for no
19 fee.

20 Government units or school districts applying for grants must open
21 their range facility on a regular basis for hunter safety education
22 ~~((training))~~ classes and firearm safety classes.

23 The interagency committee for outdoor recreation shall adopt rules
24 to implement ~~((this act))~~ chapter 195, Laws of 1990, pursuant to
25 chapter 34.05 RCW.

26 **Sec. 456.** RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are
27 each reenacted and amended to read as follows:

28 A police officer having probable cause to believe that a person has
29 committed or is committing a felony shall have the authority to arrest
30 the person without a warrant. A police officer may arrest a person
31 without a warrant for committing a misdemeanor or gross misdemeanor
32 only when the offense is committed in the presence of the officer,
33 except as provided in subsections (1) through (10) of this section.

34 (1) Any police officer having probable cause to believe that a
35 person has committed or is committing a misdemeanor or gross
36 misdemeanor, involving physical harm or threats of harm to any person
37 or property or the unlawful taking of property or involving the use or
38 possession of cannabis, or involving the acquisition, possession, or

1 consumption of alcohol by a person under the age of twenty-one years
2 under RCW 66.44.270 shall have the authority to arrest the person.

3 (2) A police officer shall arrest and take into custody, pending
4 release on bail, personal recognizance, or court order, a person
5 without a warrant when the officer has probable cause to believe that:

6 (a) An order has been issued of which the person has knowledge
7 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
8 RCW, or chapter 26.50 RCW restraining the person and the person has
9 violated the terms of the order restraining the person from acts or
10 threats of violence or excluding the person from a residence or, in the
11 case of an order issued under RCW 26.44.063, imposing any other
12 restrictions or conditions upon the person; or

13 (b) The person is eighteen years or older and within the preceding
14 four hours has assaulted that person's spouse, former spouse, or a
15 person eighteen years or older with whom the person resides or has
16 formerly resided and the officer believes: (i) A felonious assault
17 has occurred; (ii) an assault has occurred which has resulted in bodily
18 injury to the victim, whether the injury is observable by the
19 responding officer or not; or (iii) that any physical action has
20 occurred which was intended to cause another person reasonably to fear
21 imminent serious bodily injury or death. Bodily injury means physical
22 pain, illness, or an impairment of physical condition. When the
23 officer has probable cause to believe that spouses, former spouses, or
24 other persons who reside together or formerly resided together have
25 assaulted each other, the officer is not required to arrest both
26 persons. The officer shall arrest the person whom the officer believes
27 to be the primary physical aggressor. In making this determination,
28 the officer shall make every reasonable effort to consider: (i) The
29 intent to protect victims of domestic violence under RCW 10.99.010;
30 (ii) the comparative extent of injuries inflicted or serious threats
31 creating fear of physical injury; and (iii) the history of domestic
32 violence between the persons involved.

33 (3) Any police officer having probable cause to believe that a
34 person has committed or is committing a violation of any of the
35 following traffic laws shall have the authority to arrest the person:

36 (a) RCW 46.52.010, relating to duty on striking an unattended car
37 or other property;

38 (b) RCW 46.52.020, relating to duty in case of injury to or death
39 of a person or damage to an attended vehicle;

1 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
2 racing of vehicles;

3 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
4 influence of intoxicating liquor or drugs;

5 (e) RCW 46.20.342, relating to driving a motor vehicle while
6 operator's license is suspended or revoked;

7 (f) RCW 46.61.525, relating to operating a motor vehicle in a
8 negligent manner.

9 (4) A law enforcement officer investigating at the scene of a motor
10 vehicle accident may arrest the driver of a motor vehicle involved in
11 the accident if the officer has probable cause to believe that the
12 driver has committed in connection with the accident a violation of any
13 traffic law or regulation.

14 (5) Any police officer having probable cause to believe that a
15 person has committed or is committing a violation of RCW ((88.12.100))
16 88.12.025 shall have the authority to arrest the person.

17 (6) An officer may act upon the request of a law enforcement
18 officer in whose presence a traffic infraction was committed, to stop,
19 detain, arrest, or issue a notice of traffic infraction to the driver
20 who is believed to have committed the infraction. The request by the
21 witnessing officer shall give an officer the authority to take
22 appropriate action under the laws of the state of Washington.

23 (7) Any police officer having probable cause to believe that a
24 person has committed or is committing any act of indecent exposure, as
25 defined in RCW 9A.88.010, may arrest the person.

26 (8) A police officer may arrest and take into custody, pending
27 release on bail, personal recognizance, or court order, a person
28 without a warrant when the officer has probable cause to believe that
29 an order has been issued of which the person has knowledge under
30 chapter 10.14 RCW and the person has violated the terms of that order.

31 (9) Any police officer having probable cause to believe that a
32 person has, within twenty-four hours of the alleged violation,
33 committed a violation of RCW 9A.50.020 may arrest such person.

34 (10) A police officer having probable cause to believe that a
35 person illegally possesses or illegally has possessed a ((firearm or
36 other dangerous)) deadly weapon as defined in RCW 9A.04.110 on private
37 or public elementary or secondary school premises shall have the
38 authority to arrest the person.

1 (~~For purposes of this subsection, the term "firearm" has the~~
2 ~~meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the~~
3 ~~meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).)~~)

4 (11) Except as specifically provided in subsections (2), (3), (4),
5 and (6) of this section, nothing in this section extends or otherwise
6 affects the powers of arrest prescribed in Title 46 RCW.

7 (12) No police officer may be held criminally or civilly liable for
8 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
9 officer acts in good faith and without malice.

10 **Sec. 457.** RCW 10.99.030 and 1993 c 350 s 3 are each amended to
11 read as follows:

12 (1) All training relating to the handling of domestic violence
13 complaints by law enforcement officers shall stress enforcement of
14 criminal laws in domestic situations, availability of community
15 resources, and protection of the victim. Law enforcement agencies and
16 community organizations with expertise in the issue of domestic
17 violence shall cooperate in all aspects of such training.

18 (2) The primary duty of peace officers, when responding to a
19 domestic violence situation, is to enforce the laws allegedly violated
20 and to protect the complaining party.

21 (3)(a) When a peace officer responds to a domestic violence call
22 and has probable cause to believe that a crime has been committed, the
23 peace officer shall exercise arrest powers with reference to the
24 criteria in RCW 10.31.100. The officer shall notify the victim of the
25 victim's right to initiate a criminal proceeding in all cases where the
26 officer has not exercised arrest powers or decided to initiate criminal
27 proceedings by citation or otherwise. The parties in such cases shall
28 also be advised of the importance of preserving evidence.

29 (b) A peace officer responding to a domestic violence call shall
30 take a complete offense report including the officer's disposition of
31 the case.

32 (4) When a peace officer responds to a domestic violence call, the
33 officer shall advise victims of all reasonable means to prevent further
34 abuse, including advising each person of the availability of a shelter
35 or other services in the community, and giving each person immediate
36 notice of the legal rights and remedies available. The notice shall
37 include handing each person a copy of the following statement:

1 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
2 city or county prosecuting attorney to file a criminal
3 complaint. You also have the right to file a petition in
4 superior, district, or municipal court requesting an order for
5 protection from domestic abuse which could include any of the
6 following: (a) An order restraining your abuser from further
7 acts of abuse; (b) an order directing your abuser to leave your
8 household; (c) an order preventing your abuser from entering
9 your residence, school, business, or place of employment; (d)
10 an order awarding you or the other parent custody of or
11 visitation with your minor child or children; and (e) an order
12 restraining your abuser from molesting or interfering with
13 minor children in your custody. The forms you need to obtain
14 a protection order are available in any municipal, district, or
15 superior court.

16 Information about shelters and alternatives to domestic
17 violence is available from a state-wide twenty-four-hour toll-
18 free hotline at 1-800-562-6025. The battered women's shelter
19 and other resources in your area are (include local
20 information)"

21 (5) The peace officer may offer, arrange, or facilitate
22 transportation for the victim to a hospital for treatment of injuries
23 or to a place of safety or shelter.

24 (6) The law enforcement agency shall forward the offense report to
25 the appropriate prosecutor within ten days of making such report if
26 there is probable cause to believe that an offense has been committed,
27 unless the case is under active investigation.

28 (7) Each law enforcement agency shall make as soon as practicable
29 a written record and shall maintain records of all incidents of
30 domestic violence reported to it.

31 (8) Records kept pursuant to subsections (3) and (7) of this
32 section shall be made identifiable by means of a departmental code for
33 domestic violence.

34 (9) Commencing January 1, 1994, records of incidents of domestic
35 violence shall be submitted, in accordance with procedures described in
36 this subsection, to the Washington association of sheriffs and police
37 chiefs by all law enforcement agencies. The Washington criminal
38 justice training commission shall amend its contract for collection of

1 state-wide crime data with the Washington association of sheriffs and
2 police chiefs:

3 (a) To include a table, in the annual report of crime in Washington
4 produced by the Washington association of sheriffs and police chiefs
5 pursuant to the contract, showing the total number of actual offenses
6 and the number and percent of the offenses that are domestic violence
7 incidents for the following crimes: (i) Criminal homicide, with
8 subtotals for murder and nonnegligent homicide and manslaughter by
9 negligence; (ii) forcible rape, with subtotals for rape by force and
10 attempted forcible rape; (iii) robbery, with subtotals for firearm,
11 knife or cutting instrument, or other ((dangerous)) deadly weapon as
12 defined in RCW 9A.04.110, and strongarm robbery; (iv) assault, with
13 subtotals for firearm, knife or cutting instrument, other ((dangerous))
14 deadly weapon, hands, feet, aggravated, and other nonaggravated
15 assaults; (v) burglary, with subtotals for forcible entry, nonforcible
16 unlawful entry, and attempted forcible entry; (vi) larceny theft,
17 except motor vehicle theft; (vii) motor vehicle theft, with subtotals
18 for autos, trucks and buses, and other vehicles; and (viii) arson;

19 (b) To require that the table shall continue to be prepared and
20 contained in the annual report of crime in Washington until that time
21 as comparable or more detailed information about domestic violence
22 incidents is available through the Washington state incident based
23 reporting system and the information is prepared and contained in the
24 annual report of crime in Washington; and

25 (c) To require that, in consultation with interested persons, the
26 Washington association of sheriffs and police chiefs prepare and
27 disseminate procedures to all law enforcement agencies in the state as
28 to how the agencies shall code and report domestic violence incidents
29 to the Washington association of sheriffs and police chiefs.

30 NEW SECTION. **Sec. 458.** The legislature is making the change of
31 "dangerous weapon" to "deadly weapon" solely to make consistent use of
32 terminology. No substantive change in sentencing or the element of any
33 criminal offense is intended.

34 NEW SECTION. **Sec. 459.** RCW 9.41.160 shall be recodified within
35 chapter 9.41 RCW to follow RCW 9.41.310.

1 based shared decision-making models; programs to promote lifelong
2 learning and community involvement in education; school-to-work
3 transition programs; programs to meet the needs of highly capable
4 students; programs to meet the diverse needs of students based on
5 gender, racial, ethnic, economic, and special needs status; in-service
6 or curriculum programs regarding violence prevention; and other
7 programs that will assist educators in helping students learn the
8 essential academic learning requirements;

9 (d) Develop and distribute, in conjunction with the commission on
10 student learning, parental involvement materials, including
11 instructional guides developed to inform parents of the essential
12 academic learning requirements. The instructional guides also shall
13 contain actions parents may take to assist their children in meeting
14 the requirements, and should focus on reaching parents who have not
15 previously been involved with their children's education;

16 (e) Identify obstacles to greater parent and community involvement
17 in school shared decision-making processes and recommend strategies for
18 helping parents and community members to participate effectively in
19 school shared decision-making processes, including understanding and
20 respecting the roles of school building administrators and staff;

21 (f) Take other actions to increase public awareness of the
22 importance of parental and community involvement in education;

23 (g) Work with appropriate organizations to inform teachers,
24 district and school administrators, and school directors about the
25 waivers available under RCW 28A.305.140 and the broadened school board
26 powers under RCW 28A.320.015;

27 (h) Provide training and consultation services, including in-
28 service training on violence prevention, and promote interagency
29 sharing of information on violence prevention programs and model
30 violence prevention curricula;

31 (i) Address methods for improving the success rates of certain
32 ethnic and racial student groups; and

33 (j) Perform other functions consistent with the purpose of the
34 center as prescribed in subsection (1) of this section.

35 (3) The superintendent of public instruction, after consultation
36 with the commission on student learning, shall select and employ a
37 director for the center.

38 (4) The superintendent may enter into contracts with individuals or
39 organizations including but not limited to: School districts;

1 teachers; higher education faculty; institutions of higher education;
2 state agencies; business or community-based organizations; and other
3 individuals and organizations to accomplish the duties and
4 responsibilities of the center. The superintendent shall contract out
5 with community-based organizations to meet the provisions of subsection
6 (2) (d) and (e) of this section. In carrying out the duties and
7 responsibilities of the center, the superintendent, whenever possible,
8 shall use practitioners to assist agency staff as well as assist
9 educators and others in schools and districts.

10 (5) The superintendent shall report annually to the commission on
11 student learning on the activities of the center.

12 NEW SECTION. **Sec. 502.** A new section is added to chapter 28A.310
13 RCW to read as follows:

14 The educational service districts, in meeting the core service
15 requirement of in-service training and workshops under RCW
16 28A.310.350(5), shall provide to school districts, on a request basis,
17 in-service training on violence prevention.

18 **Sec. 503.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended
19 to read as follows:

20 (1) Beginning with the 1994-95 school year, to provide the local
21 community and electorate with access to information on the educational
22 programs in the schools in the district, each school shall publish
23 annually a school performance report and deliver the report to each
24 parent with children enrolled in the school and make the report
25 available to the community served by the school. The annual
26 performance report shall be in a form that can be easily understood and
27 be used by parents, guardians, and other members of the community who
28 are not professional educators to make informed educational decisions.
29 As data from the assessments in RCW 28A.630.885 becomes available, the
30 annual performance report should enable parents, educators, and school
31 board members to determine whether students in the district's schools
32 are attaining mastery of the student learning goals under RCW
33 28A.150.210, and other important facts about the schools' performance
34 in assisting students to learn. The annual report shall make
35 comparisons to a school's performance in preceding years and shall
36 project goals in performance categories.

1 (2) The annual performance report shall include, but not be limited
2 to: A brief statement of the mission of the school and the school
3 district; enrollment statistics including student demographics;
4 expenditures per pupil for the school year; a summary of student scores
5 on all mandated tests; a concise annual budget report; student
6 attendance, graduation, and dropout rates; information regarding the
7 use and condition of the school building or buildings; a brief
8 description of the restructuring plan for the school; violence data
9 based on department of health violence data collection standards; and
10 an invitation to all parents and citizens to participate in school
11 activities.

12 (3) The superintendent of public instruction shall develop by June
13 30, 1994, a model report form, which shall also be adapted for
14 computers, that schools may use to meet the requirements of subsections
15 (1) and (2) of this section.

16 NEW SECTION. Sec. 504. A new section is added to chapter 28A.405
17 RCW to read as follows:

18 To receive initial certification as a teacher in this state after
19 August 31, 1995, an applicant shall have successfully completed a
20 course or course work on violence prevention awareness and training.
21 Such course or course work may be incorporated into the requirements of
22 RCW 28A.405.025 regarding completion of a course on issues of abuse.

23 **Sec. 505.** RCW 28A.610.030 and 1990 c 33 s 507 are each amended to
24 read as follows:

25 (1) The superintendent of public instruction, in consultation with
26 the department of community, trade, and economic development, the
27 department of social and health services, the state board for community
28 and technical colleges (~~(education)~~), and community-based, nonprofit
29 providers of adult literacy services, shall develop an adult literacy
30 program to serve eligible parents as defined under RCW 28A.610.020.
31 The program shall give priority to serving parents with children who
32 have not yet enrolled in school or are in grades kindergarten through
33 three.

34 (2) In addition to providing basic skills instruction to eligible
35 parents, the program shall include violence prevention awareness and
36 training and may include other program components which may include
37 transportation, child care, and such other directly necessary

1 activities as may be necessary to accomplish the purposes of RCW
2 28A.610.020 through 28A.610.060.

3 (3) Parents who elect to participate in training or work programs,
4 as a condition of receiving public assistance, shall have the hours
5 spent in parent participation programs, conducted as part of a federal
6 head start program, or the state early childhood education and
7 assistance program under RCW 28A.215.100 through 28A.215.200 and
8 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
9 28A.610.020 through 28A.610.060, counted toward the fulfillment of
10 their work and training obligation for the receipt of public
11 assistance.

12 (4) State funds as may be appropriated for project even start shall
13 be used solely to expand and complement, but not supplant, federal
14 funds for adult literary programs.

15 (5) The superintendent of public instruction shall adopt rules as
16 necessary to carry out the purposes of RCW 28A.610.020 through
17 28A.610.060.

18 **Sec. 506.** RCW 28A.610.060 and 1987 c 518 s 109 are each amended to
19 read as follows:

20 The superintendent of public instruction, through the ((state
21 clearinghouse for education information)) center for the improvement of
22 student learning, shall collect and disseminate to all school districts
23 and other interested parties information about effective parent
24 literacy programs under project even start.

25 **Sec. 507.** RCW 28A.620.020 and 1985 c 344 s 2 are each amended to
26 read as follows:

27 Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any
28 other law, rule, or regulation, any school district is authorized and
29 encouraged to provide community education programs in the form of
30 instructional, recreational and/or service programs on a noncredit and
31 nontuition basis, excluding fees for supplies, materials, or instructor
32 costs, for the purpose of stimulating the full educational potential
33 and meeting the needs of the district's residents of all ages, and
34 making the fullest use of the district's school facilities: PROVIDED,
35 That school districts are encouraged to provide programs for
36 prospective parents, prospective foster parents, and prospective
37 adoptive parents on parenting skills, violence prevention, and on the

1 problems of child abuse and methods to avoid child abuse situations:
2 PROVIDED FURTHER, That community education programs shall be consistent
3 with rules and regulations promulgated by the state superintendent of
4 public instruction governing cooperation between common schools,
5 community college districts, and other civic and governmental
6 organizations which shall have been developed in cooperation with the
7 state board for community and technical colleges ~~((education))~~ and
8 shall be programs receiving the approval of said superintendent.

9 **Sec. 508.** RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s 1
10 are each reenacted and amended to read as follows:

11 (1) The Washington commission on student learning is hereby
12 established. The primary purposes of the commission are to identify
13 the knowledge and skills all public school students need to know and be
14 able to do based on the student learning goals in RCW 28A.150.210, to
15 develop student assessment and school accountability systems, and to
16 take other steps necessary to develop a performance-based education
17 system. The commission shall include three members of the state board
18 of education, three members appointed by the governor before July 1,
19 1992, and five members appointed no later than June 1, 1993, by the
20 governor elected in the November 1992 election. The governor shall
21 appoint a chair from the commission members, and fill any vacancies in
22 gubernatorial appointments that may occur. The state board of
23 education shall fill any vacancies of state board of education
24 appointments that may occur. In making the appointments, educators,
25 business leaders, and parents shall be represented, and nominations
26 from state-wide education, business, and parent organizations shall be
27 requested. Efforts shall be made to ensure that the commission
28 reflects the racial and ethnic diversity of the state's K-12 student
29 population and that the major geographic regions in the state are
30 represented. Appointees shall be qualified individuals who are
31 supportive of educational restructuring, who have a positive record of
32 service, and who will devote sufficient time to the responsibilities of
33 the commission to ensure that the objectives of the commission are
34 achieved.

35 (2) The commission shall establish advisory committees. Membership
36 of the advisory committees shall include, but not necessarily be
37 limited to, professionals from the office of the superintendent of

1 public instruction and the state board of education, and other state
2 and local educational practitioners and student assessment specialists.

3 (3) The commission, with the assistance of the advisory committees,
4 shall:

5 (a) Develop essential academic learning requirements based on the
6 student learning goals in RCW 28A.150.210. Essential academic learning
7 requirements shall be developed, to the extent possible, for each of
8 the student learning goals in RCW 28A.150.210. Goals one and two shall
9 be considered primary. Essential academic learning requirements for
10 RCW 28A.150.210(1), goal one, and the mathematics component of RCW
11 28A.150.210(2), goal two, shall be completed no later than March 1,
12 1995. Essential academic learning requirements that incorporate the
13 remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and
14 four, shall be completed no later than March 1, 1996. To the maximum
15 extent possible, the commission shall integrate goal four and the
16 knowledge and skill areas in the other goals in the development of the
17 essential academic learning requirements;

18 (b)(i) The commission shall present to the state board of education
19 and superintendent of public instruction a state-wide academic
20 assessment system for use in the elementary, middle, and high school
21 years designed to determine if each student has mastered the essential
22 academic learning requirements identified in (a) of this subsection.
23 The academic assessment system shall include a variety of assessment
24 methods, including performance-based measures that are criterion-
25 referenced. Performance standards for determining if a student has
26 successfully completed an assessment shall be initially determined by
27 the commission in consultation with the advisory committees required in
28 subsection (2) of this section.

29 (ii) The assessment system shall be designed so that the results
30 under the assessment system are used by educators as tools to evaluate
31 instructional practices, and to initiate appropriate educational
32 support for students who have not mastered the essential academic
33 learning requirements at the appropriate periods in the student's
34 educational development.

35 (iii) Assessments measuring the essential academic learning
36 requirements developed for RCW 28A.150.210(1), goal one, and the
37 mathematics component of RCW 28A.150.210(2), goal two, shall be
38 initially implemented by the state board of education and
39 superintendent of public instruction no later than the 1996-97 school

1 year, unless the legislature takes action to delay or prevent
2 implementation of the assessment system and essential academic learning
3 requirements. Assessments measuring the essential academic learning
4 requirements developed for RCW 28A.150.210 (2), (3), and (4), goals
5 two, three, and four, shall be initially implemented by the state board
6 of education and superintendent of public instruction no later than the
7 1997-98 school year, unless the legislature takes action to delay or
8 prevent implementation of the assessment system and essential academic
9 learning requirements. To the maximum extent possible, the commission
10 shall integrate knowledge and skill areas in development of the
11 assessments.

12 (iv) Before the 2000-2001 school year, participation by school
13 districts in the assessment system shall be optional. School districts
14 that desire to participate before the 2000-2001 school year shall
15 notify the superintendent of public instruction in a manner determined
16 by the superintendent. Beginning in the 2000-2001 school year, all
17 school districts shall be required to participate in the assessment
18 system.

19 (v) The state board of education and superintendent of public
20 instruction may modify the essential academic learning requirements and
21 academic assessment system, as needed, in subsequent school years.

22 (vi) The commission shall develop assessments that are directly
23 related to the essential academic learning requirements, and are not
24 biased toward persons with different learning styles, racial or ethnic
25 backgrounds, or on the basis of gender;

26 (c) After a determination is made by the state board of education
27 that the high school assessment system has been implemented and that it
28 is sufficiently reliable and valid, successful completion of the high
29 school assessment shall lead to a certificate of mastery. The
30 certificate of mastery shall be obtained by most students at about the
31 age of sixteen, and is evidence that the student has successfully
32 mastered the essential academic learning requirements during his or her
33 educational career. The certificate of mastery shall be required for
34 graduation but shall not be the only requirement for graduation. The
35 commission shall make recommendations to the state board of education
36 regarding the relationship between the certificate of mastery and high
37 school graduation requirements. Upon achieving the certificate of
38 mastery, schools shall provide students with the opportunity to
39 continue to pursue career and educational objectives through

1 educational pathways that emphasize integration of academic and
2 vocational education. Educational pathways may include, but are not
3 limited to, programs such as work-based learning, school-to-work
4 transition, tech prep, vocational-technical education, running start,
5 and preparation for technical college, community college, or university
6 education;

7 (d) Consider methods to address the unique needs of special
8 education students when developing the assessments in (b) and (c) of
9 this subsection;

10 (e) Consider methods to address the unique needs of highly capable
11 students when developing the assessments in (b) and (c) of this
12 subsection;

13 (f) Develop recommendations on the time, support, and resources,
14 including technical assistance, needed by schools and school districts
15 to help students achieve the essential academic learning requirements.
16 These recommendations shall include an estimate for the legislature,
17 superintendent of public instruction, and governor on the expected cost
18 of implementing the academic assessment system;

19 (g) Develop recommendations for consideration by the higher
20 education coordinating board for adopting college and university
21 entrance requirements for public school students that are consistent
22 with the essential academic learning requirements and the certificate
23 of mastery;

24 (h) By December 1, 1998, recommend to the legislature, governor,
25 state board of education, and superintendent of public instruction:

26 (i) A state-wide accountability system to monitor and evaluate
27 accurately and fairly the level of learning occurring in individual
28 schools and school districts. The accountability system shall be
29 designed to recognize the characteristics of the student population of
30 schools and school districts such as gender, race, ethnicity,
31 socioeconomic status, and other factors. The system shall include
32 school-site, school district, and state-level accountability reports;

33 (ii) A school assistance program to help schools and school
34 districts that are having difficulty helping students meet the
35 essential academic learning requirements;

36 (iii) A system to intervene in schools and school districts in
37 which significant numbers of students persistently fail to learn the
38 essential academic learning requirements; and

1 (iv) An awards program to provide incentives to school staff to
2 help their students learn the essential academic learning requirements,
3 with each school being assessed individually against its own baseline.
4 Incentives shall be based on the rate of percentage change of students
5 achieving the essential academic learning requirements. School staff
6 shall determine how the awards will be spent.

7 The recommended awards, assistance, and intervention programs shall
8 include violence indicators or standards as part of the criteria for
9 determining the status of a school to receive an award or assistance,
10 or be subject to intervention.

11 It is the intent of the legislature to begin implementation of
12 programs in this subsection (3)(h) on September 1, 2000;

13 (i) Report annually by December 1st to the legislature, the
14 governor, the superintendent of public instruction, and the state board
15 of education on the progress, findings, and recommendations of the
16 commission; and

17 (j) Make recommendations to the legislature and take other actions
18 necessary or desirable to help students meet the student learning
19 goals.

20 (4) The commission shall coordinate its activities with the state
21 board of education and the office of the superintendent of public
22 instruction.

23 (5) The commission shall seek advice broadly from the public and
24 all interested educational organizations in the conduct of its work,
25 including holding periodic regional public hearings.

26 (6) The commission shall select an entity to provide staff support
27 and the office of the superintendent of public instruction shall
28 provide administrative oversight and be the fiscal agent for the
29 commission. The commission may direct the office of the superintendent
30 of public instruction to enter into subcontracts, within the
31 commission's resources, with school districts, teachers, higher
32 education faculty, state agencies, business organizations, and other
33 individuals and organizations to assist the commission in its
34 deliberations.

35 (7) Members of the commission shall be reimbursed for travel
36 expenses as provided in RCW 43.03.050 and 43.03.060.

37 NEW SECTION. Sec. 509. A new section is added to chapter 70.190
38 RCW to read as follows:

1 The community public health and safety networks, based on rules
2 adopted by the department of health, may include in its comprehensive
3 community plans procedures for providing matching grants to school
4 districts to support expanded use of school facilities for after-hours
5 recreational opportunities and day care as authorized under chapter
6 28A.215 RCW and RCW 28A.620.010.

7 **Sec. 510.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to
8 read as follows:

9 (1) A person is guilty of assault in the third degree if he or she,
10 under circumstances not amounting to assault in the first or second
11 degree:

12 (a) With intent to prevent or resist the execution of any lawful
13 process or mandate of any court officer or the lawful apprehension or
14 detention of himself or herself or another person, assaults another; or

15 (b) Assaults a person employed as a transit operator or driver by
16 a public or private transit company while that person is operating or
17 is in control of a vehicle that is owned or operated by the transit
18 company and that is occupied by one or more passengers; or

19 (c) Assaults a school bus driver employed by a school district or
20 a private company under contract for transportation services with a
21 school district while the driver is operating or is in control of a
22 school bus that is occupied by one or more passengers; or

23 (d) With criminal negligence, causes bodily harm to another person
24 by means of a weapon or other instrument or thing likely to produce
25 bodily harm; or

26 (e) Assaults a fire fighter or other employee of a fire department
27 or fire protection district who was performing his or her official
28 duties at the time of the assault; or

29 (f) With criminal negligence, causes bodily harm accompanied by
30 substantial pain that extends for a period sufficient to cause
31 considerable suffering; or

32 (g) Assaults a law enforcement officer or other employee of a law
33 enforcement agency who was performing his or her official duties at the
34 time of the assault; or

35 (h) Assaults a certificated staff member, classified staff member
36 not included under (c) of this subsection, or a volunteer, of a
37 preschool through twelfth grade school, who was performing his or her
38 assigned duties at the time of the assault; or

1 (i) Assaults a referee, umpire, judge, manager, coach, or volunteer
2 of an organized physical activity or sporting event, either during or
3 immediately following the activity or event.

4 (2) Assault in the third degree is a class C felony.

5 **Sec. 511.** 1993 sp.s. c 24 s 501 (uncodified) is amended to read as
6 follows:

7 **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

8	General Fund--State Appropriation	\$	34,414,000
9	General Fund--Federal Appropriation	\$	33,106,000
10	Public Safety and Education Account		
11	Appropriation	\$	338,000
12	Drug Enforcement and Education Account		
13	Appropriation	\$	3,197,000
14	TOTAL APPROPRIATION	\$	71,055,000

15 The appropriations in this section are subject to the following
16 conditions and limitations:

17 (1) AGENCY OPERATIONS

18 (a) \$304,000 of the general fund--state appropriation is provided
19 solely to upgrade the student data collection capability of the
20 superintendent of public instruction.

21 (b) \$423,000 of the general fund--state appropriation is provided
22 solely for certification investigation activities of the office of
23 professional practices.

24 (c) \$770,000 of the general fund--state appropriation is provided
25 solely for the operation and expenses of the state board of education,
26 including basic education assistance activities.

27 ~~((e))~~ (d) The entire public safety and education account
28 appropriation is provided solely for administration of the traffic
29 safety education program, including in-service training related to
30 instruction in the risks of driving while under the influence of
31 alcohol and other drugs.

32 ~~((f))~~ (e) \$10,000 of the general fund--state appropriation is
33 provided solely for a contract through the Washington State Institute
34 for Public Policy at The Evergreen State College for a bilingual
35 education conference to disseminate information on best practices in
36 bilingual instruction, including model programs from other states, and
37 to develop strategies for incorporating the most effective
38 instructional methods into the state's bilingual curriculum.

1 (2) STATE-WIDE PROGRAMS

2 (a) \$100,000 of the general fund--state appropriation is provided
3 for state-wide curriculum development.

4 (b) \$62,000 of the general fund--state appropriation is provided
5 for operation of a K-2 education program at Pt. Roberts by the Blaine
6 school district.

7 (c) \$2,415,000 of the general fund--state appropriation is provided
8 for in-service training and educational programs conducted by the
9 Pacific science center.

10 (d) \$70,000 of the general fund--state appropriation is provided
11 for operation of the Cispus environmental learning center.

12 (e) \$2,949,000 of the general fund--state appropriation is provided
13 for educational clinics, including state support activities.

14 (f) \$3,437,000 of the general fund--state appropriation is provided
15 for grants for magnet schools to be distributed as recommended by the
16 superintendent of public instruction pursuant to chapter 232, section
17 516(13), Laws of 1992.

18 (g) \$4,855,000 of the general fund--state appropriation is provided
19 for complex need grants. Grants shall be provided according to funding
20 ratios established in LEAP Document 30B as developed on May 4, 1993, at
21 11:00 a.m.

22 (h) \$3,050,000 of the drug enforcement and education account
23 appropriation is provided solely for matching grants to enhance
24 security in secondary schools. Not more than seventy-five percent of
25 a district's total expenditures for school security in any school year
26 may be paid from a grant under this subsection. The grants shall be
27 expended solely for the costs of employing or contracting for building
28 security monitors, metal detectors, or other security or violence
29 prevention measures in secondary schools during school hours and school
30 events. Of the amount provided in this subsection, at least \$2,850,000
31 shall be spent for grants to districts that, during the 1988-89 school
32 year, employed or contracted for security monitors in schools during
33 school hours. However, these grants may be used only for increases in
34 school district expenditures for school security over expenditure
35 levels for the 1988-89 school year.

36 (i) Districts receiving allocations from subsection (2) (f) and (g)
37 of this section shall submit an annual report to the superintendent of
38 public instruction on the use of all district resources to address the
39 educational needs of at-risk students in each school building.

1 **Sec. 512.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to
2 read as follows:

3 (1) School districts may participate in the exchange of information
4 with law enforcement and juvenile court officials to the extent
5 permitted by the family educational and privacy rights act of 1974, 20
6 U.S.C. Sec. 1232g. When directed by court order or pursuant to ((any))
7 a lawfully issued subpoena, a school district shall make student
8 records and information available to law enforcement officials,
9 probation officers, court personnel, and others legally entitled to the
10 information. Parents and students shall be notified by the school
11 district of all ((such)) orders or subpoenas in advance of compliance
12 with them.

13 (2) The social file, diversion record, police contact record, and
14 arrest record of a student may be made available to a school district
15 if the records are requested by the principal or school counselor. Use
16 of the records is restricted to the principal, the school counselor, or
17 a teacher or teachers identified by the principal as necessary for the
18 provision of additional services to the student. The records may only
19 be used to identify and facilitate those services offered through the
20 school district that would be of benefit to the student. The student's
21 records shall be made available under the provisions of this chapter,
22 section 517 of this act, and chapter 13.50 RCW unless a parent or
23 guardian provides, prior to the release of the records, a written
24 statement indicating which records shall remain confidential until such
25 further written release. School districts shall provide written notice
26 of this section to parents or guardians at the time of enrollment of a
27 student.

28 **Sec. 513.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to
29 read as follows:

30 (1) This section governs records relating to the commission of
31 juvenile offenses, including records relating to diversions.

32 (2) The official juvenile court file of any alleged or proven
33 juvenile offender shall be open to public inspection, unless sealed
34 pursuant to subsection (11) of this section.

35 (3) All records other than the official juvenile court file are
36 confidential and may be released only as provided in this section, RCW
37 13.50.010, 13.40.215, and 4.24.550.

1 (4) Except as otherwise provided in this section and RCW 13.50.010,
2 records retained or produced by any juvenile justice or care agency may
3 be released to other participants in the juvenile justice or care
4 system only when an investigation or case involving the juvenile in
5 question is being pursued by the other participant or when that other
6 participant is assigned the responsibility for supervising the
7 juvenile.

8 (5) Except as provided in RCW 4.24.550 or 28A.600.475, information
9 not in an official juvenile court file concerning a juvenile or a
10 juvenile's family may be released to the public only when that
11 information could not reasonably be expected to identify the juvenile
12 or the juvenile's family.

13 (6) Notwithstanding any other provision of this chapter, the
14 release, to the juvenile or his or her attorney, of law enforcement and
15 prosecuting attorneys' records pertaining to investigation, diversion,
16 and prosecution of juvenile offenses shall be governed by the rules of
17 discovery and other rules of law applicable in adult criminal
18 investigations and prosecutions.

19 (7) The juvenile court and the prosecutor may set up and maintain
20 a central record-keeping system which may receive information on all
21 alleged juvenile offenders against whom a complaint has been filed
22 pursuant to RCW 13.40.070 whether or not their cases are currently
23 pending before the court. The central record-keeping system may be
24 computerized. If a complaint has been referred to a diversion unit,
25 the diversion unit shall promptly report to the juvenile court or the
26 prosecuting attorney when the juvenile has agreed to diversion. An
27 offense shall not be reported as criminal history in any central
28 record-keeping system without notification by the diversion unit of the
29 date on which the offender agreed to diversion.

30 (8) Upon request of the victim of a crime or the victim's immediate
31 family, the identity of an alleged or proven juvenile offender alleged
32 or found to have committed a crime against the victim and the identity
33 of the alleged or proven juvenile offender's parent, guardian, or
34 custodian and the circumstance of the alleged or proven crime shall be
35 released to the victim of the crime or the victim's immediate family.

36 (9) Subject to the rules of discovery applicable in adult criminal
37 prosecutions, the juvenile offense records of an adult criminal
38 defendant or witness in an adult criminal proceeding shall be released
39 upon request to prosecution and defense counsel after a charge has

1 actually been filed. The juvenile offense records of any adult
2 convicted of a crime and placed under the supervision of the adult
3 corrections system shall be released upon request to the adult
4 corrections system.

5 (10) In any case in which an information has been filed pursuant to
6 RCW 13.40.100 or a complaint has been filed with the prosecutor and
7 referred for diversion pursuant to RCW 13.40.070, the person the
8 subject of the information or complaint may file a motion with the
9 court to have the court vacate its order and findings, if any, and,
10 subject to subsection (24) of this section, order the sealing of the
11 official juvenile court file, the social file, and records of the court
12 and of any other agency in the case.

13 (11) The court shall grant the motion to seal records made pursuant
14 to subsection (10) of this section if it finds that:

15 (a) Two years have elapsed from the later of: (i) Final discharge
16 of the person from the supervision of any agency charged with
17 supervising juvenile offenders; or (ii) from the entry of a court order
18 relating to the commission of a juvenile offense or a criminal offense;

19 (b) No proceeding is pending against the moving party seeking the
20 conviction of a juvenile offense or a criminal offense; and

21 (c) No proceeding is pending seeking the formation of a diversion
22 agreement with that person.

23 (12) The person making a motion pursuant to subsection (10) of this
24 section shall give reasonable notice of the motion to the prosecution
25 and to any person or agency whose files are sought to be sealed.

26 (13) If the court grants the motion to seal made pursuant to
27 subsection (10) of this section, it shall, subject to subsection (24)
28 of this section, order sealed the official juvenile court file, the
29 social file, and other records relating to the case as are named in the
30 order. Thereafter, the proceedings in the case shall be treated as if
31 they never occurred, and the subject of the records may reply
32 accordingly to any inquiry about the events, records of which are
33 sealed. Any agency shall reply to any inquiry concerning confidential
34 or sealed records that records are confidential, and no information can
35 be given about the existence or nonexistence of records concerning an
36 individual.

37 (14) Inspection of the files and records included in the order to
38 seal may thereafter be permitted only by order of the court upon motion
39 made by the person who is the subject of the information or complaint,

1 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of
2 this section.

3 (15) Any adjudication of a juvenile offense or a crime subsequent
4 to sealing has the effect of nullifying the sealing order. Any
5 conviction for any adult felony subsequent to the sealing has the
6 effect of nullifying the sealing order for the purposes of chapter
7 9.94A RCW for any juvenile adjudication of guilt for a class A offense
8 or a sex offense as defined in RCW 9.94A.030.

9 (16) In any case in which an information has been filed pursuant to
10 RCW 13.40.100 or a complaint has been filed with the prosecutor and
11 referred for diversion pursuant to RCW 13.40.070, the person who is the
12 subject of the information or complaint may file a motion with the
13 court to have the court vacate its order and findings, if any, and,
14 subject to subsection (24) of this section, order the destruction of
15 the official juvenile court file, the social file, and records of the
16 court and of any other agency in the case.

17 (17) The court may grant the motion to destroy records made
18 pursuant to subsection (16) of this section if it finds:

19 (a) The person making the motion is at least twenty-three years of
20 age;

21 (b) The person has not subsequently been convicted of a felony;

22 (c) No proceeding is pending against that person seeking the
23 conviction of a criminal offense; and

24 (d) The person has never been found guilty of a serious offense.

25 (18) A person eighteen years of age or older whose criminal history
26 consists of only one referral for diversion may request that the court
27 order the records in that case destroyed. The request shall be
28 granted, subject to subsection (24) of this section, if the court finds
29 that two years have elapsed since completion of the diversion
30 agreement.

31 (19) If the court grants the motion to destroy records made
32 pursuant to subsection (16) or (18) of this section, it shall, subject
33 to subsection (24) of this section, order the official juvenile court
34 file, the social file, and any other records named in the order to be
35 destroyed.

36 (20) The person making the motion pursuant to subsection (16) or
37 (18) of this section shall give reasonable notice of the motion to the
38 prosecuting attorney and to any agency whose records are sought to be
39 destroyed.

1 (21) Any juvenile to whom the provisions of this section may apply
2 shall be given written notice of his or her rights under this section
3 at the time of his or her disposition hearing or during the diversion
4 process.

5 (22) Nothing in this section may be construed to prevent a crime
6 victim or a member of the victim's family from divulging the identity
7 of the alleged or proven juvenile offender or his or her family when
8 necessary in a civil proceeding.

9 (23) Any juvenile justice or care agency may, subject to the
10 limitations in subsection (24) of this section and subparagraphs (a)
11 and (b) of this subsection, develop procedures for the routine
12 destruction of records relating to juvenile offenses and diversions.

13 (a) Records may be routinely destroyed only when the person the
14 subject of the information or complaint has attained twenty-three years
15 of age or older, or is eighteen years of age or older and his or her
16 criminal history consists entirely of one diversion agreement and two
17 years have passed since completion of the agreement.

18 (b) The court may not routinely destroy the official juvenile court
19 file or recordings or transcripts of any proceedings.

20 (24) No identifying information held by the Washington state patrol
21 in accordance with chapter 43.43 RCW is subject to destruction or
22 sealing under this section. For the purposes of this subsection,
23 identifying information includes photographs, fingerprints, palmprints,
24 soleprints, toeprints and any other data that identifies a person by
25 physical characteristics, name, birthdate or address, but does not
26 include information regarding criminal activity, arrest, charging,
27 diversion, conviction or other information about a person's treatment
28 by the criminal justice system or about the person's behavior.

29 (25) Information identifying child victims under age eighteen who
30 are victims of sexual assaults by juvenile offenders is confidential
31 and not subject to release to the press or public without the
32 permission of the child victim or the child's legal guardian.
33 Identifying information includes the child victim's name, addresses,
34 location, photographs, and in cases in which the child victim is a
35 relative of the alleged perpetrator, identification of the relationship
36 between the child and the alleged perpetrator. Information identifying
37 a child victim of sexual assault may be released to law enforcement,
38 prosecutors, judges, defense attorneys, or private or governmental
39 agencies that provide services to the child victim of sexual assault.

1 **Sec. 514.** RCW 13.50.010 and 1993 c 374 s 1 are each amended to
2 read as follows:

3 (1) For purposes of this chapter:

4 (a) "Juvenile justice or care agency" means any of the following:
5 Police, diversion units, court, prosecuting attorney, defense attorney,
6 detention center, attorney general, the department of social and health
7 services and its contracting agencies, schools; and, in addition,
8 persons or public or private agencies having children committed to
9 their custody;

10 (b) "Official juvenile court file" means the legal file of the
11 juvenile court containing the petition or information, motions,
12 memorandums, briefs, findings of the court, and court orders;

13 (c) "Social file" means the juvenile court file containing the
14 records and reports of the probation counselor;

15 (d) "Records" means the official juvenile court file, the social
16 file, and records of any other juvenile justice or care agency in the
17 case.

18 (2) Each petition or information filed with the court may include
19 only one juvenile and each petition or information shall be filed under
20 a separate docket number. The social file shall be filed separately
21 from the official juvenile court file.

22 (3) It is the duty of any juvenile justice or care agency to
23 maintain accurate records. To this end:

24 (a) The agency may never knowingly record inaccurate information.
25 Any information in records maintained by the department of social and
26 health services relating to a petition filed pursuant to chapter 13.34
27 RCW that is found by the court, upon proof presented, to be false or
28 inaccurate shall be corrected or expunged from such records by the
29 agency;

30 (b) An agency shall take reasonable steps to (~~insure~~) assure the
31 security of its records and prevent tampering with them; and

32 (c) An agency shall make reasonable efforts to insure the
33 completeness of its records, including action taken by other agencies
34 with respect to matters in its files.

35 (4) Each juvenile justice or care agency shall implement procedures
36 consistent with the provisions of this chapter to facilitate inquiries
37 concerning records.

38 (5) Any person who has reasonable cause to believe information
39 concerning that person is included in the records of a juvenile justice

1 or care agency and who has been denied access to those records by the
2 agency may make a motion to the court for an order authorizing that
3 person to inspect the juvenile justice or care agency record concerning
4 that person. The court shall grant the motion to examine records
5 unless it finds that in the interests of justice or in the best
6 interests of the juvenile the records or parts of them should remain
7 confidential.

8 (6) A juvenile, or his or her parents, or any person who has
9 reasonable cause to believe information concerning that person is
10 included in the records of a juvenile justice or care agency may make
11 a motion to the court challenging the accuracy of any information
12 concerning the moving party in the record or challenging the continued
13 possession of the record by the agency. If the court grants the
14 motion, it shall order the record or information to be corrected or
15 destroyed.

16 (7) The person making a motion under subsection (5) or (6) of this
17 section shall give reasonable notice of the motion to all parties to
18 the original action and to any agency whose records will be affected by
19 the motion.

20 (8) The court may permit inspection of records by, or release of
21 information to, any clinic, hospital, or agency which has the subject
22 person under care or treatment, or to individuals or agencies engaged
23 in legitimate research for educational, scientific, or public purposes.
24 The court may also permit inspection of, or release of information
25 from, records which have been sealed pursuant to RCW 13.50.050(11).
26 Access to records or information for research purposes shall be
27 permitted only if the anonymity of all persons mentioned in the records
28 or information will be preserved. Each person granted permission to
29 inspect juvenile justice or care agency records for research purposes
30 shall present a notarized statement to the court stating that the names
31 of juveniles and parents will remain confidential.

32 (9) Juvenile detention facilities shall release records to the
33 juvenile disposition standards commission under RCW 13.40.025 upon
34 request. The commission shall not disclose the names of any juveniles
35 or parents mentioned in the records without the named individual's
36 written permission.

37 NEW SECTION. **Sec. 515.** The state board of education shall conduct
38 a study to identify possible incentives to encourage schools to

1 increase the space that is available for after-hours community use.
2 The board shall examine incentives for both existing school facilities
3 and for new construction. The board shall report its findings and
4 recommendations to the legislature by November 15, 1994.

5 NEW SECTION. **Sec. 516.** A new section is added to chapter 28A.600
6 RCW to read as follows:

7 When a school transfers a student's transcript to a new school, it
8 may also transfer the student's attendance records, records of unpaid
9 fines or property damage, and any disciplinary records, including
10 records relating to the facts resulting in any expulsions. The
11 student's parent shall be given the opportunity to review all such
12 records before the transfer.

13 NEW SECTION. **Sec. 517.** (1) The department of social and health
14 services and the superintendent of public instruction shall review all
15 statutes and rules relative to the sharing or exchange of information
16 about children who are the subject of reports of abuse and neglect or
17 who are charged with criminal behavior. The department and the
18 superintendent shall revise or adopt rules, consistent with federal
19 guidelines, that allow educational professionals in elementary and
20 secondary schools access to information contained in department records
21 solely for purposes of improving the child's educational performance or
22 attendance.

23 (2) The department and superintendent shall also revise or adopt
24 rules, consistent with federal guidelines, that allows the department
25 access to information contained in the records of a school or school
26 district on a child who is the subject of a report of abuse or neglect
27 solely for the purpose of improving the department's ability to respond
28 to the report of abuse or neglect.

29 The department and superintendent shall report their findings and
30 actions, including the need for statutory changes, to the legislature
31 by December 31, 1994.

32 This section shall expire January 1, 1995.

33 **PART VI. EMPLOYMENT**

34 NEW SECTION. **Sec. 601.** A new section is added to chapter 50.16
35 RCW to read as follows:

1 Notwithstanding any of the provisions of law in this chapter, to
2 the extent that any funds in the employment and training trust fund are
3 unexpended or unencumbered by July 1, 1994, the director may transfer
4 those funds to the community public health and safety council created
5 under chapter 70.190 RCW. Any funds transferred to the council shall
6 be granted, based on the formula determined by the office of financial
7 management under section 326 of this act, to the community public
8 health and safety networks authorized under section 303 of this act.
9 The community networks shall use these funds, in a manner determined by
10 the community network, to increase employment opportunities for
11 undertrained or unemployed youth.

12 This section shall expire July 30, 1995.

13 **PART VII. MEDIA**

14 NEW SECTION. **Sec. 701.** The purpose of this chapter is to regulate
15 media and media-related activities that directly or indirectly promote
16 violence in electronic media.

17 NEW SECTION. **Sec. 702.** Unless the context clearly requires
18 otherwise, the definitions in this section apply throughout this
19 chapter.

20 (1) "Prime time" means those hours as defined by rule by the
21 federal communication commission.

22 (2) "Sweeps week" means any week during the year in which national
23 rating services measure the size of the television audience to
24 determine the market share for purposes of setting advertising rates.

25 (3) "Time/channel lock" is electronic circuitry designed to enable
26 television owners to block display of selected times and channels from
27 viewing.

28 (4) "Video" means any motion picture, television or other
29 electronically delivered programming, or other presentation on film,
30 video tape, or other medium designed to produce, reproduce, or project
31 images on a screen.

32 (5) "Violence" means any deliberate and hostile use of overt force,
33 or the immediate threat thereof, by an individual against another
34 individual.

35 (6) "Virtual reality" means any computer or other electronic
36 artificial-intelligence-based technology that creates an enhanced

1 simulation or illusion of three-dimensional, real-time or near-real-
2 time interactive reality through the use of software, specialized
3 hardware, holograms, gloves, masks, glasses, pods, goggles, helmets,
4 computer guns, or other items capable of producing visual, audio,
5 tactile, or sensory effects of verisimilitude beyond those available
6 with a personal computer.

7 NEW SECTION. **Sec. 703.** All new televisions sold in this state
8 after January 1, 1995, shall be equipped with a time/channel lock or
9 shall be sold with an offer to the customer to purchase a time/channel
10 lock separately. All cable television stations shall make available to
11 all customers at the company's cost the opportunity to purchase a
12 time/channel lock. Notice of this availability shall be clearly made
13 to all existing customers and to all new customers at the time of their
14 signing up for service.

15 NEW SECTION. **Sec. 704.** All videos and video games sold or rented
16 in this state shall clearly and prominently display a realistic age
17 rating for appropriateness of use by end-users of the video or video
18 game. The age rating for videos shall be the advisory rating placed on
19 videos by the motion picture association of America if rated. If the
20 video is unrated by the motion picture association of America the age
21 rating for the video shall be developed by the copyright holder of the
22 video, with the documented input of educators, parents, and child
23 development experts. The age rating for video games shall be developed
24 by the software publishers association or the copyright holder of the
25 game, with the documented input of independent educators, parents, and
26 child development experts. The software publishers association or the
27 copyright holders shall make age ratings available to the department of
28 health upon request.

29 NEW SECTION. **Sec. 705.** (1) Owners of video or video game
30 businesses shall not sell or rent videos or video games to a person
31 under the age of eighteen unless: (a) The renter or seller has on file
32 a written declaration from at least one parent or guardian of the
33 juvenile authorizing the juvenile to rent or purchase videos or video
34 games; or (b) the juvenile is accompanied by his or her parent or
35 guardian. The declaration may contain such restrictions as the parent
36 deems appropriate.

1 (2) A violation of this section is a class 3 civil infraction under
2 chapter 7.80 RCW.

3 NEW SECTION. **Sec. 706.** (1) A license is required for the
4 commercial use of virtual reality technology for entertainment or
5 purposes other than bona fide education, training, research, and
6 development.

7 (2) The department of licensing shall establish the amount of the
8 license fee, which shall be sufficient to cover the cost of
9 administering the license and an amount designated for violence
10 prevention efforts under this chapter.

11 (3) The license shall be renewable annually.

12 NEW SECTION. **Sec. 707.** Television and radio broadcast stations
13 including cable stations, video rental companies, and print media are
14 encouraged, as a matter of public health and safety, to broadcast
15 public health-based, antiviolence public service messages. The
16 content, style, and format of the messages shall be developed by the
17 community public health and safety council created under RCW
18 70.190.010, in coordination with its violence-reduction efforts and may
19 include the television violence report card, as set forth in section
20 709 of this act. The messages may be produced with grant funds from
21 the council or may be produced voluntarily by the media working with
22 the council.

23 NEW SECTION. **Sec. 708.** The legislature finds that, as a matter of
24 public health and safety, access by minors to violent videos, video
25 games, and computer software should be limited.

26 Public libraries, with the exception of university, college, and
27 community college libraries, may establish standards and policies on
28 the protection of minors from access to violent video and other
29 electronic materials. Libraries shall make their standards and
30 policies known to the public in their communities.

31 Each library system may formulate its own standards and policies,
32 and may, in its discretion, include public hearings, consultation with
33 community networks as defined under chapter 70.190 RCW, or consultation
34 with the Washington library association in the development of its
35 standards and policies.

1 NEW SECTION. **Sec. 709.** (1) The department of health shall
2 establish, by rule, a program for evaluating and ranking television
3 programs, including cable television programs, on the basis of the
4 violence contained in the programs.

5 Under the program, the department shall select, within each
6 calendar quarter, at least one week for the department to evaluate the
7 extent of the violence contained in each of the programs carried on any
8 of the national broadcast television networks, or on cable television
9 systems with regard to programs available to a substantial percentage
10 of the households that subscribe to cable television service
11 nationally, during that week's prime-time and Saturday morning time
12 slots. The department shall ensure that at least one of the weeks
13 selected in any calendar year is a sweeps week.

14 (2) After evaluating the television programs described in this
15 section, and in accordance with criteria established by the rules
16 adopted under this section, the department shall:

17 (a) List in ranked order those programs in terms of the extent of
18 the violence they contain; and

19 (b) List in ranked order program sponsors in terms of the extent to
20 which they sponsor television programs that contain a high degree of
21 violence.

22 (3) In the quarter following any quarter for which the department
23 has made evaluations under this section, the department shall publish
24 and make available to the public and the news media a television
25 violence report card that reports the violence rankings performed by
26 the department, including identification of the programs so evaluated
27 and the sponsors of those programs.

28 (4) The news media shall be immune from legal liability for the
29 accurate publication of the television violence report card.

30 For the purpose of facilitating the rulemaking required by sections
31 714 and 715 of this act, the department of health shall also
32 communicate to the department of general administration and the state
33 investment board the results of its evaluations.

34 NEW SECTION. **Sec. 710.** A new section is added to chapter 13.16
35 RCW to read as follows:

36 Motion pictures unrated or rated X or NC-17 by the motion picture
37 association of America shall not be shown in juvenile detention
38 facilities.

1 NEW SECTION. **Sec. 711.** A new section is added to chapter 72.02
2 RCW to read as follows:

3 Motion pictures unrated or rated X or NC-17 by the motion picture
4 association of America shall not be shown in adult correctional
5 facilities.

6 NEW SECTION. **Sec. 712.** A new section is added to chapter 28A.650
7 RCW to read as follows:

8 (1) Software, computer games, and videos with fictional violent
9 content shall not be used in schools, except to depict actual
10 historical events or for educational purposes in a formal classroom
11 setting.

12 (2) Each educational service district shall monitor the software
13 and videos used in its district for fictional violent content, using
14 the guidelines developed by the office of the superintendent of public
15 instruction.

16 **Sec. 713.** RCW 28A.650.015 and 1993 c 336 s 703 are each amended to
17 read as follows:

18 (1) The superintendent of public instruction, to the extent funds
19 are appropriated, shall develop and implement a Washington state K-12
20 education technology plan. The technology plan, which shall be
21 completed by December 15, 1993, and updated on at least a biennial
22 basis, shall be developed to coordinate and expand the use of education
23 technology in the common schools of the state. The plan shall be
24 consistent with applicable provisions of chapter 43.105 RCW. The plan,
25 at a minimum, shall address:

26 (a) The provision of technical assistance to schools and school
27 districts for the planning, implementation, and training of staff in
28 the use of technology in curricular and administrative functions;

29 (b) The continued development of a network to connect school
30 districts, institutions of higher learning, and other sources of on-
31 line information; (~~and~~)

32 (c) Methods to equitably increase the use of education technology
33 by students and school personnel throughout the state; and

34 (d) After the effective date of this section, guidelines for
35 monitoring fictional violent content in computer software and videos
36 used in schools.

1 (2) The superintendent of public instruction shall appoint an
2 educational technology advisory committee to assist in the development
3 and implementation of the technology plan in subsection (1) of this
4 section. The committee shall include, but is not limited to, persons
5 representing: The state board of education, the commission on student
6 learning, the department of information services, educational service
7 districts, school directors, school administrators, school principals,
8 teachers, classified staff, higher education faculty, parents,
9 students, business, labor, scientists and mathematicians, the higher
10 education coordinating board, the work force training and education
11 coordinating board, and the state library.

12 NEW SECTION. **Sec. 714.** A new section is added to chapter 43.19
13 RCW to read as follows:

14 Notwithstanding any other provision of law, the department of
15 general administration shall adopt a policy of refusing to purchase
16 goods and services for the state from businesses or corporations,
17 including parent corporations, profiting from violence-related products
18 or services. Nothing in this section requires the department to adopt
19 a policy that results in a refusal to purchase goods and services from
20 a corporation that is primarily engaged in the business of producing
21 materials intended to be used in formal educational settings as set
22 forth in section 712 of this act. A business or corporation whose
23 violence-related products or services are for the main purpose of
24 national defense are exempt from this policy. Definitions and
25 guidelines shall be developed by the department of general
26 administration in consultation with the department of health.

27 NEW SECTION. **Sec. 715.** A new section is added to chapter 43.33A
28 RCW to read as follows:

29 Notwithstanding any other provision of law, the state investment
30 board shall adopt a policy of disinvestment in businesses or
31 corporations, including parent corporations, profiting from violence-
32 related products or services. Nothing in this section requires the
33 board to adopt a policy that results in a refusal to purchase goods and
34 services from a corporation that is primarily engaged in the business
35 of producing materials intended to be used in formal educational
36 settings as set forth in section 712 of this act. A business or
37 corporation whose violence-related products or services are for the

1 main purpose of national defense are exempt from this policy.
2 Definitions and guidelines for disinvestment shall be established by
3 the state investment board in consultation with the department of
4 health.

5 NEW SECTION. **Sec. 716.** Sections 701 through 709 of this act shall
6 constitute a new chapter in Title 19 RCW.

7 **PART VIII. MISCELLANEOUS**

8 NEW SECTION. **Sec. 801.** A new section is added to chapter 44.28
9 RCW to read as follows:

10 (1) The legislative budget committee shall contract to monitor and
11 track the implementation of chapter . . . , Laws of 1994 (this act) to
12 determine whether these efforts result in a measurable reduction of
13 violence, and evaluate the data provided by the state and local health
14 departments to determine whether the community networks have met the
15 outcome criteria. Starting five years after the initial grant to a
16 community network, if the community network fails to meet the outcome
17 criteria and goals in any two consecutive years, the legislative budget
18 committee shall make recommendations to the legislature concerning
19 whether the funds received by that community network shall revert back
20 to the originating agency.

21 (2) The social development standards and measures established by
22 the department of health under section 204 of this act shall be used in
23 conducting the outcome evaluation of the community networks.

24 **Sec. 802.** RCW 66.24.210 and 1993 c 160 s 2 are each amended to
25 read as follows:

26 (1) There is hereby imposed upon all wines sold to wine wholesalers
27 and the Washington state liquor control board, within the state a tax
28 at the rate of twenty and one-fourth cents per liter: PROVIDED,
29 HOWEVER, That wine sold or shipped in bulk from one winery to another
30 winery shall not be subject to such tax. The tax provided for in this
31 section may, if so prescribed by the board, be collected by means of
32 stamps to be furnished by the board, or by direct payments based on
33 wine purchased by wine wholesalers. Every person purchasing wine under
34 the provisions of this section shall on or before the twentieth day of
35 each month report to the board all purchases during the preceding

1 calendar month in such manner and upon such forms as may be prescribed
2 by the board, and with such report shall pay the tax due from the
3 purchases covered by such report unless the same has previously been
4 paid. Any such purchaser of wine whose applicable tax payment is not
5 postmarked by the twentieth day following the month of purchase will be
6 assessed a penalty at the rate of two percent a month or fraction
7 thereof. If this tax be collected by means of stamps, every such
8 person shall procure from the board revenue stamps representing the tax
9 in such form as the board shall prescribe and shall affix the same to
10 the package or container in such manner and in such denomination as
11 required by the board and shall cancel the same prior to the delivery
12 of the package or container containing the wine to the purchaser. If
13 the tax is not collected by means of stamps, the board may require that
14 every such person shall execute to and file with the board a bond to be
15 approved by the board, in such amount as the board may fix, securing
16 the payment of the tax. If any such person fails to pay the tax when
17 due, the board may forthwith suspend or cancel the license until all
18 taxes are paid.

19 (2) An additional tax is imposed equal to the rate specified in RCW
20 82.02.030 multiplied by the tax payable under subsection (1) of this
21 section. All revenues collected during any month from this additional
22 tax shall be transferred to the state general fund by the twenty-fifth
23 day of the following month.

24 (3) An additional tax is imposed on wines subject to tax under
25 subsection (1) of this section, at the rate of one-fourth of one cent
26 per liter for wine sold after June 30, 1987. Such additional tax shall
27 cease to be imposed on July 1, 2001. All revenues collected under this
28 subsection (3) shall be disbursed quarterly to the Washington wine
29 commission for use in carrying out the purposes of chapter 15.88 RCW.

30 (4) (~~Until July 1, 1995,~~) An additional tax is imposed on all
31 wine subject to tax under subsection (1) of this section. The
32 additional tax is equal to twenty-three and forty-four one-hundredths
33 cents per liter on fortified wine as defined in RCW 66.04.010(34) when
34 bottled or packaged by the manufacturer and one cent per liter on all
35 other wine. All revenues collected during any month from this
36 additional tax shall be deposited in the drug enforcement and education
37 account under RCW 69.50.520 by the twenty-fifth day of the following
38 month.

1 **Sec. 803.** RCW 66.24.290 and 1993 c 492 s 311 are each amended to
2 read as follows:

3 (1) Any brewer or beer wholesaler licensed under this title may
4 sell and deliver beer to holders of authorized licenses direct, but to
5 no other person, other than the board; and every such brewer or beer
6 wholesaler shall report all sales to the board monthly, pursuant to the
7 regulations, and shall pay to the board as an added tax for the
8 privilege of manufacturing and selling the beer within the state a tax
9 of two dollars and sixty cents per barrel of thirty-one gallons on
10 sales to licensees within the state and on sales to licensees within
11 the state of bottled and canned beer shall pay a tax computed in
12 gallons at the rate of two dollars and sixty cents per barrel of
13 thirty-one gallons. Any brewer or beer wholesaler whose applicable tax
14 payment is not postmarked by the twentieth day following the month of
15 sale will be assessed a penalty at the rate of two percent per month or
16 fraction thereof. Each such brewer or wholesaler shall procure from
17 the board revenue stamps representing such tax in form prescribed by
18 the board and shall affix the same to the barrel or package in such
19 manner and in such denominations as required by the board, and shall
20 cancel the same prior to commencing delivery from his or her place of
21 business or warehouse of such barrels or packages. Beer shall be sold
22 by brewers and wholesalers in sealed barrels or packages. The revenue
23 stamps provided under this section need not be affixed and canceled in
24 the making of resales of barrels or packages already taxed by the
25 affixation and cancellation of stamps as provided in this section.

26 (2) An additional tax is imposed equal to seven percent multiplied
27 by the tax payable under subsection (1) of this section. All revenues
28 collected during any month from this additional tax shall be
29 transferred to the state general fund by the twenty-fifth day of the
30 following month.

31 (3) (~~Until July 1, 1995,~~) An additional tax is imposed on all
32 beer subject to tax under subsection (1) of this section. The
33 additional tax is equal to two dollars per barrel of thirty-one
34 gallons. All revenues collected during any month from this additional
35 tax shall be deposited in the drug enforcement and education account
36 under RCW 69.50.520 by the twenty-fifth day of the following month.

37 (4)(a) An additional tax is imposed on all beer subject to tax
38 under subsection (1) of this section. The additional tax is equal to
39 ninety-six cents per barrel of thirty-one gallons through June 30,

1 1995, two dollars and thirty-nine cents per barrel of thirty-one
2 gallons for the period July 1, 1995, through June 30, 1997, and four
3 dollars and seventy-eight cents per barrel of thirty-one gallons
4 thereafter.

5 (b) The additional tax imposed under this subsection does not apply
6 to the sale of the first sixty thousand barrels of beer each year by
7 breweries that are entitled to a reduced rate of tax under 26 U.S.C.
8 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may
9 be provided by the board by rule consistent with the purposes of this
10 exemption.

11 (c) All revenues collected from the additional tax imposed under
12 this subsection (4) shall be deposited in the health services account
13 under RCW 43.72.900.

14 (5) The tax imposed under this section shall not apply to "strong
15 beer" as defined in this title.

16 **Sec. 804.** RCW 82.08.150 and 1993 c 492 s 310 are each amended to
17 read as follows:

18 (1) There is levied and shall be collected a tax upon each retail
19 sale of spirits, or strong beer in the original package at the rate of
20 fifteen percent of the selling price. The tax imposed in this
21 subsection shall apply to all such sales including sales by the
22 Washington state liquor stores and agencies, but excluding sales to
23 class H licensees.

24 (2) There is levied and shall be collected a tax upon each sale of
25 spirits, or strong beer in the original package at the rate of ten
26 percent of the selling price on sales by Washington state liquor stores
27 and agencies to class H licensees.

28 (3) There is levied and shall be collected an additional tax upon
29 each retail sale of spirits in the original package at the rate of one
30 dollar and seventy-two cents per liter. The additional tax imposed in
31 this subsection shall apply to all such sales including sales by
32 Washington state liquor stores and agencies, and including sales to
33 class H licensees.

34 (4) An additional tax is imposed equal to fourteen percent
35 multiplied by the taxes payable under subsections (1), (2), and (3) of
36 this section.

37 (5) (~~Until July 1, 1995,~~) An additional tax is imposed upon each
38 retail sale of spirits in the original package at the rate of seven

1 cents per liter. The additional tax imposed in this subsection shall
2 apply to all such sales including sales by Washington state liquor
3 stores and agencies, and including sales to class H licensees. All
4 revenues collected during any month from this additional tax shall be
5 deposited in the drug enforcement and education account under RCW
6 69.50.520 by the twenty-fifth day of the following month.

7 (6)(a) An additional tax is imposed upon retail sale of spirits in
8 the original package at the rate of one and seven-tenths percent of the
9 selling price through June 30, 1995, two and six-tenths percent of the
10 selling price for the period July 1, 1995, through June 30, 1997, and
11 three and four-tenths of the selling price thereafter. This additional
12 tax applies to all such sales including sales by Washington state
13 liquor stores and agencies, but excluding sales to class H licensees.

14 (b) An additional tax is imposed upon retail sale of spirits in the
15 original package at the rate of one and one-tenth percent of the
16 selling price through June 30, 1995, one and seven-tenths percent of
17 the selling price for the period July 1, 1995, through June 30, 1997,
18 and two and three-tenths of the selling price thereafter. This
19 additional tax applies to all such sales to class H licensees.

20 (c) An additional tax is imposed upon each retail sale of spirits
21 in the original package at the rate of twenty cents per liter through
22 June 30, 1995, thirty cents per liter for the period July 1, 1995,
23 through June 30, 1997, and forty-one cents per liter thereafter. This
24 additional tax applies to all such sales including sales by Washington
25 state liquor stores and agencies, and including sales to class H
26 licensees.

27 (d) All revenues collected during any month from additional taxes
28 under this subsection shall be deposited in the health services account
29 created under RCW 43.72.900 by the twenty-fifth day of the following
30 month.

31 (7) The tax imposed in RCW 82.08.020 shall not apply to sales of
32 spirits or strong beer in the original package.

33 (8) The taxes imposed in this section shall be paid by the buyer to
34 the seller, and each seller shall collect from the buyer the full
35 amount of the tax payable in respect to each taxable sale under this
36 section. The taxes required by this section to be collected by the
37 seller shall be stated separately from the selling price and for
38 purposes of determining the tax due from the buyer to the seller, it

1 shall be conclusively presumed that the selling price quoted in any
2 price list does not include the taxes imposed by this section.

3 (9) As used in this section, the terms, "spirits," "strong beer,"
4 and "package" shall have the meaning ascribed to them in chapter 66.04
5 RCW.

6 **Sec. 805.** RCW 82.24.020 and 1993 c 492 s 307 are each amended to
7 read as follows:

8 (1) There is levied and there shall be collected as provided in
9 this chapter, a tax upon the sale, use, consumption, handling,
10 possession or distribution of all cigarettes, in an amount equal to the
11 rate of eleven and one-half mills per cigarette.

12 (2) Until July 1, 1995, an additional tax is imposed upon the sale,
13 use, consumption, handling, possession, or distribution of all
14 cigarettes, in an amount equal to the rate of one and one-half mills
15 per cigarette. All revenues collected during any month from this
16 additional tax shall be deposited in the drug enforcement and education
17 account under RCW 69.50.520 by the twenty-fifth day of the following
18 month.

19 (3) An additional tax is imposed upon the sale, use, consumption,
20 handling, possession, or distribution of all cigarettes, in an amount
21 equal to the rate of ten mills per cigarette through June 30, 1994,
22 eleven and one-fourth mills per cigarette for the period July 1, 1994,
23 through June 30, 1995, twenty mills per cigarette for the period July
24 1, 1995, through June 30, 1996, and twenty and one-half mills per
25 cigarette thereafter. All revenues collected during any month from
26 this additional tax shall be deposited in the health services account
27 created under RCW 43.72.900 by the twenty-fifth day of the following
28 month.

29 (4) On and after July 1, 1995, an additional tax is imposed upon
30 the sale, use, consumption, handling, possession, or distribution of
31 all cigarettes, in an amount equal to the rate of six and one-half
32 mills per cigarette. The first two million dollars collected during
33 each month from this additional tax shall be deposited in the drug
34 enforcement and education account created under RCW 69.50.520, and the
35 remainder collected during each month shall be deposited in the
36 community network account created under section 810 of this act, by the
37 twenty-fifth day of the following month.

1 (5) Wholesalers and retailers subject to the payment of this tax
2 may, if they wish, absorb one-half mill per cigarette of the tax and
3 not pass it on to purchasers without being in violation of this section
4 or any other act relating to the sale or taxation of cigarettes.

5 ~~((+5+))~~ (6) For purposes of this chapter, "possession" shall mean
6 both (a) physical possession by the purchaser and, (b) when cigarettes
7 are being transported to or held for the purchaser or his or her
8 designee by a person other than the purchaser, constructive possession
9 by the purchaser or his or her designee, which constructive possession
10 shall be deemed to occur at the location of the cigarettes being so
11 transported or held.

12 **Sec. 806.** RCW 82.08.020 and 1992 c 194 s 9 are each amended to
13 read as follows:

14 (1) There is levied and there shall be collected a tax on each
15 retail sale in this state equal to six and five-tenths percent of the
16 selling price.

17 (2) There is levied and there shall be collected an additional tax
18 on each retail car rental, regardless of whether the vehicle is
19 licensed in this state, equal to five and nine-tenths percent of the
20 selling price. Ninety-one percent of the revenue collected under this
21 subsection shall be deposited and distributed in the same manner as
22 motor vehicle excise tax revenue collected under RCW 82.44.020(1).
23 Nine percent of the revenue collected under this subsection shall be
24 deposited in the transportation fund and distributed in the same manner
25 as motor vehicle excise tax revenue collected under RCW 82.44.020(2).

26 (3)(a) There is levied and shall be collected an additional tax
27 upon each retail sale of bullets in the amount of nine percent of the
28 selling price.

29 (b) "Bullet" means a manufactured device intended to be loaded into
30 a firearm and which contains powder and a self-contained mechanism or
31 capacity for igniting the powder for the purpose of discharging a
32 projectile through the barrel of the firearm which is an integral part
33 of the bullet as manufactured.

34 (c) All revenue collected from this tax shall be deposited in the
35 community network account created under section 810 of this act.

36 (4) The taxes imposed under this chapter shall apply to successive
37 retail sales of the same property.

1 (~~(4)~~) (5) The rates provided in this section apply to taxes
2 imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

3 **Sec. 807.** RCW 69.50.520 and 1989 c 271 s 401 are each amended to
4 read as follows:

5 The drug enforcement and education account is created in the state
6 treasury. All designated receipts from RCW 66.24.210(4), 66.24.290(3),
7 69.50.505(~~(f)(2)(i)(c)~~) (h)(1), 82.08.150(5), 82.24.020 (2) and (4),
8 82.64.020, and section 420, chapter 271, Laws of 1989 shall be
9 deposited into the account. Expenditures from the account may be used
10 only for funding services and programs under (~~this act~~) chapter 271,
11 Laws of 1989 and chapter . . . , Laws of 1994 (this act).

12 NEW SECTION. **Sec. 808.** The public health violence reduction
13 account is created in the state treasury. All receipts from the tax
14 imposed under RCW 82.04.250 (3) shall be deposited into the account.
15 Moneys in the account may be spent only after appropriation.
16 Expenditures from the account may be used only for the purposes of
17 sections 202 through 205 of this act and chapter 70.190 RCW.

18 NEW SECTION. **Sec. 809.** The firearm safety training account is
19 created in the state treasury. All receipts from license fees
20 collected under RCW 9.41.110 shall be deposited into the account.
21 Moneys in the account may be spent only after appropriation.
22 Expenditures from the account may be used only for purposes as
23 specified in RCW 9.41.110.

24 NEW SECTION. **Sec. 810.** The community network account is created
25 in the state treasury. All designated receipts from the additional
26 cigarette tax imposed under RCW 82.24.020(4) and the bullet tax imposed
27 under RCW 82.08.020(3) shall be deposited into the account. Moneys in
28 the account may be spent only after appropriation. Expenditures from
29 the account may be used only for providing grants to community networks
30 under chapter 70.190 RCW by the community public health and safety
31 council.

32 NEW SECTION. **Sec. 811.** (1) The sum of one million dollars, or as
33 much thereof as may be necessary, is appropriated for the biennium
34 ending June 30, 1995, from the public health violence reduction account

1 to the department of health for the purposes of sections 202 and 203 of
2 this act.

3 (2) The sum of five hundred thousand dollars, or as much thereof
4 as may be necessary, is appropriated for the biennium ending June 30,
5 1995, from the public health violence reduction account to the
6 department of health for the purposes of sections 204 and 205 of this
7 act.

8 (3) The sum of fifty thousand dollars, or as much thereof as may be
9 necessary, is appropriated for the biennium ending June 30, 1995, from
10 the public health violence reduction account to the community public
11 health and safety council for the purposes of chapter 70.190 RCW.

12 (4) The department of health, consistent with its general authority
13 and directives under sections 201 through 205 of this act is authorized
14 to expend funds appropriated in this section as necessary to employ
15 personnel to gather, review, and analyze data and make recommendations
16 and proposals.

17 NEW SECTION. **Sec. 812.** The sum of six hundred fifty thousand
18 dollars, or as much thereof as may be necessary, is appropriated for
19 the biennium ending June 30, 1995, from the general fund to the
20 department of community, trade, and economic development for the
21 purposes of continuing and expanding currently funded youth violence
22 prevention efforts.

23 NEW SECTION. **Sec. 813.** Sections 441 and 802 through 806 of this
24 act shall be submitted as a single ballot measure to the people for
25 their adoption and ratification, or rejection, at the next succeeding
26 general election to be held in this state, in accordance with Article
27 II, section 1 of the state Constitution, as amended, and the laws
28 adopted to facilitate the operation thereof unless section 13, chapter
29 2, Laws of 1994, has been declared invalid or otherwise enjoined or
30 stayed by a court of competent jurisdiction.

31 NEW SECTION. **Sec. 814.** (1) Until July 1, 1994, any reference in
32 this act to the director or department of community, trade, and
33 economic development means the director or department of community
34 development.

1 (2) Until July 1, 1994, any reference in this act to the director
2 or department of fish and wildlife means the director or department of
3 wildlife.

4 NEW SECTION. **Sec. 815.** Part headings and the table of contents as
5 used in this act do not constitute any part of the law.

6 NEW SECTION. **Sec. 816.** Sections 201 through 204, 302, and 330 of
7 this act are necessary for the immediate preservation of the public
8 peace, health, or safety, or support of the state government and its
9 existing public institutions, and shall take effect immediately.

--- END ---