

2 **E2SHB 2319** - S COMM AMD
3 By Committee on Health & Human Services

4
5 Strike everything after the enacting clause and insert the
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15 **PART I. INTENT**

16 NEW SECTION. **Sec. 101.** The legislature finds that the increasing
17 violence in our society causes great concern for the immediate health
18 and safety of our citizens and our social institutions. Youth violence
19 is increasing at an alarming rate and young people between the ages of
20 fifteen and twenty-four are at the highest risk of being perpetrators
21 and victims of violence. Additionally, random violence, including
22 homicide and the use of firearms, has dramatically increased over the
23 last decade.

24 The legislature finds that violence is abhorrent to the aims of a
25 free society and that it can not be tolerated. State efforts at

1 reducing violence must include changes in criminal penalties, reducing
2 the unlawful use of and access to firearms, increasing educational
3 efforts to encourage nonviolent means for resolving conflicts, and
4 allowing communities to design their prevention efforts.

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

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

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

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

27 (1) Serving children and families as a unit in the least
28 restrictive setting available and in close proximity to the family
29 home, consistent with the best interests and special needs of the
30 child;

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

34 (3) Ensuring that the safety and best interests of the child are
35 the paramount considerations when making placement and service delivery
36 decisions;

37 (4) Recognizing the interdependent and changing nature of families
38 and communities, building upon their inherent strengths, maintaining

1 their dignity and respect, and tailoring programs to their specific
2 circumstances;

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

7 ~~((4))~~ (6) Being sensitive to the family and community culture,
8 norms, values, and expectations, ensuring that all services are
9 provided in a culturally appropriate and relevant manner, and ensuring
10 participation of racial and ethnic minorities at all levels of
11 planning, delivery, and evaluation efforts;

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

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

16 ~~((b))~~ (ii) Seek to bring about meaningful change before family
17 situations become irreversibly destructive and before disturbed
18 psychological behavioral patterns and health problems become severe or
19 permanent;

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

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

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

27 ~~((f))~~ (vi) Improve planning, budgeting, and communication among
28 all units of the department ~~((serving))~~ and among all agencies that
29 serve children and families; and

30 ~~((g) Develop)~~ (vii) Utilize outcome standards for measuring the
31 effectiveness of social and health services for children and families.

32 (b) In developing services under this subsection, local communities
33 must be involved in planning and developing community networks that are
34 tailored to their unique needs.

35 **PART II. PUBLIC HEALTH**

36 NEW SECTION. Sec. 201. The legislature recognizes that the state
37 patrol, the office of the administrator for the courts, the sheriffs'

1 and police chiefs' association, the department of social and health
2 services, the department of community development, the sentencing
3 guidelines commission, the department of corrections, and the
4 superintendent of public instruction each have comprehensive data and
5 analysis capabilities that have contributed greatly to our current
6 understanding of crime and violence, and their causes.

7 The legislature finds, however, that a single health-oriented
8 agency must be designated to provide consistent guidelines to all these
9 groups regarding the way in which their data systems collect this
10 important data. It is not the intent of the legislature by section 202
11 of this act to transfer data collection requirements from existing
12 agencies or to require the addition of major new data systems. It is
13 rather the intent to make only the minimum required changes in existing
14 data systems to increase compatibility and comparability, reduce
15 duplication, and to increase the usefulness of data collected by these
16 agencies in developing more accurate descriptions of violence.

17 NEW SECTION. **Sec. 202.** A new section is added to chapter 43.70
18 RCW to read as follows:

19 (1) The department of health shall develop, in consultation with
20 affected groups or agencies, comprehensive rules for the collection and
21 reporting of data relating to acts of violence and associated risk and
22 protective factors. The data collection and reporting rules shall be
23 used by any public or private entity that is required to report data
24 relating to acts of violence or other intentional injuries. The
25 department may require any agency or program that is state-funded or
26 that accepts state funds and any licensed or regulated person or
27 professional to report acts of violence and unintentional injuries. To
28 the extent possible the department shall require the reports to be
29 filed through existing data systems. The department may also require
30 reporting of attempted acts of violence and of nonphysical injuries.
31 For the purposes of this section "acts of violence" means self-directed
32 and interpersonal behaviors that can result in suicide, homicide, and
33 nonfatal intentional injuries.

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

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

4 (4) The department shall publish annual reports on intentional
5 injuries, unintentional injuries, numbers of at-risk youth, and the
6 associated risk and protective factors related to violence. The
7 reports shall be submitted to the legislative budget committee.

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

12 (a) State and local health departments in developing new sources of
13 data to track acts of violence and associated risk and protective
14 factors; and

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

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

19 The public health services improvement plan developed under RCW
20 43.70.520 shall include:

21 (1) Compatible minimum standards for state and local public health
22 assessment, performance measurement, policy development, and assurances
23 regarding social development to reduce at-risk factors and behaviors
24 associated with violence and other public health threats.

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

28 (b) An evaluation of other factors to determine whether they are
29 empirically related risk factors, such as: Child abuse and neglect,
30 out-of-home placements, poverty, single-parent households, inadequate
31 nutrition, hunger, unemployment, lack of job skills, gang affiliation,
32 lack of recreational or cultural opportunities, domestic violence,
33 school absenteeism, court-ordered parenting plans, physical, emotional,
34 or behavioral problems requiring special needs assistance in K-12
35 schools, learning disabilities, and any other possible factors.

36 (3) Data collection and analysis standards on risk and protective
37 factors for use by the local public health departments and the state

1 council and the local community networks to ensure consistent and
2 interchangeable data.

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

5 The department shall provide an annual report to the legislative
6 budget committee on the implementation of this section.

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

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

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

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

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

30 **PART III. COMMUNITY NETWORKS**

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

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

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

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

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

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

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

34 Unless the context clearly requires otherwise, the definitions in
35 this section apply throughout this chapter.

36 (1) "At-risk" children and youth are those who risk the significant
37 loss of social, educational, or economic opportunities. At-risk
38 behaviors include delinquent acts, substance abuse, teen pregnancy and

1 male parentage, suicide attempts, and dropping out of school. At-risk
2 children and youth also include those who are victims of violence,
3 abuse, neglect, and those who have been removed from the custody of
4 their parents.

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

9 ~~((2))~~ (3) "Participating state agencies" means the office of the
10 superintendent of public instruction, the department of social and
11 health services, the department of health, the employment security
12 department, the department of community, trade, and economic
13 development, and such other departments as may be specifically
14 designated by the governor.

15 ~~((3) "Family policy"))~~ (4) "Community public health and safety
16 council" or "council" means: The superintendent of public instruction,
17 the secretary of social and health services, the secretary of health,
18 the commissioner of the employment security department, and the
19 director of the department of community, trade, and economic
20 development or their designees~~((7))~~; one legislator from each caucus of
21 the senate and house of representatives~~((7 and))~~; one representative of
22 the governor; one representative each appointed by the governor for
23 cities, towns, counties, federally recognized Indian tribes, school
24 districts, the children's commission, law enforcement agencies,
25 superior courts, public parks and recreation programs, and private
26 agency service providers; citizen representatives of community
27 organizations not associated with delivery of services affected by
28 chapter . . . , Laws of 1994 (this act); and two chief executive
29 officers of major Washington corporations appointed by the governor.

30 ~~((4))~~ (5) "Outcome" or "outcome based" means defined and
31 measurable outcomes and indicators that make it possible for
32 communities to evaluate progress in meeting their goals ~~((and whether~~
33 ~~systems are fulfilling their responsibilities))~~ in reducing the number
34 of at-risk children and youth through reducing their risk factors and
35 increasing their protective factors.

36 ~~((5))~~ (6) "Matching funds" means an amount no less than twenty-
37 five percent of the amount budgeted for a ~~((consortium's project))~~
38 community network's plan. Up to half of the ~~((consortium's))~~ community
39 network's matching funds may be in-kind goods and services. Funding

1 sources allowable for match include appropriate federal or local levy
2 funds, private charitable funding, and other charitable giving. Basic
3 education funds shall not be used as a match.

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

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

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

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

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

33 (1) The legislature intends to create community public health and
34 safety networks to reconnect parents and other citizens with children,
35 youth, families, and community institutions which support health and
36 safety. The networks should empower parents and other citizens by
37 being a means of expressing their attitudes, spirit, and perspectives
38 regarding safe and healthy family and community life. The legislature

1 intends that parent and other citizen perspectives exercise a
2 controlling influence over policy and program operations of
3 professional organizations concerned with children and family issues
4 within networks in a manner consistent with the Constitution and state
5 law. It is not the intent of the legislature that health, social
6 service, or educational professionals dominate community public health
7 and safety network processes or programs, but rather that these
8 professionals use their skills to lend support to parents and other
9 citizens in expressing their values as parents and other citizens
10 identify community needs and establish community priorities. To this
11 end, the legislature intends full participation of parents and other
12 citizens in community public health and safety networks. The intent is
13 that local community values are reflected in the operations of the
14 network.

15 (2) A group of persons described in subsection (3) of this section
16 may apply by December 1, 1994, to be a community public health and
17 safety network.

18 (3) Each community public health and safety network shall be
19 composed of twenty-three people, thirteen of whom shall be citizens
20 with no direct fiduciary interest in health, education, social service,
21 or justice system organizations operating within the network area. In
22 selecting these members, consideration shall be given to citizen
23 members of community mobilization advisory boards, city or county
24 children's services commissions, human services advisory boards, or
25 other such organizations which may exist within the network. These
26 thirteen persons shall be selected as follows: Three by the chambers
27 of commerce located in the network, three by school board members of
28 the school districts within the network boundary, three by the county
29 legislative authorities of the counties within the network boundary,
30 three by the city legislative authorities of the cities within the
31 network boundary, and one high school student, selected by student
32 organizations within the network boundary. The remaining ten members
33 shall include local representation from the following groups and
34 entities: Cities, counties, federally recognized Indian tribes, parks
35 and recreation programs, law enforcement agencies, superior court
36 judges, state children's service workers from within the network area,
37 employment assistance workers from within the network area, private
38 social, educational, or health service providers from within the
39 network area, and broad-based nonsecular organizations.

1 (4) A list of the network members shall be submitted to the
2 governor on December 1, 1994, by the network chair who shall be
3 selected by network members at their first meeting. The list shall
4 become final unless the governor chooses other members by December 20,
5 1994. The governor shall accept the list unless he or she believes the
6 proposed list does not adequately represent all parties identified in
7 subsection (3) of this section or a member has a conflict of interest
8 between his or her membership and his or her livelihood. Members of
9 the community network shall serve terms of three years.

10 The terms of the initial members of each network shall be as
11 follows: (a) One-third shall serve for one year; (b) one-third shall
12 serve for two years; and (c) one-third shall serve for three years.
13 Initial members may agree which shall serve fewer than three years or
14 the decision may be made by lot. The same process shall be used in the
15 selection of the chair and members for subsequent terms. Any vacancy
16 occurring during the term may be filled by the chair for the balance of
17 the unexpired term.

18 (5) The network shall select a public entity as the lead
19 administrative and fiscal agency for the network. In making the
20 selection, the network shall consider: (a) Experience in administering
21 prevention and intervention programs; (b) the relative geographical
22 size of the network and its members; (c) budgeting and fiscal capacity;
23 and (d) how diverse a population each entity represents.

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

26 The community public health and safety networks shall:

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

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

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

37 (4) Distribute funds to local programs that reflect the locally
38 established priorities;

- 1 (5) Comply with outcome-based standards for determining success;
- 2 (6) Cooperate with the department of health and local boards of
3 health to provide data and determine outcomes; and
- 4 (7) Coordinate its efforts with anti-drug use efforts and
5 organizations and maintain a high priority for combatting drug use by
6 at-risk youth.

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

9 (1) The community network's plan may include a program to provide
10 postsecondary scholarships to at-risk students who: (a) Are community
11 role models under criteria established by the community network; (b)
12 successfully complete high school; and (c) maintain at least a 2.5
13 grade point average throughout high school. Funding for the
14 scholarships may include public and private sources.

15 (2) The community network's plan may also include funding of
16 community-based home visitor programs which are designed to reduce the
17 incidence of child abuse and neglect with the network. The program may
18 provide parents with education and support either in parents' homes or
19 in other locations comfortable for parents, beginning with the birth of
20 their first baby. The program may make the following services
21 available to the families:

22 (a) Visits for all expectant or new parents, either at the parent's
23 home or another location with which the parent is comfortable;

24 (b) Screening before or soon after the birth of a child to assess
25 the family's strengths and goals and define areas of concern in
26 consultation with the family;

27 (c) Parenting education and skills development;

28 (d) Parenting and family support information and referral;

29 (e) Parent support groups; and

30 (f) Service coordination for individual families, and assistance
31 with accessing services, provided in a manner that ensures that
32 individual families have only one individual or agency to which they
33 look for service coordination. Where appropriate for a family, service
34 coordination may be conducted through interdisciplinary or interagency
35 teams.

36 (3) The community network may include funding of:

37 (a) At-risk youth job placement and training programs. The
38 programs shall:

- 1 (i) Identify and recruit at-risk youth for local job opportunities;
2 (ii) Provide skills and needs assessments for each youth recruited;
3 (iii) Provide career and occupational counseling to each youth
4 recruited;
5 (iv) Identify businesses willing to provide employment and training
6 opportunities for at-risk youth;
7 (v) Match each youth recruited with a business that meets his or
8 her skills and training needs;
9 (vi) Provide employment and training opportunities that prepare the
10 individual for demand occupations; and
11 (vii) Include, to the extent possible, collaboration of business,
12 labor, education and training, community organizations, and local
13 government;
14 (b) Employment assistance, including job development, school-to-
15 work placement, employment readiness training, basic skills,
16 apprenticeships, job mentoring, and private sector and community
17 service employment;
18 (c) Education assistance, including tutoring, mentoring,
19 interactions with role models, entrepreneurial education and projects,
20 and employment reentry assistance services;
21 (d) Peer-to-peer, group, and individual counseling, including
22 crisis intervention, for at-risk youth and their parents;
23 (e) Youth coalitions that provide opportunities to develop
24 leadership skills and gain appropriate respect, recognition, and
25 rewards for their positive contribution to their community;
26 (f) Technical assistance to applicants to increase their
27 organizational capacity and to improve the likelihood of a successful
28 application; and
29 (g) Technical assistance and training resources to successful
30 applicants.

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
37 region will be given up to one year to submit the long-term community
38 plan. Effective July 1, 1995, up to one-half of the community networks

1 will be eligible to receive grant funds for prevention and early
2 intervention programs.

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

6 (3) The participating state agencies shall enter into biennial
7 contracts with community networks as part of the grant process. The
8 contracts shall be consistent with available resources, and shall be
9 distributed in accordance with the distribution formula developed
10 pursuant to section 325 of this act.

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

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

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

20 The community public health and safety council shall:

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

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

34 (3) Approve the structure, purpose, goals, plan, and performance
35 measurements of each community network;

36 (4) Identify all prevention and early intervention programs and
37 funds, other than program funds designed for treatment as defined in
38 section 308 of this act, including all programs funded under RCW

1 69.50.520, in addition to those set forth in sections 311 through 315
2 of this act, which could be transferred, in all or part, to the
3 community networks, and report their findings and recommendations to
4 the governor and the legislature regarding any appropriate program
5 transfers by January 1 of each year;

6 (5) Reward community networks that show exceptional success as
7 provided in section 325 of this act;

8 (6) Seek every opportunity to maximize federal and other funding
9 that is consistent with the plans approved by the council for the
10 purpose and goals of this chapter;

11 (7) Review the state-funded out-of-home placement rate before the
12 end of each contract to determine whether the region has sufficiently
13 reduced the rate. If the council determines that there has not been a
14 sufficient reduction in the rate, it may reduce the immediately
15 succeeding grant to the network; and

16 (8) Review the implementation of chapter . . . , Laws of 1994 (this
17 act) and report its recommendations to the legislature annually. The
18 report shall use measurable performance standards to evaluate the
19 implementation.

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

22 (1) The council may, by a vote of its membership, remove from a
23 program, subject to the grant process under this chapter, any funds
24 that are used solely for treatment.

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

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

30 (1) The participating state agencies shall execute an interagency
31 agreement to ensure the coordination of their local program efforts
32 regarding children. This agreement shall recognize and give specific
33 planning, coordination, and program administration responsibilities to
34 community networks after the approval under section 310 of this act of
35 their comprehensive community plans. The community networks shall
36 encourage the development of integrated, regionally based children,
37 youth, and family activities and services with adequate local

1 flexibility to accomplish the purposes stated in section 101 of this
2 act and RCW 74.14A.020.

3 (2) The community networks shall exercise the planning,
4 coordinating, and program administration functions specified by the
5 state interagency agreement in addition to other activities required by
6 law, and shall participate in the planning process required by chapter
7 71.36 RCW.

8 (3) Any state or federal funds identified for contracts with
9 community networks shall be transferred with no reductions. Until
10 federal waivers are obtained, federal funds shall be used only for
11 federally allowable purposes.

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

14 (1) The council shall only disburse funds to a community network
15 after a comprehensive community plan has been prepared and approved by
16 the network. In approving the plan the council shall consider whether
17 the network:

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

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

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

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

30 (e) Considered all relevant causes of violence in its community and
31 did not isolate only one or a few of the elements to the exclusion of
32 others and demonstrated evidence of building community capacity through
33 effective neighborhood and community development; and

34 (f) Committed to make measurable reductions in the number of at-
35 risk children and youth by reducing state-funded out-of-home placements
36 and make reductions in at least three of the following areas: Violent
37 criminal acts by juveniles, substance abuse, teen pregnancy and male

1 parentage, teen suicide attempts, or the youth rate of dropping out of
2 school.

3 (2) Upon approval of a community network's plan, the council shall
4 grant all of the funds for the programs identified in sections 311
5 through 315 of this act, unless the community network has demonstrated
6 that a specific program, or a part of a program, should not be granted
7 to the network. To preclude a grant, the community network shall
8 demonstrate, in a detailed plan, that the existing program, or part of
9 a program:

10 (a) Is incorporated into the community plan;

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

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

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

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

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

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

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

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

31 (1) The victim's assistance program, except sexual assault
32 services;

33 (2) Consolidated juvenile services; and

34 (3) Family preservation and support services.

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

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

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

- 10 (1) The readiness to learn program; and
11 (2) Drug and alcohol abuse prevention and early intervention in
12 schools under RCW 28A.170.075 through 28A.170.100.

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

15 The department of community, trade, and economic development shall,
16 subject to the provisions of sections 308 and 310(2) of this act,
17 contract with the community networks approved under section 310 of this
18 act, on a grant basis, for the administration of an integrated program
19 reducing the number of at-risk children and youth beginning July 1,
20 1995. The contracts shall include state and federal funds currently
21 appropriated for at least:

- 22 (1) The community mobilization program; and
23 (2) The violence prevention program.

24 NEW SECTION. **Sec. 314.** A new section is added to chapter 70.190
25 RCW to read as follows:

26 All funds transferred to community networks for programs under RCW
27 28A.170.075 through 28A.170.100 and chapter 43.270 RCW shall, until
28 July 1, 1997, be used only for the purposes of RCW 28A.170.075 through
29 28A.170.100 and chapter 43.270 RCW.

30 NEW SECTION. **Sec. 315.** A new section is added to chapter 43.101
31 RCW to read as follows:

32 The criminal justice training commission shall, subject to the
33 provisions of sections 308 and 310(2) of this act, contract with
34 community networks approved under section 310 of this act, on a grant
35 basis for the administration of an integrated program reducing the
36 number of at-risk children and youth. The contract shall include all

1 state and federal funds currently appropriated for the community-police
2 partnership program under RCW 43.101.240.

3 **Sec. 316.** RCW 43.101.240 and 1989 c 271 s 423 are each amended to
4 read as follows:

5 (1) The criminal justice training commission in cooperation with
6 the United States department of justice department of community
7 relations (region X) shall conduct an assessment of successful
8 community-police partnerships throughout the United States. The
9 commission shall develop training for local law enforcement agencies
10 targeted toward those communities where there has been a substantial
11 increase in drug crimes. The purpose of the training is to facilitate
12 cooperative community-police efforts and enhanced community protection
13 to reduce drug abuse and related crimes. The training shall include
14 but not be limited to conflict management, ethnic sensitivity, cultural
15 awareness, and effective community policing. ~~((The commission shall
16 report its findings and progress to the legislature by January 1990.))~~

17 (2) Local law enforcement agencies are encouraged to form
18 community-police partnerships in ~~((areas of substantial drug crimes))~~
19 all neighborhoods and particularly areas with high rates of criminal
20 activity. These partnerships are encouraged to organize citizen-police
21 task forces which meet on a regular basis to promote greater citizen
22 involvement in combatting drug abuse and to reduce tension between
23 police and citizens. Partnerships that are formed are encouraged to
24 report to the criminal justice training commission of their formation
25 and progress.

26 ~~((3) The sum of one hundred fifty thousand dollars, or as much
27 thereof as may be necessary, is appropriated for the biennium ending
28 June 30, 1991, from the drug enforcement and education account to the
29 eriminal justice training commission for the purposes of subsection (1)
30 of this section.))~~

31 NEW SECTION. **Sec. 317.** A new section is added to chapter 70.190
32 RCW to read as follows:

33 If there exist any federal restrictions against the transfer of
34 funds, for the programs enumerated in sections 309 through 315 of this
35 act, to the community networks, the council shall assist the governor
36 in immediately applying to the federal government for waivers of the
37 federal restrictions. The council shall also assist the governor in

1 coordinating efforts to make any changes in federal law necessary to
2 meet the purpose and intent of chapter . . . , Laws of 1994 (this act).

3 NEW SECTION. **Sec. 318.** A new section is added to chapter 70.190
4 RCW to read as follows:

5 For grant funds awarded under sections 307 and 311 through 315 of
6 this act, no state agency may require any other program requirements,
7 except those necessary to meet federal funding standards or
8 requirements. None of the grant funds awarded to the community
9 networks shall be considered as new entitlements.

10 NEW SECTION. **Sec. 319.** A new section is added to chapter 70.190
11 RCW to read as follows:

12 The implementation of community networks shall be included in all
13 federal and state plans affecting the state's children, youth, and
14 families. The plans shall be consistent with the intent and
15 requirements of this chapter.

16 **Sec. 320.** RCW 70.190.020 and 1992 c 198 s 4 are each amended to
17 read as follows:

18 To the extent that any power or duty of the council (~~created~~
19 ~~according to chapter 198, Laws of 1992~~) may duplicate efforts of
20 existing councils, commissions, advisory committees, or other entities,
21 the governor is authorized to take necessary actions to eliminate such
22 duplication. This shall include authority to consolidate similar
23 councils or activities in a manner consistent with the goals of this
24 chapter (~~198, Laws of 1992~~).

25 **Sec. 321.** RCW 70.190.030 and 1992 c 198 s 5 are each amended to
26 read as follows:

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

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

33 (~~b~~) community networks;

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

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

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

10 ~~(e) The consortium has provided written agreements that identify a
11 lead agency that will assume fiscal and programmatic responsibility for
12 the project, and identify participants in a consortium council with
13 broad participation and that shall have responsibility for ensuring
14 effective coordination of resources; and~~

15 ~~(f))~~ (4) The ~~((consortium))~~ community network has designed into
16 its comprehensive plan standards for accountability. Accountability
17 standards include, but are not limited to, the public hearing process
18 eliciting public comment about the appropriateness of the proposed
19 comprehensive plan. The ~~((consortium))~~ community network must submit
20 reports to the ~~((family policy))~~ council outlining the public response
21 regarding the appropriateness and effectiveness of the comprehensive
22 plan.

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

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

28 **Sec. 322.** RCW 70.190.040 and 1993 c 336 s 901 are each amended to
29 read as follows:

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

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

36 **Sec. 323.** RCW 70.190.900 and 1992 c 198 s 11 are each amended to
37 read as follows:

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

5 NEW SECTION. **Sec. 324.** A new section is added to chapter 43.41
6 RCW to read as follows:

7 The office of financial management shall review the administration
8 of funds as modified by sections 307 and 311 through 317 of this act
9 and shall by January 1, 1995, propose legislation to complete
10 interdepartmental transfers of funds or programs needed to place all
11 programs and funds affected by sections 307 and 311 through 317 of this
12 act into a single existing state agency. The proposal shall place
13 these programs in a single state agency whose statutory purpose,
14 mission, goals, and operating philosophy most closely supports the
15 principles and purposes of section 101 of this act and RCW 74.14A.020.
16 The office of financial management may not suggest the creation of a
17 new state agency for the function unless, after thorough review and
18 documentation, the office of financial management determines that no
19 suitable state agency exists. The office of financial management shall
20 review statutes that authorize the programs transferred by sections 311
21 through 317 of this act and suggest legislation to eliminate statutory
22 requirements that may interfere with the administration of that policy.

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

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

30 (a) The number of arrests and convictions for juvenile violent
31 offenses;

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

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

35 (d) The number of child and teenage suicides and attempted
36 suicides; and

37 (e) The high school graduation rate.

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

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

9 (4) The office of financial management shall submit the
10 distribution formula to the community public health and safety council
11 and to the appropriate committees of the legislature by December 20,
12 1994.

13 NEW SECTION. **Sec. 326.** A new section is added to chapter 70.190
14 RCW to read as follows:

15 If a community network is unable or unwilling to assume powers and
16 duties authorized under this chapter by June 30, 1998, and the
17 legislative budget committee recommends under section 701 of this act
18 making grants with available funds, the office of financial management
19 may transfer all funds and programs to a single state agency for the
20 purpose of integrating the programs and services.

21 NEW SECTION. **Sec. 327.** The secretary of social and health
22 services and the insurance commissioner shall conduct a study regarding
23 liability issues and insurance rates for private nonprofit group homes
24 that contract with the department for client placement. The secretary
25 and commissioner shall report their findings and recommendations to the
26 legislature by November 15, 1994.

27 NEW SECTION. **Sec. 328.** A new section is added to chapter 43.20A
28 RCW to read as follows:

29 The secretary of social and health services shall make all of the
30 department's evaluation and research materials and data on private
31 nonprofit group homes available to group home contractors. The
32 department may delete any information from the materials that
33 identifies a specific client or contractor, other than the contractor
34 requesting the materials.

1 NEW SECTION. **Sec. 329.** The governor shall appoint the initial
2 members of the community public health and safety council by May 15,
3 1994.

4 NEW SECTION. **Sec. 330.** RCW 70.190.900 and 1994 c . . . s 323
5 (section 323 of this act) & 1992 c 198 s 11 are each repealed.

6 NEW SECTION. **Sec. 331.** Section 330 of this act shall take effect
7 July 1, 1995.

8 **PART IV. PUBLIC SAFETY**

9 **Sec. 401.** RCW 43.06.260 and 1969 ex.s. c 186 s 7 are each amended
10 to read as follows:

11 After the proclamation of a state of emergency as provided in RCW
12 43.06.010 any person ((~~sixteen~~)) fourteen years of age or over who
13 violates any provision of RCW 43.06.010((~~, and~~)) or 43.06.200 through
14 43.06.270 shall be ((~~prosecuted as an adult~~)) subject to a decline
15 hearing under RCW 13.40.110.

16 NEW SECTION. **Sec. 402.** A new section is added to chapter 35.21
17 RCW to read as follows:

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

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

31 NEW SECTION. **Sec. 403.** A new section is added to chapter 35A.11
32 RCW to read as follows:

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

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

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

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

23 (2) The ordinance shall: (a) Contain clear specific prohibitions
24 in terms of location, conduct, and ages; and (b) accommodate (i)
25 juveniles acting in the course of their employment, (ii) juveniles
26 engaged in organized school activities, (iii) the physical well-being
27 of the juvenile, and (iv) juveniles who are in the presence of their
28 parents.

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

31 (1) In addition to any other authority to revoke driving privileges
32 under this chapter, the department shall revoke all driving privileges
33 of a juvenile when the department receives notice from a court pursuant
34 to section 407 or 408 of this act, RCW 13.40.265, 66.44.365, 69.41.065,
35 69.50.420, 69.52.070, or a substantially similar municipal ordinance
36 adopted by a local legislative authority, or from a diversion unit

1 pursuant to RCW 13.40.265. The revocation shall be imposed without
2 hearing.

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

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

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

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

15 (4)(a) If the department receives notice pursuant to RCW
16 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
17 diversion agreement for which the juvenile's driving privileges were
18 revoked, the department shall reinstate any driving privileges revoked
19 under this section as provided in (b) of this subsection.

20 (b) If the diversion agreement was for the juvenile's first
21 violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the
22 department shall not reinstate the juvenile's privilege to drive until
23 the later of ninety days after the date the juvenile turns sixteen or
24 ninety days after the juvenile entered into a diversion agreement for
25 the offense. If the diversion agreement was for the juvenile's second
26 or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52
27 RCW, the department shall not reinstate the juvenile's privilege to
28 drive until the later of the date the juvenile turns seventeen or one
29 year after the juvenile entered into the second or subsequent diversion
30 agreement.

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

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

1 (b) Except as otherwise provided in (c) of this subsection, upon
2 petition of a juvenile who has been found by the court to have
3 committed an offense that is a violation of chapter 9.41, 66.44, 69.41,
4 69.50, or 69.52 RCW, the court may at any time the court deems
5 appropriate notify the department of licensing that the juvenile's
6 driving privileges should be reinstated.

7 (c) If the offense is the juvenile's first violation of chapter
8 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition
9 the court for reinstatement of the juvenile's privilege to drive
10 revoked pursuant to RCW 46.20.265 until ninety days after the date the
11 juvenile turns sixteen or ninety days after the judgment was entered,
12 whichever is later. If the offense is the juvenile's second or
13 subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52
14 RCW, the juvenile may not petition the court for reinstatement of the
15 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until
16 the date the juvenile turns seventeen or one year after the date
17 judgment was entered, whichever is later.

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

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

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

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

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

37 (3) If the conviction is for the juvenile's first violation of this
38 chapter or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may

1 not petition the court for reinstatement of the juvenile's privilege to
2 drive revoked pursuant to RCW 46.20.265 until the later of ninety days
3 after the date the juvenile turns sixteen or ninety days after the
4 judgment was entered. If the conviction was for the juvenile's second
5 or subsequent violation of this chapter or chapter 66.44, 69.41, 69.50,
6 or 69.52 RCW, the juvenile may not petition the court for reinstatement
7 of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265
8 until the later of the date the juvenile turns seventeen or one year
9 after the date judgment was entered.

10 NEW SECTION. **Sec. 408.** A new section is added to chapter 9.94A
11 RCW to read as follows:

12 Upon conviction of any person under age eighteen of an offense
13 involving the use of a deadly weapon as defined in RCW 9A.04.110 or a
14 violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court
15 shall notify the department of licensing of the conviction.

16 NEW SECTION. **Sec. 409.** A new section is added to chapter 9.41 RCW
17 to read as follows:

18 Upon conviction of any person of any offense that disqualifies the
19 offender from ownership of a pistol the court shall: (1) Immediately
20 revoke the concealed pistol license of the offender, if any; (2) order
21 the immediate surrender of the license to the court; (3) destroy the
22 license, unless an appeal of the conviction is timely filed, in which
23 case the court shall retain possession of the license until a final
24 determination of the appeal; and (4) notify the department of licensing
25 of the revocation.

26 If the license has not otherwise expired, the court shall restore,
27 without cost, the license of a person whose conviction is reversed on
28 appeal. The person shall also be eligible for relicensing without
29 consideration of the original conviction. Upon restoration, the court
30 shall immediately notify the department of licensing.

31 NEW SECTION. **Sec. 410.** A new section is added to chapter 9.41 RCW
32 to read as follows:

33 Upon receipt of notice from the court under section 409 of this
34 act, the department shall correct its records to reflect the revocation
35 or restoration of the concealed pistol license.

1 **Sec. 411.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
2 each reenacted and amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

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

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

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

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

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

28 (4) "Dealer" means:

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

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

34 (c) Any person who is a pawnbroker.

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

36 (i) As applied to a dealer as defined in subsection (4)(a) of this
37 section, a person who devotes time, attention, and labor to dealing in
38 firearms as a regular course of trade or business with the principal
39 objective of livelihood and profit through the repetitive purchase and

1 resale of firearms, but such term shall not include a person who makes
2 occasional sales, exchanges, or purchases of firearms for the
3 enhancement of a personal collection or for a hobby, or who sells all
4 or part of his or her personal collection of firearms;

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

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

17 (c) The possession of a federal firearms license under 18 U.S.C.
18 Sec. 923 does not constitute conclusive proof that the holder is a
19 person engaged in business as a dealer.

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

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

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

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

33 (a) Any crime of violence;

34 (b) Child molestation in the second degree;

35 (c) Controlled substance homicide;

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

37 (e) Indecent liberties;

38 (f) Leading organized crime;

39 (g) Promoting prostitution in the first degree;

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

19 **Sec. 412.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are
20 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

35 **Sec. 413.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each
36 amended to read as follows:

37 (1) Except in the person's place of abode or fixed place of
38 business, a person shall not carry a pistol concealed on his or her

1 person without a concealed pistol license (~~to carry a concealed~~
2 ~~weapon~~)).

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

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

14 **Sec. 414.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read
15 as follows:

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

1 **Sec. 415.** 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 years from date of issue, for the
8 purposes of protection or while engaged in business, sport, or while
9 traveling. However, if the applicant does not have a valid permanent
10 Washington driver's license or Washington state identification card or
11 has not been a resident of the state for the previous consecutive
12 ninety days, the issuing authority shall have up to (~~sixty~~) seventy-
13 five days after the filing of the application to issue a license. Such
14 applicant's constitutional right to bear arms shall not be denied,
15 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))~~ thirty dollars~~((:—PROVIDED, That))~~.
7 No other ~~((additional charges by any))~~ branch or unit of government
8 ~~((shall be borne by))~~ may impose any additional charges on the
9 applicant for the issuance of the license~~((:—PROVIDED FURTHER, That))~~.

10 The fee shall be distributed as follows:

11 (a) Four 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))~~ Fifteen dollars and fifty cents shall be paid to the
15 issuing authority solely for the purpose of enforcing this chapter;
16 ~~((and))~~

17 (d) Three dollars to the firearms range account in the general
18 fund; and

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

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

26 The renewal fee shall be distributed as follows:

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

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

30 (c) Three dollars to the firearms range account in the general
31 fund; and

32 (d) Three dollars to the department of licensing.

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

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

1 date of the license must pay a late renewal penalty of ten dollars in
2 addition to the renewal fee specified in subsection (~~(7)~~) (8) of this
3 section. The fee shall be distributed as follows:

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

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

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

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

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

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

36 **Sec. 416.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
37 as follows:

1 (1) No person (~~shall~~) may deliver a pistol or ammunition usable
2 only in a pistol to any person under the age of twenty-one or to one
3 who he or she has reasonable cause to believe (~~has been convicted of~~
4 a crime of violence, or is a drug addict, an habitual drunkard, or of
5 unsound mind)) is ineligible to possess a pistol under RCW 9.41.040.
6 Violation of this subsection is a gross misdemeanor for the first
7 offense and a class C felony punishable under chapter 9A.20 RCW for all
8 subsequent offenses.

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

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

15 **Sec. 417.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read
16 as follows:

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

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

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

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

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

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

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

38 CAUTION: Although state and local laws do not differ, federal
39 law and state law on the possession of firearms differ. If you

1 are prohibited by federal law from possessing a firearm, you
2 may be prosecuted in federal court. State permission to
3 purchase a firearm is not a defense to a federal prosecution.

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

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

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

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

31 **Sec. 418.** RCW 9.41.095 and 1969 ex.s. c 227 s 3 are each amended
32 to read as follows:

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

1 appear at such hearing and to present proof relating to the grounds for
2 denial. In the event that the evidence so presented does not sustain
3 one of the grounds for denial enumerated in RCW 9.41.090, the
4 legislative authority shall authorize the sale.

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

8 **Sec. 419.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
9 as follows:

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

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

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

21 (c) Found in the possession or under the control of a person at the
22 time the person committed or was arrested for committing a crime of
23 violence or a crime in which a firearm was used or displayed or a
24 felony violation of the Uniform Controlled Substances Act, chapter
25 69.50 RCW;

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

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

34 (f) Found in the possession of a person free on bail or personal
35 recognizance pending trial, appeal, or sentencing for a crime of
36 violence or a crime in which a firearm was used or displayed, except
37 that violations of Title 77 RCW shall not result in forfeiture under
38 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. 420.** 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) A licensing authority shall, within forty-five days
24 after the filing of an application of any person for a dealer's
25 license, determine whether to grant the license. However, if the
26 applicant does not have a valid permanent Washington driver's license
27 or Washington state identification card, or has not been a resident of
28 the state for the previous consecutive ninety days, the licensing
29 authority shall have up to seventy-five days to determine whether to
30 issue a license. No person shall qualify for a license under this
31 section without first receiving a federal firearms license and
32 undergoing fingerprinting and a background check. In addition, no
33 person ineligible to possess a firearm under RCW 9.41.040 or ineligible
34 for a concealed pistol license under RCW 9.41.070 shall qualify for a
35 dealer's license.

36 (b) A dealer shall require every employee who may sell a firearm in
37 the course of his or her employment to undergo fingerprinting and a
38 background check. An employee must be eligible to own, possess, or
39 control a firearm, and eligible for a concealed pistol license, before

1 being permitted to sell a firearm. Every employee shall comply with
2 requirements concerning purchase applications and restrictions on
3 delivery of pistols that are applicable to dealers.

4 ~~(6)(a)~~ The business shall be carried on only in the building
5 designated in the license.

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

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

14 ~~((4) A true record in triplicate shall be made of every pistol~~
15 ~~sold, in a book kept for the purpose, the form of which may be~~
16 ~~prescribed by the director of licensing and shall be personally signed~~
17 ~~by the purchaser and by the person effecting the sale, each in the~~
18 ~~presence of the other, and shall contain the date of sale, the caliber,~~
19 ~~make, model and manufacturer's number of the weapon, the name, address,~~
20 ~~occupation, color and place of birth of the purchaser and a statement~~
21 ~~signed by the purchaser that he has never been convicted in this state~~
22 ~~or elsewhere of a crime of violence. One copy shall within six hours~~
23 ~~be sent by registered mail to the chief of police of the municipality~~
24 ~~or the sheriff of the county of which the dealer is a resident; the~~
25 ~~duplicate the dealer shall within seven days send to the director of~~
26 ~~licensing; the triplicate the dealer shall retain for six years.~~

27 ~~(5) This section shall not apply to sales at wholesale.)~~ (d) The
28 license fee for pistols shall be one hundred fifty dollars. The
29 license fee for firearms other than pistols shall be one hundred fifty
30 dollars. The license fee for ammunition shall be one hundred fifty
31 dollars. Any dealer who obtains any license under subsection (1), (2),
32 or (3) of this section may also obtain the remaining licenses without
33 payment of any fee. The fees received under this section shall be
34 deposited in the violence reduction and drug enforcement account under
35 RCW 69.50.520 for the purpose of providing firearm safety training
36 through the department of fish and wildlife in whatever manner the
37 director deems appropriate.

38 ~~((6))~~ (7) The dealer's licenses authorized to be issued by this
39 section are general licenses covering all sales by the licensee within

1 the effective period of the licenses. The department shall provide a
2 single application form for dealer's licenses.

3 ~~((7))~~ (8) Except as provided in RCW 9.41.090 ~~((as now or~~
4 ~~hereinafter amended))~~, every city, town, and political subdivision of
5 this state is prohibited from requiring the purchaser to secure a
6 permit to purchase or from requiring the dealer to secure an individual
7 permit for each sale.

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

10 **Sec. 421.** RCW 9.41.140 and 1961 c 124 s 10 are each amended to
11 read as follows:

12 No person ~~((shall))~~ may change, alter, remove, or obliterate the
13 name of the maker, model, manufacturer's number, or other mark of
14 identification on any ~~((pistol))~~ firearm. Possession of any ~~((pistol))~~
15 firearm upon which any such mark shall have been changed, altered,
16 removed, or obliterated, shall be prima facie evidence that the
17 possessor has changed, altered, removed, or obliterated the same. This
18 shall not apply to replacement barrels in old ~~((revolvers))~~ firearms,
19 which barrels are produced by current manufacturers and ~~((therefor))~~ do
20 not have the markings on the barrels of the original manufacturers who
21 are no longer in business.

22 **Sec. 422.** RCW 9.41.170 and 1979 c 158 s 3 are each amended to read
23 as follows:

24 It shall be unlawful for any person who is not a citizen of the
25 United States, or who has not declared his or her intention to become
26 a citizen of the United States, to carry or have in his or her
27 possession at any time any shotgun, rifle, or other firearm, without
28 first having obtained a license from the director of licensing, and
29 such license is not to be issued by the director of licensing except
30 upon the certificate of the consul domiciled in the state and
31 representing the country of such alien, that he or she is a responsible
32 person and upon the payment for the license of the sum of fifteen
33 dollars: PROVIDED, That this section shall not apply to Canadian
34 citizens resident in a province which has an enactment or public policy
35 providing substantially similar privilege to residents of the state of
36 Washington and who are carrying or possessing weapons for the purpose
37 of using them in the hunting of game while such persons are in the act

1 of hunting, or while on a hunting trip, or while such persons are
2 competing in a bona fide trap or skeet shoot or any other organized
3 contest where rifles, pistols, or shotguns are used as to weapons used
4 in such contest. Nothing in this section (~~shall be construed to~~)
5 allows aliens to hunt or fish in this state without first having
6 obtained a regular hunting or fishing license. Any person violating
7 the provisions of this section shall be guilty of a misdemeanor.

8 **Sec. 423.** RCW 9.41.180 and 1992 c 7 s 8 are each amended to read
9 as follows:

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

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

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

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

22 **Sec. 424.** RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each
23 amended to read as follows:

24 (1) It is unlawful for any person to manufacture, own, buy, sell,
25 loan, furnish, transport, or have in his or her possession (~~or under~~
26 control), any machine gun, or any part thereof capable of use or
27 assembling or repairing any machine gun(~~:- PROVIDED, HOWEVER, That~~
28 such limitation)).

29 (2) This section shall not apply to:

30 (a) Any peace officer in the discharge of official duty, or to any
31 officer or member of the armed forces of the United States or the state
32 of Washington(~~:- PROVIDED FURTHER, That this section does not apply~~
33 to)) in the discharge of official duty; or

34 (b) A person, including an employee of such person, who or which is
35 exempt from or licensed under the National Firearms Act (26 U.S.C.
36 section 5801 et seq.), and engaged in the production, manufacture, or
37 testing of weapons or equipment to be used or purchased by the armed

1 forces of the United States, and having a United States government
2 industrial security clearance.

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

5 **Sec. 425.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read
6 as follows:

7 ~~((No minor under the age of fourteen years shall handle or have in~~
8 ~~his possession or under his control, except while accompanied by or~~
9 ~~under the immediate charge of his parent or guardian or other adult~~
10 ~~approved for the purpose of this section by the parent or guardian, or~~
11 ~~while under the supervision of a certified safety instructor at an~~
12 ~~established gun range or firearm training class, any firearm of any~~
13 ~~kind for hunting or target practice or for other purposes.)) (1) Except~~
14 as provided in this section, no person: (a) Under the age of twenty-
15 one may handle, possess, or control any pistol or ammunition usable
16 only in a pistol; or (b) under the age of fourteen may handle, possess,
17 or control any firearm or ammunition.

18 (2) Subsection (1) of this section shall not apply to any person:

19 (a) While in the presence of the person's parent, guardian, or
20 other adult approved for the purpose of this section by the parent or
21 guardian;

22 (b) While engaged in hunting when in possession of a valid license
23 issued under RCW 77.32.101; or

24 (c) While under the supervision of a certified safety instructor at
25 an established gun range or at a firearm training class.

26 (3) This section shall not apply to any peace officer in the
27 discharge of official duty, or to any officer or member of the armed
28 forces of the United States or the state of Washington in the discharge
29 of official duty.

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

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

1 **Sec. 426.** RCW 9.41.250 and 1959 c 143 s 1 are each amended to read
2 as follows:

3 (~~Every~~) It is unlawful for any person (~~(who shall)~~) to
4 manufacture, own, buy, sell (~~((or dispose of))~~), loan, furnish,
5 transport, or have in his or her possession any (~~(instrument or)~~)
6 deadly weapon (~~((of the kind usually known as slung shot, sand club, or~~
7 ~~metal knuckles, or spring blade knife, or any knife the blade of which~~
8 ~~is automatically released by a spring mechanism or other mechanical~~
9 ~~device, or any knife having a blade which opens, or falls, or is~~
10 ~~ejected into position by the force of gravity, or by an outward,~~
11 ~~downward, or centrifugal thrust or movement; who shall furtively carry~~
12 ~~with intent to conceal any dagger, dirk, pistol, or other dangerous~~
13 ~~weapon; or who shall use any contrivance or device for suppressing the~~
14 ~~noise of any firearm, shall be guilty of a gross))~~) other than a firearm
15 or motor vehicle. A violation of this section is a misdemeanor. This
16 section does not apply to law enforcement or any person engaged in
17 military activities sponsored by the federal or state governments.

18 **Sec. 427.** RCW 9.41.260 and 1909 c 249 s 283 are each amended to
19 read as follows:

20 Every proprietor, lessee or occupant of any place of amusement, or
21 any plat of ground or building, who shall allow it to be used for the
22 exhibition of skill in throwing any sharp instrument or in shooting any
23 bow (~~(gun, pistol)~~) or firearm of any description, at or toward any
24 human being, shall be guilty of a misdemeanor.

25 **Sec. 428.** RCW 9.41.270 and 1969 c 8 s 1 are each amended to read
26 as follows:

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

35 (2) (~~Any person violating the provisions of subsection (1) above~~
36 ~~shall be guilty of a gross misdemeanor)) It is a gross misdemeanor to
37 willfully discharge any firearm, air gun, or other deadly weapon or~~

1 throw any deadly weapon in a public place, or in any place where any
2 reasonable person believes a person might be endangered thereby,
3 although no injury results; or to use any contrivance or device for
4 suppressing the noise of any firearm. A public place shall not include
5 any location at which firearms are authorized to be lawfully
6 discharged.

7 (3) It is a misdemeanor to carry a concealed deadly weapon, except
8 for a pistol when the person carrying the pistol is licensed under RCW
9 9.41.070.

10 (4) For purposes of this section, "reasonable" means a conclusion
11 that a person of ordinary intelligence, given the circumstances during
12 which a belief is held or an event occurred, would be expected to
13 reach, or an action that a person of ordinary intelligence would be
14 expected to take.

15 (5) Subsection (1) of this section shall not apply to or affect the
16 following:

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

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

24 (c) Any person acting for the purpose of protecting himself or
25 herself against the use of presently threatened unlawful force by
26 another, or for the purpose of protecting another against the use of
27 such unlawful force by a third person;

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

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

32 **Sec. 429.** RCW 9.41.280 and 1993 c 347 s 1 are each amended to read
33 as follows:

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

38 (a) Any ((firearm; or

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

2 or

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

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

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

12 (2) Any such person violating subsection (1) of this section is
13 guilty of a gross misdemeanor. If any person is convicted of a
14 violation of subsection (1) of this section, and the deadly weapon used
15 in the violation was a firearm, the person shall lose his or her
16 concealed pistol license, if any. The court shall send notice of the
17 revocation to the department of licensing, and the city, town, or
18 county which issued the license.

19 Any violation of subsection (1) of this section by elementary or
20 secondary school students constitutes grounds for expulsion from the
21 state's public schools in accordance with RCW 28A.600.010. However,
22 any violation of subsection (1)(a) of this section by an elementary or
23 secondary school student involving a firearm shall result in expulsion
24 in accordance with RCW 28A.600.010. An appropriate school authority
25 shall promptly notify law enforcement and the student's parent or
26 guardian regarding any allegation or indication of such violation.

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

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

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

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

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

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

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

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

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

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

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

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

20 NEW SECTION. **Sec. 430.** A new section is added to chapter 9.41 RCW
21 to read as follows:

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

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

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

30 (4) It shall be a defense to any prosecution under this section,
31 which the defendant shall prove by a preponderance of the evidence,
32 that he or she did not know, at any time while in possession of the
33 firearm, that it was stolen.

34 **Sec. 431.** RCW 9A.56.040 and 1987 c 140 s 2 are each amended to
35 read as follows:

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

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

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

7 (c) An access device; or

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

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

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

13 **Sec. 432.** RCW 9A.56.160 and 1987 c 140 s 4 are each amended to
14 read as follows:

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

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

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

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

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

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

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

28 **Sec. 433.** RCW 4.24.190 and 1992 c 205 s 116 are each amended to
29 read as follows:

30 (1) The parent or parents of any minor child under the age of
31 eighteen years who is living with the parent or parents and who shall
32 willfully or maliciously destroy property, real or personal or mixed,
33 or who shall willfully and maliciously inflict personal injury on
34 another person, shall be liable to the owner of such property or to the
35 person injured in a civil action at law for damages in an amount not to
36 exceed (~~(five))~~ ten thousand dollars. This section shall in no way

1 limit the amount of recovery against the parent or parents for their
2 own common law negligence.

3 (2)(a) A parent or guardian is liable for any damages arising from
4 the illegal or unlawful use of a firearm by his or her minor child when
5 the parent or guardian knowingly or negligently allows his or her minor
6 child to possess a firearm with the awareness that this creates a
7 substantial risk of harm.

8 (b) A parent or guardian is presumed to have "awareness of a
9 substantial risk of harm" if: (i) His or her minor child has been
10 convicted of a "crime of violence" or "most serious offense" as defined
11 in RCW 9.41.010; or (ii) the parent had previous knowledge of the
12 child's illegal possession of a firearm.

13 (3) The prevailing party shall be entitled to costs and attorneys'
14 fees in such amount as the court shall deem reasonable.

15 **Sec. 434.** RCW 9.94A.125 and 1983 c 163 s 3 are each amended to
16 read as follows:

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

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

1 **Sec. 435.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to
2 read as follows:

3 (1) The prosecutor, respondent, or the court on its own motion may,
4 before a hearing on the information on its merits, file a motion
5 requesting the court to transfer the respondent for adult criminal
6 prosecution and the matter shall be set for a hearing on the question
7 of declining jurisdiction. Unless waived by the court, the parties,
8 and their counsel, a decline hearing shall be held where:

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

12 (b) The respondent is fourteen years of age or over and the
13 information alleges a violation of RCW 43.06.010 or 43.06.200 through
14 43.06.270;

15 (c) The respondent is seventeen years of age and the information
16 alleges assault in the second degree, extortion in the first degree,
17 indecent liberties, child molestation in the second degree, kidnapping
18 in the second degree, or robbery in the second degree; or

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

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

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

31 **Sec. 436.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
32 as follows:

33 The juvenile courts in the several counties of this state, shall
34 have exclusive original jurisdiction over all proceedings:

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

1 (2) Relating to children alleged or found to be dependent as
2 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(~~
3 ~~as now or hereafter amended)~~);

4 (3) Relating to the termination of a parent and child relationship
5 as provided in RCW 13.34.180 through 13.34.210(~~(~~
6 ~~as now or hereafter~~
7 ~~amended)~~);

8 (4) To approve or disapprove alternative residential placement as
9 provided in RCW 13.32A.170;

10 (5) Relating to juveniles alleged or found to have committed
11 offenses, traffic infractions, or violations as provided in RCW
12 13.40.020 through 13.40.230, (~~(as now or hereafter amended,~~) unless:

13 (a) The juvenile court transfers jurisdiction of a particular
14 juvenile to adult criminal court pursuant to RCW 13.40.110(~~(~~
15 ~~as now or~~
16 ~~hereafter amended)~~); or

17 (b) The statute of limitations applicable to adult prosecution for
18 the offense, traffic infraction, or violation has expired; or

19 (c) The alleged offense or infraction is a traffic, fish, boating,
20 or game offense or traffic infraction committed by a juvenile sixteen
21 years of age or older and would, if committed by an adult, be tried or
22 heard in a court of limited jurisdiction, in which instance the
23 appropriate court of limited jurisdiction shall have jurisdiction over
24 the alleged offense or infraction: PROVIDED, That if such an alleged
25 offense or infraction and an alleged offense or infraction subject to
26 juvenile court jurisdiction arise out of the same event or incident,
27 the juvenile court may have jurisdiction of both matters: PROVIDED
28 FURTHER, That the jurisdiction under this subsection does not
29 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
30 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of
31 limited jurisdiction which confine juveniles for an alleged offense or
32 infraction may place juveniles in juvenile detention facilities under
33 an agreement with the officials responsible for the administration of
34 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

35 (d) The juvenile is sixteen or seventeen years old and the alleged
36 offense is: (i) A serious violent offense as defined in RCW 9.94A.030
37 committed on or after the effective date of this section; or (ii) a
38 violent offense as defined in RCW 9.94A.030 committed on or after the
39 effective date of this section and the juvenile has a criminal history
consisting of one or more prior violent offenses committed after the
juvenile's thirteenth birthday. In such a case the adult criminal

1 court shall have exclusive original jurisdiction. If the juvenile
2 challenges the state's determination of the juvenile's criminal
3 history, the state may establish the offender's criminal history by a
4 preponderance of the evidence. If the criminal history consists of
5 adjudications entered upon a plea of guilty, the state shall not bear
6 a burden of establishing the knowing and voluntariness of the plea;

7 (6) Under the interstate compact on juveniles as provided in
8 chapter 13.24 RCW;

9 (7) Relating to termination of a diversion agreement under RCW
10 13.40.080 (~~as now or hereafter amended~~), including a proceeding in
11 which the divertee has attained eighteen years of age; and

12 (8) Relating to court validation of a voluntary consent to foster
13 care placement under chapter 13.34 RCW, by the parent or Indian
14 custodian of an Indian child, except if the parent or Indian custodian
15 and child are residents of or domiciled within the boundaries of a
16 federally recognized Indian reservation over which the tribe exercises
17 exclusive jurisdiction.

18 **Sec. 437.** RCW 13.40.020 and 1993 c 373 s 1 are each amended to
19 read as follows:

20 For the purposes of this chapter:

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

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

24 (b) Manslaughter in the first degree; or

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

32 (2) "Community service" means compulsory service, without
33 compensation, performed for the benefit of the community by the
34 offender as punishment for committing an offense. Community service
35 may be performed through public or private organizations or through
36 work crews;

37 (3) "Community supervision" means an order of disposition by the
38 court of an adjudicated youth not committed to the department. A

1 community supervision order for a single offense may be for a period of
2 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
3 one year for other offenses. Community supervision is an
4 individualized program comprised of one or more of the following:

5 (a) Community-based sanctions;

6 (b) Community-based rehabilitation;

7 (c) Monitoring and reporting requirements;

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

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

11 (b) Community service not to exceed one hundred fifty hours of
12 service;

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

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

28 (7) "Confinement" means physical custody by the department of
29 social and health services in a facility operated by or pursuant to a
30 contract with the state, or physical custody in a detention facility
31 operated by or pursuant to a contract with any county. The county may
32 operate or contract with vendors to operate county detention
33 facilities. The department may operate or contract to operate
34 detention facilities for juveniles committed to the department.
35 Pretrial confinement or confinement of less than thirty-one days
36 imposed as part of a disposition or modification order may be served
37 consecutively or intermittently, in the discretion of the court and may
38 be served in a detention group home, detention foster home, or with
39 electronic monitoring. Detention group homes and detention foster

1 homes used for confinement shall not also be used for the placement of
2 dependent children. Confinement in detention group homes and detention
3 foster homes and electronic monitoring are subject to available funds;

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

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

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

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

16 (10) "Department" means the department of social and health
17 services;

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

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

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

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

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

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

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

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

9 (a) Four misdemeanors;

10 (b) Two misdemeanors and one gross misdemeanor;

11 (c) One misdemeanor and two gross misdemeanors;

12 (d) Three gross misdemeanors;

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

15 (f) One class B felony except: Any felony which constitutes an
16 attempt to commit a class A felony; manslaughter in the first degree;
17 assault in the second degree; extortion in the first degree; indecent
18 liberties; kidnapping in the second degree; robbery in the second
19 degree; burglary in the second degree; residential burglary; vehicular
20 homicide; or arson in the second degree.

21 For purposes of this definition, current violations shall be
22 counted as misdemeanors;

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

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

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

1 (22) "Secretary" means the secretary of the department of social
2 and health services;

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

7 (24) "Sex offense" means an offense defined as a sex offense in RCW
8 9.94A.030;

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

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

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

18 **Sec. 438.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to
19 read as follows:

20 SCHEDULE A

21 DESCRIPTION AND OFFENSE CATEGORY

22		JUVENILE	
23	JUVENILE	DISPOSITION	
24	DISPOSITION	CATEGORY FOR ATTEMPT,	
25	OFFENSE	BAILJUMP, CONSPIRACY,	
26	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
27

28		Arson and Malicious Mischief	
29	A	Arson 1 (9A.48.020)	B+
30	B	Arson 2 (9A.48.030)	C
31	C	Reckless Burning 1 (9A.48.040)	D
32	D	Reckless Burning 2 (9A.48.050)	E
33	B	Malicious Mischief 1 (9A.48.070)	C
34	C	Malicious Mischief 2 (9A.48.080)	D
35	D	Malicious Mischief 3 (<\$50 is	
36		E class) (9A.48.090)	E

1	E	Tampering with Fire Alarm	
2		Apparatus (9.40.100)	E
3	A	Possession of Incendiary Device	
4		(9.40.120)	B+
5		Assault and Other Crimes	
6		Involving Physical Harm	
7	A	Assault 1 (9A.36.011)	B+
8	B+	Assault 2 (9A.36.021)	C+
9	C+	Assault 3 (9A.36.031)	D+
10	D+	Assault 4 (9A.36.041)	E
11	D+	Reckless Endangerment	
12		(9A.36.050)	E
13	C+	Promoting Suicide Attempt	
14		(9A.36.060)	D+
15	D+	Coercion (9A.36.070)	E
16	C+	Custodial Assault (9A.36.100)	D+
17		Burglary and Trespass	
18	B+	Burglary 1 (9A.52.020)	C+
19	B	Burglary 2 (9A.52.030)	C
20	D	Burglary Tools (Possession of)	
21		(9A.52.060)	E
22	D	Criminal Trespass 1 (9A.52.070)	E
23	E	Criminal Trespass 2 (9A.52.080)	E
24	D	Vehicle Prowling (9A.52.100)	E
25		Drugs	
26	E	Possession/Consumption of Alcohol	
27		(66.44.270)	E
28	C	Illegally Obtaining Legend Drug	
29		(69.41.020)	D
30	C+	Sale, Delivery, Possession of Legend	
31		Drug with Intent to Sell	
32		(69.41.030)	D+
33	E	Possession of Legend Drug	
34		(69.41.030)	E

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

1	D+	Possession of ((Dangerous)) <u>Deadly</u>	
2		Weapon (9.41.250)	E
3	D	Intimidating Another Person by use	
4		of <u>Deadly</u> Weapon (9.41.270)	E
5		Homicide	
6	A+	Murder 1 (9A.32.030)	A
7	A+	Murder 2 (9A.32.050)	B+
8	B+	Manslaughter 1 (9A.32.060)	C+
9	C+	Manslaughter 2 (9A.32.070)	D+
10	B+	Vehicular Homicide (46.61.520)	C+
11		Kidnapping	
12	A	Kidnap 1 (9A.40.020)	B+
13	B+	Kidnap 2 (9A.40.030)	C+
14	C+	Unlawful Imprisonment	
15		(9A.40.040)	D+
16	((D	Custodial Interference	
17		(9A.40.050)	E))
18		Obstructing Governmental Operation	
19	E	Obstructing a Public Servant	
20		(9A.76.020)	E
21	E	Resisting Arrest (9A.76.040)	E
22	B	Introducing Contraband 1	
23		(9A.76.140)	C
24	C	Introducing Contraband 2	
25		(9A.76.150)	D
26	E	Introducing Contraband 3	
27		(9A.76.160)	E
28	B+	Intimidating a Public Servant	
29		(9A.76.180)	C+
30	B+	Intimidating a Witness	
31		(9A.72.110)	C+
32	((E	Criminal Contempt	
33		(9.23.010)	E))
34		Public Disturbance	
35	C+	Riot with Weapon (9A.84.010)	D+

1	D+	Riot Without Weapon	
2		(9A.84.010)	E
3	E	Failure to Disperse (9A.84.020)	E
4	E	Disorderly Conduct (9A.84.030)	E
5		Sex Crimes	
6	A	Rape 1 (9A.44.040)	B+
7	A-	Rape 2 (9A.44.050)	B+
8	C+	Rape 3 (9A.44.060)	D+
9	A-	Rape of a Child 1 (9A.44.073)	B+
10	B	Rape of a Child 2 (9A.44.076)	C+
11	B	Incest 1 (9A.64.020(1))	C
12	C	Incest 2 (9A.64.020(2))	D
13	D+	((Public Indecency)) <u>Indecent Exposure</u>	
14		(Victim <14) (9A.88.010)	E
15	E	((Public Indecency)) <u>Indecent Exposure</u>	
16		(Victim 14 or over) (9A.88.010)	E
17	B+	Promoting Prostitution 1	
18		(9A.88.070)	C+
19	C+	Promoting Prostitution 2	
20		(9A.88.080)	D+
21	E	O & A (Prostitution) (9A.88.030)	E
22	B+	Indecent Liberties (9A.44.100)	C+
23	B+	Child Molestation 1 (9A.44.083)	C+
24	C+	Child Molestation 2 (9A.44.086)	C
25		Theft, Robbery, Extortion, and Forgery	
26	B	Theft 1 (9A.56.030)	C
27	C	Theft 2 (9A.56.040)	D
28	D	Theft 3 (9A.56.050)	E
29	B	Theft of Livestock (9A.56.080)	C
30	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
31	A	Robbery 1 (9A.56.200)	B+
32	B+	Robbery 2 (9A.56.210)	C+
33	B+	Extortion 1 (9A.56.120)	C+
34	C+	Extortion 2 (9A.56.130)	D+
35	B	Possession of Stolen Property 1	
36		(9A.56.150)	C

1	C	Possession of Stolen Property 2	
2		(9A.56.160)	D
3	D	Possession of Stolen Property 3	
4		(9A.56.170)	E
5	C	Taking Motor Vehicle Without	
6		Owner's Permission (9A.56.070)	D
7		Motor Vehicle Related Crimes	
8	E	Driving Without a License	
9		(46.20.021)	E
10	C	Hit and Run - Injury	
11		(46.52.020(4))	D
12	D	Hit and Run-Attended	
13		(46.52.020(5))	E
14	E	Hit and Run-Unattended	
15		(46.52.010)	E
16	C	Vehicular Assault (46.61.522)	D
17	C	Attempting to Elude Pursuing	
18		Police Vehicle (46.61.024)	D
19	E	Reckless Driving (46.61.500)	E
20	D	Driving While Under the Influence	
21		(46.61.515)	E
22	((B+	Negligent Homicide by Motor	
23		Vehicle (46.61.520)	C+))
24	D	Vehicle Prowling (9A.52.100)	E
25	C	Taking Motor Vehicle Without	
26		Owner's Permission (9A.56.070)	D
27		Other	
28	B	Bomb Threat (9.61.160)	C
29	C	Escape 1 (9A.76.110)	C
30	C	Escape 2 (9A.76.120)	C
31	D	Escape 3 (9A.76.130)	E
32	C	Failure to Appear in Court	
33		(10.19.130)	D
34	((E	Tampering with Fire Alarm	
35		Apparatus (9.40.100)	E))
36	E	Obscene, Harassing, Etc.,	
37		Phone Calls (9.61.230)	E

1	A	Other Offense Equivalent to an	
2		Adult Class A Felony	B+
3	B	Other Offense Equivalent to an	
4		Adult Class B Felony	C
5	C	Other Offense Equivalent to an	
6		Adult Class C Felony	D
7	D	Other Offense Equivalent to an	
8		Adult Gross Misdemeanor	E
9	E	Other Offense Equivalent to an	
10		Adult Misdemeanor	E
11	V	Violation of Order of Restitution,	
12		Community Supervision, or	
13		Confinement {13.40.200)	V

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

16 1st escape or attempted escape during 12-month period - 4 weeks
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month
21 period - 12 weeks confinement

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

24 SCHEDULE B
25 PRIOR OFFENSE INCREASE FACTOR

26 For use with all CURRENT OFFENSES occurring on or after July 1,
27 1989.

28 TIME SPAN

29	OFFENSE	0-12	13-24	25 Months
30	CATEGORY	Months	Months	or More
31			

1	A+	.9	.9	.9
2	A	.9	.8	.6
3	A-	.9	.8	.5
4	B+	.9	.7	.4
5	B	.9	.6	.3
6	C+	.6	.3	.2
7	C	.5	.2	.2
8	D+	.3	.2	.1
9	D	.2	.1	.1
10	E	.1	.1	.1

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

15 SCHEDULE C
16 CURRENT OFFENSE POINTS

17 For use with all CURRENT OFFENSES occurring on or after July 1,
18 1989.

19 AGE

20 OFFENSE	12 &					
21 CATEGORY	Under	13	14	15	16	17
22						
23 A+	STANDARD	RANGE	180-224	WEEKS		
24 A	250	300	350	375	375	375
25 A-	150	150	150	200	200	200
26 B+	110	110	120	130	140	150
27 B	45	45	50	50	57	57
28 C+	44	44	49	49	55	55
29 C	40	40	45	45	50	50
30 D+	16	18	20	22	24	26
31 D	14	16	18	20	22	24
32 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		
10		Supervision	Service	
11	Points		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

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. 439.** 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. 440.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to
15 read as follows:

16 (1) The secretary shall, except in the case of a juvenile committed
17 by a court to a term of confinement in a state institution outside the
18 appropriate standard range for the offense(s) for which the juvenile
19 was found to be guilty established pursuant to RCW 13.40.030, as now or
20 hereafter amended, set a release or discharge date for each juvenile
21 committed to its custody which shall be within the prescribed range to
22 which a juvenile has been committed. ~~((Such))~~ The dates shall be
23 determined prior to the expiration of sixty percent of a juvenile's
24 minimum term of confinement included within the prescribed range to
25 which the juvenile has been committed. The secretary shall release any
26 juvenile committed to the custody of the department within four
27 calendar days prior to the juvenile's release date or on the release
28 date set under this chapter(~~:- PROVIDED, That~~). However, days spent
29 in the custody of the department shall be tolled by any period of time
30 during which a juvenile has absented himself or herself from the
31 department's supervision without the prior approval of the secretary or
32 the secretary's designee.

33 (2) The secretary shall monitor the average daily population of the
34 state's juvenile residential facilities. When the secretary concludes
35 that in-residence population of residential facilities exceeds one
36 hundred five percent of the rated bed capacity specified in statute, or
37 in absence of such specification, as specified by the department in
38 rule, the secretary may recommend reductions to the governor. On

1 certification by the governor that the recommended reductions are
2 necessary, the secretary has authority to administratively release a
3 sufficient number of offenders to reduce in-residence population to one
4 hundred percent of rated bed capacity. The secretary shall release
5 those offenders who have served the greatest proportion of their
6 sentence. However, the secretary may deny release in a particular case
7 at the request of an offender, or if the secretary finds that there is
8 no responsible custodian, as determined by the department, to whom to
9 release the offender, or if the release of the offender would pose a
10 clear danger to society. The department shall notify the committing
11 court of the release at the end of each calendar year if any ((such))
12 early releases have occurred during that year as a result of excessive
13 in-residence population. In no event shall a serious offender, as
14 defined in RCW 13.40.020(1) be granted release under the provisions of
15 this subsection.

16 (3) Following the juvenile's release ((pursuant to)) under
17 subsection (1) of this section, the secretary may require the juvenile
18 to comply with a program of parole to be administered by the department
19 in his or her community which shall last no longer than eighteen
20 months, except that in the case of a juvenile sentenced for rape in the
21 first or second degree, rape of a child in the first or second degree,
22 child molestation in the first degree, or indecent liberties with
23 forcible compulsion, the period of parole shall be twenty-four months.
24 A parole program is mandatory for offenders released under subsection
25 (2) of this section. The secretary shall, for the period of parole,
26 facilitate the juvenile's reintegration into his or her community and
27 to further this goal may require the juvenile to: (a) Undergo
28 available medical or psychiatric treatment; (b) report as directed to
29 a parole officer; (c) pursue a course of study or vocational training;
30 (d) remain within prescribed geographical boundaries and notify the
31 department of any change in his or her address; and (e) refrain from
32 committing new offenses. After termination of the parole period, the
33 juvenile shall be discharged from the department's supervision.

34 (4) Every postrelease supervision agreement executed shall prohibit
35 the juvenile from possessing a deadly weapon while on supervision. A
36 juvenile found by a law enforcement official, employee of the
37 department, or a court to be in possession of a deadly weapon shall be
38 returned to confinement for a period of not less than sixty days or for
39 the remainder of his or her sentence, whichever is less.

1 (5) Any juvenile on postrelease supervision who is charged with a
2 criminal offense shall be returned to confinement for the terms set
3 forth in RCW 13.40.0357(6)(b) (i) through (iii) or for the remainder of
4 his or her sentence, whichever is less. If a court has imposed a
5 sentence under chapter 13.40 RCW and suspended any portion thereof on
6 condition that the juvenile commit no further offense, the court shall
7 reimpose all or a portion of the original offense upon conviction.
8 However, the reimposition of confinement and the sanctions imposed for
9 violation of postrelease supervision shall not, when taken together,
10 exceed the original term of confinement.

11 (6) The department may also modify parole for violation thereof.
12 If, after affording a juvenile all of the due process rights to which
13 he or she would be entitled if the juvenile were an adult, the
14 secretary finds that a juvenile has violated a condition of his or her
15 parole, the secretary shall order one of the following which is
16 reasonably likely to effectuate the purpose of the parole and to
17 protect the public: (a) Continued supervision under the same
18 conditions previously imposed; (b) intensified supervision with
19 increased reporting requirements; (c) additional conditions of
20 supervision authorized by this chapter; (d) except as provided in (e)
21 of this subsection, imposition of a period of confinement not to exceed
22 thirty days in a facility operated by or pursuant to a contract with
23 the state of Washington or any city or county for a portion of each day
24 or for a certain number of days each week with the balance of the days
25 or weeks spent under supervision; and (e) the secretary may order any
26 of the conditions or may return the offender to confinement in an
27 institution for the remainder of the sentence range if the offense for
28 which the offender was sentenced is rape in the first or second degree,
29 rape of a child in the first or second degree, child molestation in the
30 first degree, indecent liberties with forcible compulsion, or a sex
31 offense that is also a serious violent offense as defined by RCW
32 9.94A.030.

33 ~~((+5+))~~ (7) A parole officer of the department of social and health
34 services shall have the power to arrest a juvenile under his or her
35 supervision on the same grounds as a law enforcement officer would be
36 authorized to arrest ~~((such))~~ the person.

37 ~~((+6+))~~ (8) If so requested and approved under chapter 13.06 RCW,
38 the secretary shall permit a county or group of counties to perform

1 functions under subsections (3) (~~(through (5))~~), (6), and (7) of this
2 section.

3 **Sec. 441.** RCW 13.40.190 and 1987 c 281 s 5 are each amended to
4 read as follows:

5 (1) In its dispositional order, the court shall require the
6 respondent to make restitution to any persons who have suffered loss or
7 damage as a result of the offense committed by the respondent. In
8 addition, restitution may be ordered for loss or damage if the offender
9 pleads guilty to a lesser offense or fewer offenses and agrees with the
10 prosecutor's recommendation that the offender be required to pay
11 restitution to a victim of an offense or offenses which, pursuant to a
12 plea agreement, are not prosecuted. The payment of restitution shall
13 be in addition to any punishment which is imposed pursuant to the other
14 provisions of this chapter. The court may determine the amount, terms,
15 and conditions of the restitution including a payment plan extending up
16 to ten years if the court determines that the respondent does not have
17 the means to make full restitution over a shorter period. Restitution
18 may include the costs of counseling reasonably related to the offense.
19 If the respondent participated in the crime with another person or
20 other persons, all such participants shall be jointly and severally
21 responsible for the payment of restitution. For the purposes of this
22 section, the respondent shall remain under the court's jurisdiction for
23 a maximum term of ten years after the respondent's eighteenth birthday.
24 The court may not require the respondent to pay full or partial
25 restitution if the respondent reasonably satisfies the court that he or
26 she does not have the means to make full or partial restitution and
27 could not reasonably acquire the means to pay such restitution over a
28 ten-year period. In cases where an offender has been committed to the
29 department for a period of confinement exceeding fifteen weeks,
30 restitution may be waived.

31 (2) If an order includes restitution as one of the monetary
32 assessments, the county clerk shall make disbursements to victims named
33 in the order. The restitution to victims named in the order shall be
34 paid prior to any payment for other penalties or monetary assessments.

35 (3) A respondent under obligation to pay restitution may petition
36 the court for modification of the restitution order.

1 **Sec. 442.** RCW 13.40.300 and 1986 c 288 s 6 are each amended to
2 read as follows:

3 (1) In no case may a juvenile offender be committed by the juvenile
4 court to the department of social and health services for placement in
5 a juvenile correctional institution beyond the juvenile offender's
6 twenty-first birthday. A juvenile may be under the jurisdiction of the
7 juvenile court or the authority of the department of social and health
8 services beyond the juvenile's eighteenth birthday only if prior to the
9 juvenile's eighteenth birthday:

10 (a) Proceedings are pending seeking the adjudication of a juvenile
11 offense and the court by written order setting forth its reasons
12 extends jurisdiction of juvenile court over the juvenile beyond his or
13 her eighteenth birthday;

14 (b) The juvenile has been found guilty after a fact finding or
15 after a plea of guilty and an automatic extension is necessary to allow
16 for the imposition of disposition; or

17 (c) Disposition has been held and an automatic extension is
18 necessary to allow for the execution and enforcement of the court's
19 order of disposition. If an order of disposition imposes commitment to
20 the department, then jurisdiction is automatically extended to include
21 a period of up to twelve months of parole, in no case extending beyond
22 the offender's twenty-first birthday.

23 (2) If the juvenile court previously has extended jurisdiction
24 beyond the juvenile offender's eighteenth birthday and that period of
25 extension has not expired, the court may further extend jurisdiction by
26 written order setting forth its reasons.

27 (3) In no event may the juvenile court have authority to extend
28 jurisdiction over any juvenile offender beyond the juvenile offender's
29 twenty-first birthday except for the purpose of enforcing an order of
30 restitution.

31 (4) Notwithstanding any extension of jurisdiction over a person
32 pursuant to this section, the juvenile court has no jurisdiction over
33 any offenses alleged to have been committed by a person eighteen years
34 of age or older.

35 **Sec. 443.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
36 each reenacted and amended to read as follows:

37 Every person who(÷

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

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

9 ~~(3) Shall suffer or permit any such person to play any game of~~
10 ~~skill or chance, in any such place, or in any place adjacent thereto,~~
11 ~~or to be or remain therein, or admit or allow to remain in any reputed~~
12 ~~house of prostitution or assignation, or in any place where opium or~~
13 ~~any preparation thereof, is smoked, or where any narcotic drug is used,~~
14 ~~any persons under the age of eighteen years; or,~~

15 ~~(4) Shall)) sells or gives, or permits to be sold or given to any~~
16 ~~person under the age of eighteen years any cigar, cigarette, cigarette~~
17 ~~paper or wrapper, or tobacco in any form((; or~~

18 ~~(5) Shall sell, or give, or permit to be sold or given to any~~
19 ~~person under the age of eighteen years, any revolver or pistol;~~
20 ~~Shall be)) is guilty of a gross misdemeanor.~~

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

24 NEW SECTION. **Sec. 444.** A new section is added to chapter 9.94A
25 RCW to read as follows:

26 The department shall adopt rules and procedures to administer this
27 section. In addition, the department is authorized to determine
28 whether any person subject to the confines of a correctional facility
29 would substantially benefit from successful participation in: (1)
30 Literacy training, (2) employment skills training, or (3) educational
31 efforts to identify and control sources of anger and, upon a
32 determination that the person would, may require such successful
33 participation as a condition for eligibility to obtain early release
34 from the confines of a correctional facility.

35 **Sec. 445.** RCW 82.04.250 and 1993 sp.s. c 25 s 103 are each amended
36 to read as follows:

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

6 (2) Upon every person engaging within this state in the business of
7 making sales at retail that are exempt from the tax imposed under
8 chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or
9 82.08.0263, as to such persons, the amount of tax with respect to such
10 business shall be equal to the gross proceeds of sales of the business,
11 multiplied by the rate of 0.484 percent.

12 (3) In addition to the tax imposed under subsection (1) of this
13 section, upon every person engaging within this state in the business
14 of making sales at retail of ammunition or firearms, as defined in RCW
15 9.41.010, as to such persons, an additional tax is imposed with respect
16 to such business equal to the gross proceeds of sales of ammunition and
17 firearms, as defined in RCW 9.41.010, multiplied by the rate of 0.5
18 percent. Proceeds of the tax imposed under this subsection shall be
19 deposited into the violence reduction and drug enforcement account
20 under RCW 69.50.520.

21 NEW SECTION. Sec. 446. A new section is added to chapter 9.41 RCW
22 to read as follows:

23 (1) Any court when entering an order authorized under RCW
24 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
25 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
26 shall, upon a showing by clear and convincing evidence, that a party
27 has: Used, displayed, or threatened to use a deadly weapon in a crime
28 of violence or previously committed any offense which makes him or her
29 ineligible to possess a pistol under the provisions of RCW 9.41.040:

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

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

33 (c) Prohibit the party from obtaining or possessing a deadly
34 weapon;

35 (d) Prohibit the party from obtaining or possessing a concealed
36 pistol license.

37 (2) The court may order temporary surrender of a deadly weapon
38 without notice to the other party if it finds, on the basis of the

1 moving affidavit or other evidence, that irreparable injury could
2 result if an order is not issued until the time for response has
3 elapsed.

4 (3) In addition to the provisions of subsections (1) and (2) of
5 this section, the court may enter an order requiring a party to comply
6 with the provisions in subsection (1) of this section if it finds that
7 the possession of a firearm by any party presents a serious and
8 imminent threat to public health or safety, or to the health or safety
9 of any individual.

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

12 (5) The court may require the party to surrender any deadly weapon
13 in his or her immediate possession or control or subject to his or her
14 immediate possession or control to the sheriff of the county having
15 jurisdiction of the proceeding or to the restrained or enjoined party's
16 counsel or to any person designated by the court.

17 **Sec. 447.** RCW 9A.46.050 and 1985 c 288 s 5 are each amended to
18 read as follows:

19 A defendant who is charged by citation, complaint, or information
20 with an offense involving harassment and not arrested shall appear in
21 court for arraignment in person as soon as practicable, but in no event
22 later than fourteen days after the next day on which court is in
23 session following the issuance of the citation or the filing of the
24 complaint or information. At that appearance, the court shall
25 determine the necessity of imposing a no-contact or no-harassment
26 order, and consider the provisions of section 446 of this act, or other
27 conditions of pretrial release according to the procedures established
28 by court rule for preliminary appearance or an arraignment.

29 **Sec. 448.** RCW 10.14.080 and 1992 c 143 s 11 are each amended to
30 read as follows:

31 (1) Upon filing a petition for a civil antiharassment protection
32 order under this chapter, the petitioner may obtain an ex parte
33 temporary antiharassment protection order. An ex parte temporary
34 antiharassment protection order may be granted with or without notice
35 upon the filing of an affidavit which, to the satisfaction of the
36 court, shows reasonable proof of unlawful harassment of the petitioner
37 by the respondent and that great or irreparable harm will result to the

1 petitioner if the temporary antiharassment protection order is not
2 granted.

3 (2) An ex parte temporary antiharassment protection order shall be
4 effective for a fixed period not to exceed fourteen days or twenty-four
5 days if the court has permitted service by publication under RCW
6 10.14.085. The ex parte order may be reissued. A full hearing, as
7 provided in this chapter, shall be set for not later than fourteen days
8 from the issuance of the temporary order or not later than twenty-four
9 days if service by publication is permitted. Except as provided in RCW
10 10.14.070 and 10.14.085, the respondent shall be personally served with
11 a copy of the ex parte order along with a copy of the petition and
12 notice of the date set for the hearing.

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

16 (4) An order issued under this chapter shall be effective for not
17 more than one year unless the court finds that the respondent is likely
18 to resume unlawful harassment of the petitioner when the order expires.
19 If so, the court may enter an order for a fixed time exceeding one year
20 or may enter a permanent antiharassment protection order. The court
21 shall not enter an order that is effective for more than one year if
22 the order restrains the respondent from contacting the respondent's
23 minor children. If the petitioner seeks relief for a period longer
24 than one year on behalf of the respondent's minor children, the court
25 shall advise the petitioner that the petitioner may apply for renewal
26 of the order as provided in this chapter or if appropriate may seek
27 relief pursuant to chapter 26.09 or 26.10 RCW.

28 (5) At any time within the three months before the expiration of
29 the order, the petitioner may apply for a renewal of the order by
30 filing a petition for renewal. The petition for renewal shall state
31 the reasons why the petitioner seeks to renew the protection order.
32 Upon receipt of the petition for renewal, the court shall order a
33 hearing which shall be not later than fourteen days from the date of
34 the order. Except as provided in RCW 10.14.085, personal service shall
35 be made upon the respondent not less than five days before the hearing.
36 If timely service cannot be made the court shall set a new hearing date
37 and shall either require additional attempts at obtaining personal
38 service or permit service by publication as provided by RCW 10.14.085.
39 If the court permits service by publication, the court shall set the

1 new hearing date not later than twenty-four days from the date of the
2 order. If the order expires because timely service cannot be made the
3 court shall grant an ex parte order of protection as provided in this
4 section. The court shall grant the petition for renewal unless the
5 respondent proves by a preponderance of the evidence that the
6 respondent will not resume harassment of the petitioner when the order
7 expires. The court may renew the protection order for another fixed
8 time period or may enter a permanent order as provided in subsection
9 (4) of this section.

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

14 (a) Restraining the respondent from making any attempts to contact
15 the petitioner;

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

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

20 (d) Considering the provisions of section 446 of this act.

21 (7) A petitioner may not obtain an ex parte temporary
22 antiharassment protection order against a respondent if the petitioner
23 has previously obtained two such ex parte orders against the same
24 respondent but has failed to obtain the issuance of a civil
25 antiharassment protection order unless good cause for such failure can
26 be shown.

27 (8) The court order shall specify the date an order issued pursuant
28 to subsections (4) and (5) of this section expires if any. The court
29 order shall also state whether the court issued the protection order
30 following personal service or service by publication and whether the
31 court has approved service by publication of an order issued under this
32 section.

33 **Sec. 449.** RCW 10.99.040 and 1992 c 86 s 2 are each amended to read
34 as follows:

35 (1) Because of the serious nature of domestic violence, the court
36 in domestic violence actions:

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

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

3 (c) Shall waive any requirement that the victim's location be
4 disclosed to any person, other than the attorney of a criminal
5 defendant, upon a showing that there is a possibility of further
6 violence: PROVIDED, That the court may order a criminal defense
7 attorney not to disclose to his or her client the victim's location;
8 and

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

11 (2) Because of the likelihood of repeated violence directed at
12 those who have been victims of domestic violence in the past, when any
13 person charged with or arrested for a crime involving domestic violence
14 is released from custody before arraignment or trial on bail or
15 personal recognizance, the court authorizing the release may prohibit
16 that person from having any contact with the victim. The jurisdiction
17 authorizing the release shall determine whether that person should be
18 prohibited from having any contact with the victim. If there is no
19 outstanding restraining or protective order prohibiting that person
20 from having contact with the victim, the court authorizing release may
21 issue, by telephone, a no-contact order prohibiting the person charged
22 or arrested from having contact with the victim. In issuing the order,
23 the court shall consider the provisions of section 446 of this act.
24 The no-contact order shall also be issued in writing as soon as
25 possible. (~~If the court has probable cause to believe that the person~~
26 ~~charged or arrested is likely to use or display or threaten to use a~~
27 ~~deadly weapon as defined in RCW 9A.04.110 in any further acts of~~
28 ~~violence, the court may also require that person to surrender any~~
29 ~~deadly weapon in that person's immediate possession or control, or~~
30 ~~subject to that person's immediate possession or control, to the~~
31 ~~sheriff of the county or chief of police of the municipality in which~~
32 ~~that person resides or to the defendant's counsel for safekeeping.))~~

33 (3) At the time of arraignment the court shall determine whether a
34 no-contact order shall be issued or extended. If a no-contact order is
35 issued or extended, the court may also include in the conditions of
36 release a requirement that the defendant submit to electronic
37 monitoring. If electronic monitoring is ordered, the court shall
38 specify who shall provide the monitoring services, and the terms under
39 which the monitoring shall be performed. Upon conviction, the court

1 may require as a condition of the sentence that the defendant reimburse
2 the providing agency for the costs of the electronic monitoring.

3 (4)(a) Willful violation of a court order issued under subsection
4 (2) or (3) of this section is a misdemeanor. Upon conviction and in
5 addition to other penalties provided by law, the court may require that
6 the defendant submit to electronic monitoring. The court shall specify
7 who shall provide the electronic monitoring services and the terms
8 under which the monitoring must be performed. The court also may
9 include a requirement that the defendant pay the costs of the
10 monitoring. The court shall consider the ability of the convicted
11 person to pay for electronic monitoring.

12 (b) Any assault that is a violation of an order issued under this
13 section and that does not amount to assault in the first or second
14 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
15 under chapter 9A.20 RCW, and any conduct in violation of a protective
16 order issued under this section that is reckless and creates a
17 substantial risk of death or serious physical injury to another person
18 is a class C felony punishable under chapter 9A.20 RCW.

19 (c) The written order releasing the person charged or arrested
20 shall contain the court's directives and shall bear the legend:
21 Violation of this order is a criminal offense under chapter 10.99 RCW
22 and will subject a violator to arrest; any assault or reckless
23 endangerment that is a violation of this order is a felony. A
24 certified copy of the order shall be provided to the victim. If a no-
25 contact order has been issued prior to charging, that order shall
26 expire at arraignment or within seventy-two hours if charges are not
27 filed. Such orders need not be entered into the computer information
28 system in this state which is used by law enforcement agencies to list
29 outstanding warrants.

30 (5) Whenever an order prohibiting contact is issued, modified, or
31 terminated under subsection (2) or (3) of this section, the clerk of
32 the court shall forward a copy of the order on or before the next
33 judicial day to the appropriate law enforcement agency specified in the
34 order. Upon receipt of the copy of the order the law enforcement
35 agency shall forthwith enter the order for one year or until the
36 expiration date specified on the order into any computer information
37 system available in this state used by law enforcement agencies to list
38 outstanding warrants. Entry into the law enforcement information
39 system constitutes notice to all law enforcement agencies of the

1 existence of the order. The order is fully enforceable in any
2 jurisdiction in the state.

3 **Sec. 450.** RCW 10.99.045 and 1984 c 263 s 23 are each amended to
4 read as follows:

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

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

14 (3) At the time of the appearances provided in subsection (1) or
15 (2) of this section, the court shall determine the necessity of
16 imposing a no contact order or other conditions of pretrial release
17 according to the procedures established by court rule for a preliminary
18 appearance or an arraignment. ~~((If the court has probable cause to
19 believe that the defendant is likely to use or display or threaten to
20 use a deadly weapon as defined in RCW 9A.04.110 in any further acts of
21 violence, as one of the conditions of pretrial release, the court may
22 require the defendant to surrender any deadly weapon in the defendant's
23 immediate possession or control, or subject to the defendant's
24 immediate possession or control, to the sheriff of the county or chief
25 of police of the municipality in which the defendant resides or to the
26 defendant's counsel for safekeeping. The decision of the judge and
27 findings of fact in support thereof shall be in writing.)) The court
28 may include in the order any conditions authorized under section 446 of
29 this act.~~

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

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

35 **Sec. 451.** RCW 26.09.050 and 1989 c 375 s 29 are each amended to
36 read as follows:

1 In entering a decree of dissolution of marriage, legal separation,
2 or declaration of invalidity, the court shall determine the marital
3 status of the parties, make provision for a parenting plan for any
4 minor child of the marriage, make provision for the support of any
5 child of the marriage entitled to support, consider or approve
6 provision for the maintenance of either spouse, make provision for the
7 disposition of property and liabilities of the parties, make provision
8 for the allocation of the children as federal tax exemptions, make
9 provision for any necessary continuing restraining orders including the
10 provisions contained in section 446 of this act, and make provision for
11 the change of name of any party.

12 **Sec. 452.** RCW 26.09.060 and 1992 c 229 s 9 are each amended to
13 read as follows:

14 (1) In a proceeding for:

15 (a) Dissolution of marriage, legal separation, or a declaration of
16 invalidity; or

17 (b) Disposition of property or liabilities, maintenance, or support
18 following dissolution of the marriage by a court which lacked personal
19 jurisdiction over the absent spouse; either party may move for
20 temporary maintenance or for temporary support of children entitled to
21 support. The motion shall be accompanied by an affidavit setting forth
22 the factual basis for the motion and the amounts requested.

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

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

33 (b) ~~Molesting or disturbing the peace of the other party or of any~~
34 ~~child ((and, upon a showing by clear and convincing evidence that the~~
35 ~~party so restrained or enjoined has used or displayed or threatened to~~
36 ~~use a deadly weapon as defined in RCW 9A.04.110 in an act of violence~~
37 ~~or has previously committed acts of domestic violence and is likely to~~
38 ~~use or display or threaten to use a deadly weapon in an act of domestic~~

1 violence, requiring the party to surrender any deadly weapon in his
2 immediate possession or control or subject to his immediate possession
3 or control to the sheriff of the county having jurisdiction of the
4 proceeding or to the restrained or enjoined party's counsel or to any
5 person designated by the court. The court may order temporary
6 surrender of deadly weapons without notice to the other party only if
7 it finds on the basis of the moving affidavit or other evidence that
8 irreparable injury could result if an order is not issued until the
9 time for response has elapsed));

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

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

13 (3) In issuing the order, the court shall consider the provisions
14 of section 446 of this act.

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

20 ((+4)) (5) The court may issue a temporary restraining order or
21 preliminary injunction and an order for temporary maintenance or
22 support in such amounts and on such terms as are just and proper in the
23 circumstances. The court may in its discretion waive the filing of the
24 bond or the posting of security.

25 ((+5)) (6) Restraining orders issued under this section
26 restraining the person from molesting or disturbing another party or
27 from entering a party's home shall bear the legend: VIOLATION OF THIS
28 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
29 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

30 ((+6)) (7) The court may order that any temporary restraining
31 order granted under this section be forwarded by the clerk of the court
32 on or before the next judicial day to the appropriate law enforcement
33 agency specified in the order. Upon receipt of the order, the law
34 enforcement agency shall forthwith enter the order for one year into
35 any computer-based criminal intelligence information system available
36 in this state used by law enforcement agencies to list outstanding
37 warrants. Entry into the law enforcement information system
38 constitutes notice to all law enforcement agencies of the existence of
39 the order. The order is fully enforceable in any county in the state.

1 (~~(7)~~) (8) A temporary order, temporary restraining order, or
2 preliminary injunction:

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

5 (b) May be revoked or modified;

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

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

12 (~~(8)~~) (9) Delinquent support payments accrued under an order for
13 temporary support remain collectible and are not extinguished when a
14 final decree is entered unless the decree contains specific language to
15 the contrary. A support debt under a temporary order owed to the state
16 for public assistance expenditures shall not be extinguished by the
17 final decree if:

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

20 (b) The temporary order directs the obligor to make support
21 payments to the office of support enforcement or the Washington state
22 support registry.

23 **Sec. 453.** RCW 26.10.040 and 1989 c 375 s 31 are each amended to
24 read as follows:

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

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

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

30 (3) Any necessary continuing restraining orders, including the
31 provisions contained in section 446 of this act.

32 **Sec. 454.** RCW 26.10.115 and 1989 c 375 s 32 are each amended to
33 read as follows:

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

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

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

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

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

23 (3) In issuing the order, the court shall consider the provisions
24 of section 446 of this act.

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

30 ~~((+4))~~ (5) The court may issue a temporary restraining order or
31 preliminary injunction and an order for temporary support in such
32 amounts and on such terms as are just and proper in the circumstances.

33 ~~((+5))~~ (6) Restraining orders issued under this section
34 restraining the person from molesting or disturbing another party or
35 from entering a party's home shall bear the legend: VIOLATION OF THIS
36 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
37 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

38 ~~((+6))~~ (7) The court may order that any temporary restraining
39 order granted under this section be forwarded by the clerk of the court

1 on or before the next judicial day to the appropriate law enforcement
2 agency specified in the order. Upon receipt of the order, the law
3 enforcement agency shall forthwith enter the order for one year into
4 any computer-based criminal intelligence information system available
5 in this state used by law enforcement agencies to list outstanding
6 warrants. Entry into the law enforcement information system
7 constitutes notice to all law enforcement agencies of the existence of
8 the order. The order is fully enforceable in any county in the state.

9 ~~((7))~~ (8) A temporary order, temporary restraining order, or
10 preliminary injunction:

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

13 (b) May be revoked or modified;

14 (c) Terminates when the final order is entered or when the motion
15 is dismissed;

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

18 ~~((8))~~ (9) A support debt owed to the state for public assistance
19 expenditures which has been charged against a party pursuant to RCW
20 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
21 extinguished by, the final decree or order, unless the office of
22 support enforcement has been given notice of the final proceeding and
23 an opportunity to present its claim for the support debt to the court
24 and has failed to file an affidavit as provided in this subsection.
25 Notice of the proceeding shall be served upon the office of support
26 enforcement personally, or by certified mail, and shall be given no
27 fewer than thirty days prior to the date of the final proceeding. An
28 original copy of the notice shall be filed with the court either before
29 service or within a reasonable time thereafter. The office of support
30 enforcement may present its claim, and thereby preserve the support
31 debt, by filing an affidavit setting forth the amount of the debt with
32 the court, and by mailing a copy of the affidavit to the parties or
33 their attorney prior to the date of the final proceeding.

34 **Sec. 455.** RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18
35 are each reenacted and amended to read as follows:

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

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

4 (3) The judgment and order shall contain other appropriate
5 provisions directed to the appropriate parties to the proceeding,
6 concerning the duty of current and future support, the extent of any
7 liability for past support furnished to the child if that issue is
8 before the court, the furnishing of bond or other security for the
9 payment of the judgment, or any other matter in the best interest of
10 the child. The judgment and order may direct the father to pay the
11 reasonable expenses of the mother's pregnancy and confinement. The
12 judgment and order may include a continuing restraining order or
13 injunction. In issuing the order, the court shall consider the
14 provisions of section 446 of this act.

15 (4) Support judgment and orders shall be for periodic payments
16 which may vary in amount. The court may limit the father's liability
17 for the past support to the child to the proportion of the expenses
18 already incurred as the court deems just. The court shall not limit or
19 affect in any manner the right of nonparties including the state of
20 Washington to seek reimbursement for support and other services
21 previously furnished to the child.

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

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

30 (7) In any dispute between the natural parents of a child and a
31 person or persons who have (a) commenced adoption proceedings or who
32 have been granted an order of adoption, and (b) pursuant to a court
33 order, or placement by the department of social and health services or
34 by a licensed agency, have had actual custody of the child for a period
35 of one year or more before court action is commenced by the natural
36 parent or parents, the court shall consider the best welfare and
37 interests of the child, including the child's need for situation
38 stability, in determining the matter of custody, and the parent or
39 person who is more fit shall have the superior right to custody.

1 **Sec. 456.** RCW 26.26.137 and 1983 1st ex.s. c 41 s 12 are each
2 amended to read as follows:

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

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

13 (a) Molesting or disturbing the peace of another party;

14 (b) Entering the home of another party; or

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

16 (3) The court may issue a temporary restraining order without
17 requiring notice to the other party only if it finds on the basis of
18 the moving affidavit or other evidence that irreparable injury could
19 result if an order is not issued until the time for responding has
20 elapsed.

21 (4) The court may issue a temporary restraining order or
22 preliminary injunction and an order for temporary support in such
23 amounts and on such terms as are just and proper in the circumstances.
24 In issuing the order, the court shall consider the provisions of
25 section 446 of this act.

26 (5) A temporary order, temporary restraining order, or preliminary
27 injunction:

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

30 (b) May be revoked or modified;

31 (c) Terminates when the final order is entered or when the petition
32 is dismissed; and

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

35 (6) A support debt owed to the state for public assistance
36 expenditures which has been charged against a party pursuant to RCW
37 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
38 extinguished by, the final decree or order, unless the office of
39 support enforcement has been given notice of the final proceeding and

1 an opportunity to present its claim for the support debt to the court
2 and has failed to file an affidavit as provided in this subsection.
3 Notice of the proceeding shall be served upon the office of support
4 enforcement personally, or by certified mail, and shall be given no
5 fewer than thirty days prior to the date of the final proceeding. An
6 original copy of the notice shall be filed with the court either before
7 service or within a reasonable time thereafter. The office of support
8 enforcement may present its claim, and thereby preserve the support
9 debt, by filing an affidavit setting forth the amount of the debt with
10 the court, and by mailing a copy of the affidavit to the parties or
11 their attorney prior to the date of the final proceeding.

12 **Sec. 457.** RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and
13 1992 c 86 s 4 are each reenacted and amended to read as follows:

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

16 (a) Restrain the respondent from committing acts of domestic
17 violence;

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

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

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

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

29 (f) Require the respondent to pay the filing fee and court costs,
30 including service fees, and to reimburse the petitioner for costs
31 incurred in bringing the action, including a reasonable attorney's fee.
32 If the petitioner has been granted leave to proceed in forma pauperis,
33 the court may require the respondent to pay the filing fee and costs,
34 including services fees, to the county or municipality incurring the
35 expense;

36 (g) Restrain the respondent from having any contact with the victim
37 of domestic violence or the victim's children or members of the
38 victim's household; ((and))

1 (h) Require the respondent to submit to electronic monitoring. The
2 order shall specify who shall provide the electronic monitoring
3 services and the terms under which the monitoring must be performed.
4 The order also may include a requirement that the respondent pay the
5 costs of the monitoring. The court shall consider the ability of the
6 respondent to pay for electronic monitoring; and

7 (i) Consider the provisions of section 446 of this act.

8 (2) Any relief granted by the order for protection, other than a
9 judgment for costs, shall be for a fixed period not to exceed one year
10 if the restraining order restrains the respondent from contacting the
11 respondent's minor children. If the petitioner has petitioned for
12 relief on his or her own behalf or on behalf of the petitioner's family
13 or household members or minor children that are not also the
14 respondent's minor children, and the court finds that the respondent is
15 likely to resume acts of domestic violence against the petitioner or
16 the petitioner's family or household members or minor children when the
17 order expires, the court may either (a) grant relief for a fixed period
18 not to exceed one year; (b) grant relief for a fixed period in excess
19 of one year; or (c) enter a permanent order of protection.

20 If the petitioner has petitioned for relief on behalf of the
21 respondent's minor children, the court shall advise the petitioner that
22 if the petitioner wants to continue protection for a period beyond one
23 year the petitioner may either petition for renewal pursuant to the
24 provisions of this chapter or may seek relief pursuant to the
25 provisions of chapter 26.09 RCW.

26 (3) If the court grants an order for a fixed time period, the
27 petitioner may apply for renewal of the order by filing a petition for
28 renewal at any time within the three months before the order expires.
29 The petition for renewal shall state the reasons why the petitioner
30 seeks to renew the protection order. Upon receipt of the petition for
31 renewal the court shall order a hearing which shall be not later than
32 fourteen days from the date of the order. Except as provided in RCW
33 26.50.085, personal service shall be made on the respondent not less
34 than five days before the hearing. If timely service cannot be made
35 the court shall set a new hearing date and shall either require
36 additional attempts at obtaining personal service or permit service by
37 publication as provided in RCW 26.50.085. If the court permits service
38 by publication, the court shall set the new hearing date not later than
39 twenty-four days from the date of the order. If the order expires

1 because timely service cannot be made the court shall grant an ex parte
2 order of protection as provided in RCW 26.50.070. The court shall
3 grant the petition for renewal unless the respondent proves by a
4 preponderance of the evidence that the respondent will not resume acts
5 of domestic violence against the petitioner or the petitioner's
6 children or family or household members when the order expires. The
7 court may renew the protection order for another fixed time period or
8 may enter a permanent order as provided in this section. The court may
9 award court costs, service fees, and reasonable attorneys' fees as
10 provided in subsection (1)(f) of this section.

11 (4) In providing relief under this chapter, the court may realign
12 the designation of the parties as "petitioner" and "respondent" where
13 the court finds that the original petitioner is the abuser and the
14 original respondent is the victim of domestic violence and may issue an
15 ex parte temporary order for protection in accordance with RCW
16 26.50.070 on behalf of the victim until the victim is able to prepare
17 a petition for an order for protection in accordance with RCW
18 26.50.030.

19 (5) Except as provided in subsection (4) of this section, no order
20 for protection shall grant relief to any party except upon notice to
21 the respondent and hearing pursuant to a petition or counter-petition
22 filed and served by the party seeking relief in accordance with RCW
23 26.50.050.

24 (6) The court order shall specify the date the order expires if
25 any. The court order shall also state whether the court issued the
26 protection order following personal service or service by publication
27 and whether the court has approved service by publication of an order
28 issued under this section.

29 **Sec. 458.** RCW 26.50.070 and 1992 c 143 s 3 are each amended to
30 read as follows:

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

37 (a) Restraining any party from committing acts of domestic
38 violence;

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

3 (c) Restraining any party from interfering with the other's custody
4 of the minor children or from removing the children from the
5 jurisdiction of the court; ((and))

6 (d) Restraining any party from having any contact with the victim
7 of domestic violence or the victim's children or members of the
8 victim's household; and

9 (e) Considering the provisions of section 446 of this act.

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

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

17 (4) An ex parte temporary order for protection shall be effective
18 for a fixed period not to exceed fourteen days or twenty-four days if
19 the court has permitted service by publication under RCW 26.50.085.
20 The ex parte order may be reissued. A full hearing, as provided in
21 this chapter, shall be set for not later than fourteen days from the
22 issuance of the temporary order or not later than twenty-four days if
23 service by publication is permitted. Except as provided in RCW
24 26.50.050 and 26.50.085, the respondent shall be personally served with
25 a copy of the ex parte order along with a copy of the petition and
26 notice of the date set for the hearing.

27 **Sec. 459.** RCW 77.12.720 and 1990 c 195 s 2 are each amended to
28 read as follows:

29 The firearms range account is hereby created in the state general
30 fund. ((Any funds remaining in the firearm range account established
31 by RCW 77.12.195, at the time of its repeal by section 7, chapter 195,
32 Laws of 1990, shall be transferred to the firearms range account
33 established in this section.)) Moneys in the account shall be subject
34 to legislative appropriation and shall be used for purchase and
35 development of land, construction or improvement of range facilities,
36 including fixed structure construction or remodeling, equipment
37 purchase, safety or environmental improvements, noise abatement, and

1 liability protection for public and nonprofit firearm range training
2 and practice facilities.

3 Grant funds shall not be used for expendable shooting supplies, or
4 normal operating expenses. Grant funds shall not supplant funds for
5 other organization programs.

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

13 Applicants for a grant from the firearms range account shall
14 provide matching funds in either cash or in-kind contributions. The
15 match must represent one dollar in value for each one dollar of the
16 grant. In-kind contributions include but are not limited to labor,
17 materials, and new property. Existing assets and existing development
18 may not apply to the match.

19 Applicants other than school districts or local or state government
20 must be registered as a nonprofit or not-for-profit organization with
21 the Washington secretary of state and the United States internal
22 revenue service. The organization's articles of incorporation must
23 contain provisions for the organization's structure, officers, legal
24 address, and registered agent.

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

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

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

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

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

4 NEW SECTION. Sec. 460. A new section is added to chapter 9.94A
5 RCW to read as follows:

6 (1)(a) An offender is eligible for the special drug offender
7 sentencing alternative if:

8 (i) The offender is convicted of the manufacture, delivery, or
9 possession with intent to manufacture or deliver a controlled substance
10 classified in Schedule I or II that is a narcotic drug or a felony that
11 is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt,
12 criminal solicitation, or criminal conspiracy to commit such crimes,
13 and the violation does not involve a sentence enhancement under RCW
14 9.94A.310(3);

15 (ii) The offender has no prior convictions for a felony in this
16 state, another state, or the United States; and

17 (iii) The offense involved only a small quantity of the particular
18 controlled substance as determined by the judge upon consideration of
19 such factors as the weight, purity, packaging, sale price, and street
20 value of the controlled substance.

21 (b) If the midpoint of the standard range is greater than one year
22 and the sentencing judge determines that the offender is eligible for
23 this option and that the offender and the community will benefit from
24 the use of the special drug offender sentencing alternative, the judge
25 may waive imposition of a sentence within the standard range and impose
26 a sentence that must include a period of total confinement in a state
27 facility for one-half of the midpoint of the standard range. During
28 incarceration in the state facility, offenders sentenced under this
29 section shall undergo a comprehensive substance abuse assessment and
30 receive, within available resources, treatment services appropriate for
31 the offender. If the midpoint of the standard range is twenty-four
32 months or less, no more than three months of the sentence may be served
33 in a work release status. An offender sentenced under this section
34 shall serve his or her entire term of community placement under RCW
35 9.94A.120 in community custody that must include crime-related
36 prohibitions including a condition not to use illegal controlled
37 substances, and a requirement to submit to urinalysis or other testing
38 to monitor that status. The department may require the offender to pay

1 thirty dollars per month while on community custody to offset the cost
2 of monitoring. In addition, the court may impose any of the following
3 conditions:

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

5 (ii) Participate in outpatient substance abuse treatment;

6 (iii) Remain within prescribed geographical boundaries and notify
7 the court or the community corrections officer before any change in the
8 offender's address or employment;

9 (iv) Report as directed to a community corrections officer;

10 (v) Pay all court-ordered legal financial obligations;

11 (vi) Perform community service work;

12 (vii) Pay a day fine;

13 (viii) Stay out of areas designated by the sentencing judge;

14 (ix) Undergo day reporting.

15 (c) If the offender violates any of the sentence conditions in (b)
16 of this subsection, the department shall impose sanctions
17 administratively, with notice to the prosecuting attorney and the
18 sentencing court. Upon motion of the court or the prosecuting
19 attorney, a violation hearing shall be held by the court. If the court
20 finds that conditions have been willfully violated, the court may
21 impose confinement consisting of up to the remaining one-half of the
22 midpoint of the standard range. All total confinement served during
23 the period of community custody shall be credited to the offender,
24 regardless of whether the total confinement is served as a result of
25 the original sentence, as a result of a sanction imposed by the
26 department, or as a result of a violation found by the court. The term
27 of community custody shall be tolled by any period of time served in
28 total confinement as a result of a violation found by the court.

29 (d) The department shall determine the rules for calculating the
30 value of a day fine based on the offender's income and reasonable
31 obligations which the offender has for the support of the offender and
32 any dependents. These rules shall be developed in consultation with
33 the administrator for the courts, the office of financial management,
34 and the commission.

35 (2) For sentences imposed pursuant to subsection (1) of this
36 section that have a sentence range of over one year, notwithstanding
37 any other provision of RCW 9.94A.190 all such sentences regardless of
38 length shall be served in a facility or institution operated, or
39 utilized under contract, by the state.

1 (3) For the purposes of this section:

2 (a) "Day fine" means a fine imposed by the sentencing judge that
3 equals the difference between the offender's net daily income and the
4 reasonable obligations that the offender has for the support of the
5 offender and any dependents.

6 (b) "Day reporting" means a program of enhanced supervision
7 designed to monitor the defendant's daily activities and compliance
8 with sentence conditions, and in which the defendant is required to
9 report daily to a specific location designated by the department or the
10 sentencing judge.

11 NEW SECTION. **Sec. 461.** The commission shall evaluate the impact
12 of implementing the drug offender options provided for in section 460
13 of this act. The commission shall submit preliminary findings to the
14 legislature by December 1, 1995, and shall submit the final report to
15 the legislature by December 1, 1996. The report shall describe the
16 changes in sentencing practices related to the use of punishment
17 options for drug offenders and include the impact of sentencing
18 alternatives on state prison populations, the savings in state
19 resources, and the impact on recidivism rates.

20 **Sec. 462.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to
21 read as follows:

22 No person serving a sentence imposed pursuant to this chapter and
23 committed to the custody of the department shall leave the confines of
24 the correctional facility or be released prior to the expiration of the
25 sentence except as follows:

26 (1) Except as otherwise provided for in subsection (2) of this
27 section, the term of the sentence of an offender committed to a
28 correctional facility operated by the department, may be reduced by
29 earned early release time in accordance with procedures that shall be
30 developed and promulgated by the correctional agency having
31 jurisdiction in which the offender is confined. The earned early
32 release time shall be for good behavior and good performance, as
33 determined by the correctional agency having jurisdiction. The
34 correctional agency shall not credit the offender with earned early
35 release credits in advance of the offender actually earning the
36 credits. Any program established pursuant to this section shall allow
37 an offender to earn early release credits for presentence

1 incarceration. If an offender is transferred from a county jail to the
2 department of corrections, the county jail facility shall certify to
3 the department the amount of time spent in custody at the facility and
4 the amount of earned early release time. In the case of an offender
5 convicted of a serious violent offense or a sex offense that is a class
6 A felony committed on or after July 1, 1990, the aggregate earned early
7 release time may not exceed fifteen percent of the sentence. In no
8 other case shall the aggregate earned early release time exceed one-
9 third of the total sentence;

10 (2) A person convicted of a sex offense or an offense categorized
11 as a serious violent offense, assault in the second degree, assault of
12 a child in the second degree, any crime against a person where it is
13 determined in accordance with RCW 9.94A.125 that the defendant or an
14 accomplice was armed with a deadly weapon at the time of commission, or
15 any felony offense under chapter 69.50 or 69.52 RCW may become
16 eligible, in accordance with a program developed by the department, for
17 transfer to community custody status in lieu of earned early release
18 time pursuant to subsection (1) of this section;

19 (3) An offender may leave a correctional facility pursuant to an
20 authorized furlough or leave of absence. In addition, offenders may
21 leave a correctional facility when in the custody of a corrections
22 officer or officers;

23 (4) The governor, upon recommendation from the clemency and pardons
24 board, may grant an extraordinary release for reasons of serious health
25 problems, senility, advanced age, extraordinary meritorious acts, or
26 other extraordinary circumstances;

27 (5) No more than the final six months of the sentence may be served
28 in partial confinement designed to aid the offender in finding work and
29 reestablishing ((him)) himself or herself in the community, except for
30 offenders sentenced under section 460 of this act who have a standard
31 range midpoint of twenty-four months or less in which case no more than
32 the final three months of the sentence may be served in such partial
33 confinement;

34 (6) The governor may pardon any offender;

35 (7) The department of corrections may release an offender from
36 confinement any time within ten days before a release date calculated
37 under this section; and

1 (8) An offender may leave a correctional facility prior to
2 completion of his or her sentence if the sentence has been reduced as
3 provided in RCW 9.94A.160.

4 **Sec. 463.** RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are
5 each reenacted and amended to read as follows:

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

12 (1) Any police officer having probable cause to believe that a
13 person has committed or is committing a misdemeanor or gross
14 misdemeanor, involving physical harm or threats of harm to any person
15 or property or the unlawful taking of property or involving the use or
16 possession of cannabis, or involving the acquisition, possession, or
17 consumption of alcohol by a person under the age of twenty-one years
18 under RCW 66.44.270 shall have the authority to arrest the person.

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

22 (a) An order has been issued of which the person has knowledge
23 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
24 RCW, or chapter 26.50 RCW restraining the person and the person has
25 violated the terms of the order restraining the person from acts or
26 threats of violence or excluding the person from a residence or, in the
27 case of an order issued under RCW 26.44.063, imposing any other
28 restrictions or conditions upon the person; or

29 (b) The person is eighteen years or older and within the preceding
30 four hours has assaulted that person's spouse, former spouse, or a
31 person eighteen years or older with whom the person resides or has
32 formerly resided and the officer believes: (i) A felonious assault
33 has occurred; (ii) an assault has occurred which has resulted in bodily
34 injury to the victim, whether the injury is observable by the
35 responding officer or not; or (iii) that any physical action has
36 occurred which was intended to cause another person reasonably to fear
37 imminent serious bodily injury or death. Bodily injury means physical
38 pain, illness, or an impairment of physical condition. When the

1 officer has probable cause to believe that spouses, former spouses, or
2 other persons who reside together or formerly resided together have
3 assaulted each other, the officer is not required to arrest both
4 persons. The officer shall arrest the person whom the officer believes
5 to be the primary physical aggressor. In making this determination,
6 the officer shall make every reasonable effort to consider: (i) The
7 intent to protect victims of domestic violence under RCW 10.99.010;
8 (ii) the comparative extent of injuries inflicted or serious threats
9 creating fear of physical injury; and (iii) the history of domestic
10 violence between the persons involved.

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

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

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

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

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

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

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

26 (4) A law enforcement officer investigating at the scene of a motor
27 vehicle accident may arrest the driver of a motor vehicle involved in
28 the accident if the officer has probable cause to believe that the
29 driver has committed in connection with the accident a violation of any
30 traffic law or regulation.

31 (5) Any police officer having probable cause to believe that a
32 person has committed or is committing a violation of RCW (~~88.12.100~~)
33 88.12.025 shall have the authority to arrest the person.

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

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

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

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

12 (10) A police officer having probable cause to believe that a
13 person illegally possesses or illegally has possessed a (~~firearm or~~
14 ~~other dangerous~~) deadly weapon as defined in RCW 9A.04.110 on private
15 or public elementary or secondary school premises shall have the
16 authority to arrest the person.

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

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

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

26 **Sec. 464.** RCW 10.99.030 and 1993 c 350 s 3 are each amended to
27 read as follows:

28 (1) All training relating to the handling of domestic violence
29 complaints by law enforcement officers shall stress enforcement of
30 criminal laws in domestic situations, availability of community
31 resources, and protection of the victim. Law enforcement agencies and
32 community organizations with expertise in the issue of domestic
33 violence shall cooperate in all aspects of such training.

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

37 (3)(a) When a peace officer responds to a domestic violence call
38 and has probable cause to believe that a crime has been committed, the

1 peace officer shall exercise arrest powers with reference to the
2 criteria in RCW 10.31.100. The officer shall notify the victim of the
3 victim's right to initiate a criminal proceeding in all cases where the
4 officer has not exercised arrest powers or decided to initiate criminal
5 proceedings by citation or otherwise. The parties in such cases shall
6 also be advised of the importance of preserving evidence.

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

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

16 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
17 city or county prosecuting attorney to file a criminal
18 complaint. You also have the right to file a petition in
19 superior, district, or municipal court requesting an order for
20 protection from domestic abuse which could include any of the
21 following: (a) An order restraining your abuser from further
22 acts of abuse; (b) an order directing your abuser to leave your
23 household; (c) an order preventing your abuser from entering
24 your residence, school, business, or place of employment; (d)
25 an order awarding you or the other parent custody of or
26 visitation with your minor child or children; and (e) an order
27 restraining your abuser from molesting or interfering with
28 minor children in your custody. The forms you need to obtain
29 a protection order are available in any municipal, district, or
30 superior court.

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

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

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

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

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

11 (9) Commencing January 1, 1994, records of incidents of domestic
12 violence shall be submitted, in accordance with procedures described in
13 this subsection, to the Washington association of sheriffs and police
14 chiefs by all law enforcement agencies. The Washington criminal
15 justice training commission shall amend its contract for collection of
16 state-wide crime data with the Washington association of sheriffs and
17 police chiefs:

18 (a) To include a table, in the annual report of crime in Washington
19 produced by the Washington association of sheriffs and police chiefs
20 pursuant to the contract, showing the total number of actual offenses
21 and the number and percent of the offenses that are domestic violence
22 incidents for the following crimes: (i) Criminal homicide, with
23 subtotals for murder and nonnegligent homicide and manslaughter by
24 negligence; (ii) forcible rape, with subtotals for rape by force and
25 attempted forcible rape; (iii) robbery, with subtotals for firearm,
26 knife or cutting instrument, or other ((dangerous)) deadly weapon as
27 defined in RCW 9A.04.110, and strongarm robbery; (iv) assault, with
28 subtotals for firearm, knife or cutting instrument, other ((dangerous))
29 deadly weapon, hands, feet, aggravated, and other nonaggravated
30 assaults; (v) burglary, with subtotals for forcible entry, nonforcible
31 unlawful entry, and attempted forcible entry; (vi) larceny theft,
32 except motor vehicle theft; (vii) motor vehicle theft, with subtotals
33 for autos, trucks and buses, and other vehicles; and (viii) arson;

34 (b) To require that the table shall continue to be prepared and
35 contained in the annual report of crime in Washington until that time
36 as comparable or more detailed information about domestic violence
37 incidents is available through the Washington state incident based
38 reporting system and the information is prepared and contained in the
39 annual report of crime in Washington; and

1 (c) To require that, in consultation with interested persons, the
2 Washington association of sheriffs and police chiefs prepare and
3 disseminate procedures to all law enforcement agencies in the state as
4 to how the agencies shall code and report domestic violence incidents
5 to the Washington association of sheriffs and police chiefs.

6 NEW SECTION. **Sec. 465.** A new section is added to chapter 13.06
7 RCW to read as follows:

8 (1) The director of the division of juvenile rehabilitation and the
9 several school districts within which there is located a residential
10 school shall develop and implement a job skills training program as
11 part of the division's and the districts' overall treatment and
12 educational responsibilities to juvenile offenders in all residential
13 schools. The program shall provide youth with skills necessary to
14 locate, compete for, and maintain employment in demand occupations. In
15 operating the program the director and the several school districts
16 shall:

17 (a) Assure that educational programs offered are occupationally
18 based and provide a wide range of prevocational skills necessary to
19 career development;

20 (b) Assure that vocational skills obtained in the classroom and in
21 school are transferable to the emerging labor market;

22 (c) Assure that basic skill offerings include remedial and advanced
23 skills in workplace communication, negotiation, teamwork, and problem
24 solving;

25 (d) Develop a system-wide process for evaluating all youth on the
26 basis of self-management skills, employability skills, and life skills;

27 (e) Work with the office of the superintendent of public
28 instruction to assure that credit is awarded toward high school
29 completion for documented performance gains and vocational skill
30 acquisition in addition to traditional or standard academic credit
31 awarded for completion hours;

32 (f) Work with local business organizations to provide information
33 and career awareness to youth in all facilities; and

34 (g) Provide institutional work experience opportunities and
35 programs that are coordinated with educational programs to reinforce
36 learning and application of skills.

37 (2) The director and the several school districts shall consult
38 with the employment security department, the office of the

1 superintendent of public instruction, and the work force training and
2 education coordinating board on the design, implementation,
3 coordination, and management of the program.

4 (3) The director shall ensure that all facility counselors are
5 trained in the area of youth employment skills assessment and
6 development.

7 NEW SECTION. **Sec. 466.** The legislature is making the change of
8 "dangerous weapon" to "deadly weapon" solely to make consistent use of
9 terminology. No substantive change in sentencing or the element of any
10 criminal offense is intended.

11 NEW SECTION. **Sec. 467.** RCW 9.41.160 shall be recodified within
12 chapter 9.41 RCW to follow RCW 9.41.310.

13 NEW SECTION. **Sec. 468.** The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 9.41.030 and 1935 c 172 s 3;
- 16 (2) RCW 9.41.093 and 1969 ex.s. c 227 s 2;
- 17 (3) RCW 9.41.100 and 1935 c 172 s 10;
- 18 (4) RCW 9.41.130 and 1935 c 172 s 13;
- 19 (5) RCW 9.41.200 and 1989 c 231 s 2 & 1933 c 64 s 2;
- 20 (6) RCW 9.41.210 and 1933 c 64 s 3; and
- 21 (7) RCW 9.41.230 and 1909 c 249 s 307 & 1888 p 100 ss 2, 3.

22 **PART V. EDUCATION**

23 **Sec. 501.** RCW 28A.300.130 and 1993 c 336 s 501 are each amended to
24 read as follows:

25 (1) Expanding activity in educational research, educational
26 restructuring, and educational improvement initiatives has produced and
27 continues to produce much valuable information. The legislature finds
28 that such information should be shared with the citizens and
29 educational community of the state as widely as possible. To
30 facilitate access to information and materials on educational
31 improvement and research, the superintendent of public instruction, to
32 the extent funds are appropriated, shall establish the center for the
33 improvement of student learning. The primary purpose of the center is
34 to provide assistance and advice to parents, school board members,

1 educators, and the public regarding strategies for assisting students
2 in learning the essential academic learning requirements pursuant to
3 RCW 28A.630.885. The center shall work in conjunction with the
4 commission on student learning, educational service districts, and
5 institutions of higher education.

6 (2) The center shall:

7 (a) Serve as a clearinghouse for the completed work and activities
8 of the commission on student learning;

9 (b) Serve as a clearinghouse for information regarding successful
10 educational restructuring and parental involvement programs in schools
11 and districts, and information about efforts within institutions of
12 higher education in the state to support educational restructuring
13 initiatives in Washington schools and districts;

14 (c) Provide best practices research and advice that can be used to
15 help schools develop and implement: School improvement plans; school-
16 based shared decision-making models; programs to promote lifelong
17 learning and community involvement in education; school-to-work
18 transition programs; programs to meet the needs of highly capable
19 students; programs to meet the diverse needs of students based on
20 gender, racial, ethnic, economic, and special needs status; in-service
21 or curriculum programs regarding violence prevention; and other
22 programs that will assist educators in helping students learn the
23 essential academic learning requirements;

24 (d) Develop and distribute, in conjunction with the commission on
25 student learning, parental involvement materials, including
26 instructional guides developed to inform parents of the essential
27 academic learning requirements. The instructional guides also shall
28 contain actions parents may take to assist their children in meeting
29 the requirements, and should focus on reaching parents who have not
30 previously been involved with their children's education;

31 (e) Identify obstacles to greater parent and community involvement
32 in school shared decision-making processes and recommend strategies for
33 helping parents and community members to participate effectively in
34 school shared decision-making processes, including understanding and
35 respecting the roles of school building administrators and staff;

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

38 (g) Work with appropriate organizations to inform teachers,
39 district and school administrators, and school directors about the

1 waivers available under RCW 28A.305.140 and the broadened school board
2 powers under RCW 28A.320.015;

3 (h) Provide training and consultation services, including in-
4 service training on violence prevention, and promote interagency
5 sharing of information on violence prevention programs and model
6 violence prevention curricula;

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

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

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

14 (4) The superintendent may enter into contracts with individuals or
15 organizations including but not limited to: School districts;
16 teachers; higher education faculty; institutions of higher education;
17 state agencies; business or community-based organizations; and other
18 individuals and organizations to accomplish the duties and
19 responsibilities of the center. The superintendent shall contract out
20 with community-based organizations to meet the provisions of subsection
21 (2) (d) and (e) of this section. In carrying out the duties and
22 responsibilities of the center, the superintendent, whenever possible,
23 shall use practitioners to assist agency staff as well as assist
24 educators and others in schools and districts.

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

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

29 The educational service districts, in meeting the core service
30 requirement of in-service training and workshops under RCW
31 28A.310.350(5), shall provide to school districts, on a request basis,
32 in-service training on violence prevention.

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

35 (1) Beginning with the 1994-95 school year, to provide the local
36 community and electorate with access to information on the educational
37 programs in the schools in the district, each school shall publish

1 annually a school performance report and deliver the report to each
2 parent with children enrolled in the school and make the report
3 available to the community served by the school. The annual
4 performance report shall be in a form that can be easily understood and
5 be used by parents, guardians, and other members of the community who
6 are not professional educators to make informed educational decisions.
7 As data from the assessments in RCW 28A.630.885 becomes available, the
8 annual performance report should enable parents, educators, and school
9 board members to determine whether students in the district's schools
10 are attaining mastery of the student learning goals under RCW
11 28A.150.210, and other important facts about the schools' performance
12 in assisting students to learn. The annual report shall make
13 comparisons to a school's performance in preceding years and shall
14 project goals in performance categories.

15 (2) The annual performance report shall include, but not be limited
16 to: A brief statement of the mission of the school and the school
17 district; enrollment statistics including student demographics;
18 expenditures per pupil for the school year; a summary of student scores
19 on all mandated tests; a concise annual budget report; student
20 attendance, graduation, and dropout rates; information regarding the
21 use and condition of the school building or buildings; a brief
22 description of the restructuring plan for the school; violence data
23 based on department of health violence data collection standards; and
24 an invitation to all parents and citizens to participate in school
25 activities.

26 (3) The superintendent of public instruction shall develop by June
27 30, 1994, a model report form, which shall also be adapted for
28 computers, that schools may use to meet the requirements of subsections
29 (1) and (2) of this section.

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

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

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

3 (1) The superintendent of public instruction, in consultation with
4 the department of community, trade, and economic development, the
5 department of social and health services, the state board for community
6 and technical colleges (~~(education)~~), and community-based, nonprofit
7 providers of adult literacy services, shall develop an adult literacy
8 program to serve eligible parents as defined under RCW 28A.610.020.
9 The program shall give priority to serving parents with children who
10 have not yet enrolled in school or are in grades kindergarten through
11 three.

12 (2) In addition to providing basic skills instruction to eligible
13 parents, the program shall include violence prevention awareness and
14 training and may include other program components which may include
15 transportation, child care, and such other directly necessary
16 activities as may be necessary to accomplish the purposes of RCW
17 28A.610.020 through 28A.610.060.

18 (3) Parents who elect to participate in training or work programs,
19 as a condition of receiving public assistance, shall have the hours
20 spent in parent participation programs, conducted as part of a federal
21 head start program, or the state early childhood education and
22 assistance program under RCW 28A.215.100 through 28A.215.200 and
23 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
24 28A.610.020 through 28A.610.060, counted toward the fulfillment of
25 their work and training obligation for the receipt of public
26 assistance.

27 (4) State funds as may be appropriated for project even start shall
28 be used solely to expand and complement, but not supplant, federal
29 funds for adult literary programs.

30 (5) The superintendent of public instruction shall adopt rules as
31 necessary to carry out the purposes of RCW 28A.610.020 through
32 28A.610.060.

33 **Sec. 506.** RCW 28A.610.060 and 1987 c 518 s 109 are each amended to
34 read as follows:

35 The superintendent of public instruction, through the (~~state~~
36 ~~clearinghouse for education information~~) center for the improvement of
37 student learning, shall collect and disseminate to all school districts

1 and other interested parties information about effective parent
2 literacy programs under project even start.

3 **Sec. 507.** RCW 28A.620.020 and 1985 c 344 s 2 are each amended to
4 read as follows:

5 Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any
6 other law, rule, or regulation, any school district is authorized and
7 encouraged to provide community education programs in the form of
8 instructional, recreational and/or service programs on a noncredit and
9 nontuition basis, excluding fees for supplies, materials, or instructor
10 costs, for the purpose of stimulating the full educational potential
11 and meeting the needs of the district's residents of all ages, and
12 making the fullest use of the district's school facilities: PROVIDED,
13 That school districts are encouraged to provide programs for
14 prospective parents, prospective foster parents, and prospective
15 adoptive parents on parenting skills, violence prevention, and on the
16 problems of child abuse and methods to avoid child abuse situations:
17 PROVIDED FURTHER, That community education programs shall be consistent
18 with rules and regulations promulgated by the state superintendent of
19 public instruction governing cooperation between common schools,
20 community college districts, and other civic and governmental
21 organizations which shall have been developed in cooperation with the
22 state board for community and technical colleges ((education)) and
23 shall be programs receiving the approval of said superintendent.

24 **Sec. 508.** RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s 1
25 are each reenacted and amended to read as follows:

26 (1) The Washington commission on student learning is hereby
27 established. The primary purposes of the commission are to identify
28 the knowledge and skills all public school students need to know and be
29 able to do based on the student learning goals in RCW 28A.150.210, to
30 develop student assessment and school accountability systems, and to
31 take other steps necessary to develop a performance-based education
32 system. The commission shall include three members of the state board
33 of education, three members appointed by the governor before July 1,
34 1992, and five members appointed no later than June 1, 1993, by the
35 governor elected in the November 1992 election. The governor shall
36 appoint a chair from the commission members, and fill any vacancies in
37 gubernatorial appointments that may occur. The state board of

1 education shall fill any vacancies of state board of education
2 appointments that may occur. In making the appointments, educators,
3 business leaders, and parents shall be represented, and nominations
4 from state-wide education, business, and parent organizations shall be
5 requested. Efforts shall be made to ensure that the commission
6 reflects the racial and ethnic diversity of the state's K-12 student
7 population and that the major geographic regions in the state are
8 represented. Appointees shall be qualified individuals who are
9 supportive of educational restructuring, who have a positive record of
10 service, and who will devote sufficient time to the responsibilities of
11 the commission to ensure that the objectives of the commission are
12 achieved.

13 (2) The commission shall establish advisory committees. Membership
14 of the advisory committees shall include, but not necessarily be
15 limited to, professionals from the office of the superintendent of
16 public instruction and the state board of education, and other state
17 and local educational practitioners and student assessment specialists.

18 (3) The commission, with the assistance of the advisory committees,
19 shall:

20 (a) Develop essential academic learning requirements based on the
21 student learning goals in RCW 28A.150.210. Essential academic learning
22 requirements shall be developed, to the extent possible, for each of
23 the student learning goals in RCW 28A.150.210. Goals one and two shall
24 be considered primary. Essential academic learning requirements for
25 RCW 28A.150.210(1), goal one, and the mathematics component of RCW
26 28A.150.210(2), goal two, shall be completed no later than March 1,
27 1995. Essential academic learning requirements that incorporate the
28 remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and
29 four, shall be completed no later than March 1, 1996. To the maximum
30 extent possible, the commission shall integrate goal four and the
31 knowledge and skill areas in the other goals in the development of the
32 essential academic learning requirements;

33 (b)(i) The commission shall present to the state board of education
34 and superintendent of public instruction a state-wide academic
35 assessment system for use in the elementary, middle, and high school
36 years designed to determine if each student has mastered the essential
37 academic learning requirements identified in (a) of this subsection.
38 The academic assessment system shall include a variety of assessment
39 methods, including performance-based measures that are criterion-

1 referenced. Performance standards for determining if a student has
2 successfully completed an assessment shall be initially determined by
3 the commission in consultation with the advisory committees required in
4 subsection (2) of this section.

5 (ii) The assessment system shall be designed so that the results
6 under the assessment system are used by educators as tools to evaluate
7 instructional practices, and to initiate appropriate educational
8 support for students who have not mastered the essential academic
9 learning requirements at the appropriate periods in the student's
10 educational development.

11 (iii) Assessments measuring the essential academic learning
12 requirements developed for RCW 28A.150.210(1), goal one, and the
13 mathematics component of RCW 28A.150.210(2), goal two, shall be
14 initially implemented by the state board of education and
15 superintendent of public instruction no later than the 1996-97 school
16 year, unless the legislature takes action to delay or prevent
17 implementation of the assessment system and essential academic learning
18 requirements. Assessments measuring the essential academic learning
19 requirements developed for RCW 28A.150.210 (2), (3), and (4), goals
20 two, three, and four, shall be initially implemented by the state board
21 of education and superintendent of public instruction no later than the
22 1997-98 school year, unless the legislature takes action to delay or
23 prevent implementation of the assessment system and essential academic
24 learning requirements. To the maximum extent possible, the commission
25 shall integrate knowledge and skill areas in development of the
26 assessments.

27 (iv) Before the 2000-2001 school year, participation by school
28 districts in the assessment system shall be optional. School districts
29 that desire to participate before the 2000-2001 school year shall
30 notify the superintendent of public instruction in a manner determined
31 by the superintendent. Beginning in the 2000-2001 school year, all
32 school districts shall be required to participate in the assessment
33 system.

34 (v) The state board of education and superintendent of public
35 instruction may modify the essential academic learning requirements and
36 academic assessment system, as needed, in subsequent school years.

37 (vi) The commission shall develop assessments that are directly
38 related to the essential academic learning requirements, and are not

1 biased toward persons with different learning styles, racial or ethnic
2 backgrounds, or on the basis of gender;

3 (c) After a determination is made by the state board of education
4 that the high school assessment system has been implemented and that it
5 is sufficiently reliable and valid, successful completion of the high
6 school assessment shall lead to a certificate of mastery. The
7 certificate of mastery shall be obtained by most students at about the
8 age of sixteen, and is evidence that the student has successfully
9 mastered the essential academic learning requirements during his or her
10 educational career. The certificate of mastery shall be required for
11 graduation but shall not be the only requirement for graduation. The
12 commission shall make recommendations to the state board of education
13 regarding the relationship between the certificate of mastery and high
14 school graduation requirements. Upon achieving the certificate of
15 mastery, schools shall provide students with the opportunity to
16 continue to pursue career and educational objectives through
17 educational pathways that emphasize integration of academic and
18 vocational education. Educational pathways may include, but are not
19 limited to, programs such as work-based learning, school-to-work
20 transition, tech prep, vocational-technical education, running start,
21 and preparation for technical college, community college, or university
22 education;

23 (d) Consider methods to address the unique needs of special
24 education students when developing the assessments in (b) and (c) of
25 this subsection;

26 (e) Consider methods to address the unique needs of highly capable
27 students when developing the assessments in (b) and (c) of this
28 subsection;

29 (f) Develop recommendations on the time, support, and resources,
30 including technical assistance, needed by schools and school districts
31 to help students achieve the essential academic learning requirements.
32 These recommendations shall include an estimate for the legislature,
33 superintendent of public instruction, and governor on the expected cost
34 of implementing the academic assessment system;

35 (g) Develop recommendations for consideration by the higher
36 education coordinating board for adopting college and university
37 entrance requirements for public school students that are consistent
38 with the essential academic learning requirements and the certificate
39 of mastery;

1 (h) By December 1, 1998, recommend to the legislature, governor,
2 state board of education, and superintendent of public instruction:

3 (i) A state-wide accountability system to monitor and evaluate
4 accurately and fairly the level of learning occurring in individual
5 schools and school districts. The accountability system shall be
6 designed to recognize the characteristics of the student population of
7 schools and school districts such as gender, race, ethnicity,
8 socioeconomic status, and other factors. The system shall include
9 school-site, school district, and state-level accountability reports;

10 (ii) A school assistance program to help schools and school
11 districts that are having difficulty helping students meet the
12 essential academic learning requirements;

13 (iii) A system to intervene in schools and school districts in
14 which significant numbers of students persistently fail to learn the
15 essential academic learning requirements; and

16 (iv) An awards program to provide incentives to school staff to
17 help their students learn the essential academic learning requirements,
18 with each school being assessed individually against its own baseline.
19 Incentives shall be based on the rate of percentage change of students
20 achieving the essential academic learning requirements. School staff
21 shall determine how the awards will be spent.

22 The recommended awards, assistance, and intervention programs shall
23 include violence indicators or standards as part of the criteria for
24 determining the status of a school to receive an award or assistance,
25 or be subject to intervention.

26 It is the intent of the legislature to begin implementation of
27 programs in this subsection (3)(h) on September 1, 2000;

28 (i) Report annually by December 1st to the legislature, the
29 governor, the superintendent of public instruction, and the state board
30 of education on the progress, findings, and recommendations of the
31 commission; and

32 (j) Make recommendations to the legislature and take other actions
33 necessary or desirable to help students meet the student learning
34 goals.

35 (4) The commission shall coordinate its activities with the state
36 board of education and the office of the superintendent of public
37 instruction.

1 (5) The commission shall seek advice broadly from the public and
2 all interested educational organizations in the conduct of its work,
3 including holding periodic regional public hearings.

4 (6) The commission shall select an entity to provide staff support
5 and the office of the superintendent of public instruction shall
6 provide administrative oversight and be the fiscal agent for the
7 commission. The commission may direct the office of the superintendent
8 of public instruction to enter into subcontracts, within the
9 commission's resources, with school districts, teachers, higher
10 education faculty, state agencies, business organizations, and other
11 individuals and organizations to assist the commission in its
12 deliberations.

13 (7) Members of the commission shall be reimbursed for travel
14 expenses as provided in RCW 43.03.050 and 43.03.060.

15 NEW SECTION. **Sec. 509.** A new section is added to chapter 70.190
16 RCW to read as follows:

17 The community public health and safety networks, based on rules
18 adopted by the department of health, may include in its comprehensive
19 community plans procedures for providing matching grants to school
20 districts to support expanded use of school facilities for after-hours
21 recreational opportunities and day care as authorized under chapter
22 28A.215 RCW and RCW 28A.620.010.

23 **Sec. 510.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to
24 read as follows:

25 (1) A person is guilty of assault in the third degree if he or she,
26 under circumstances not amounting to assault in the first or second
27 degree:

28 (a) With intent to prevent or resist the execution of any lawful
29 process or mandate of any court officer or the lawful apprehension or
30 detention of himself or herself or another person, assaults another; or

31 (b) Assaults a person employed as a transit operator or driver by
32 a public or private transit company while that person is operating or
33 is in control of a vehicle that is owned or operated by the transit
34 company and that is occupied by one or more passengers; or

35 (c) Assaults a school bus driver employed by a school district or
36 a private company under contract for transportation services with a

1 school district while the driver is operating or is in control of a
2 school bus that is occupied by one or more passengers; or

3 (d) With criminal negligence, causes bodily harm to another person
4 by means of a weapon or other instrument or thing likely to produce
5 bodily harm; or

6 (e) Assaults a fire fighter or other employee of a fire department
7 or fire protection district who was performing his or her official
8 duties at the time of the assault; or

9 (f) With criminal negligence, causes bodily harm accompanied by
10 substantial pain that extends for a period sufficient to cause
11 considerable suffering; or

12 (g) Assaults a law enforcement officer or other employee of a law
13 enforcement agency who was performing his or her official duties at the
14 time of the assault; or

15 (h) Assaults a certificated staff member, classified staff member
16 not included under (c) of this subsection, or a volunteer, of a
17 preschool through twelfth grade school, who was performing his or her
18 assigned duties at the time of the assault; or

19 (i) Assaults a referee, umpire, judge, manager, coach, or volunteer
20 of an organized physical activity or sporting event, either during or
21 immediately following the activity or event.

22 (2) Assault in the third degree is a class C felony.

23 **Sec. 511.** 1993 sp.s. c 24 s 501 (uncodified) is amended to read as
24 follows:

25 **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

26 General Fund--State Appropriation	\$	34,414,000
27 General Fund--Federal Appropriation	\$	33,106,000
28 Public Safety and Education Account		
29 Appropriation	\$	338,000
30 <u>Violence Reduction and Drug Enforcement</u>		
31 ((and Education)) Account Appropriation	\$	3,197,000
32 TOTAL APPROPRIATION	\$	71,055,000

33 The appropriations in this section are subject to the following
34 conditions and limitations:

35 (1) AGENCY OPERATIONS

36 (a) \$304,000 of the general fund--state appropriation is provided
37 solely to upgrade the student data collection capability of the
38 superintendent of public instruction.

1 (b) \$423,000 of the general fund--state appropriation is provided
2 solely for certification investigation activities of the office of
3 professional practices.

4 (c) \$770,000 of the general fund--state appropriation is provided
5 solely for the operation and expenses of the state board of education,
6 including basic education assistance activities.

7 ~~((e))~~ (d) The entire public safety and education account
8 appropriation is provided solely for administration of the traffic
9 safety education program, including in-service training related to
10 instruction in the risks of driving while under the influence of
11 alcohol and other drugs.

12 ~~((f))~~ (e) \$10,000 of the general fund--state appropriation is
13 provided solely for a contract through the Washington State Institute
14 for Public Policy at The Evergreen State College for a bilingual
15 education conference to disseminate information on best practices in
16 bilingual instruction, including model programs from other states, and
17 to develop strategies for incorporating the most effective
18 instructional methods into the state's bilingual curriculum.

19 (2) STATE-WIDE PROGRAMS

20 (a) \$100,000 of the general fund--state appropriation is provided
21 for state-wide curriculum development.

22 (b) \$62,000 of the general fund--state appropriation is provided
23 for operation of a K-2 education program at Pt. Roberts by the Blaine
24 school district.

25 (c) \$2,415,000 of the general fund--state appropriation is provided
26 for in-service training and educational programs conducted by the
27 Pacific science center.

28 (d) \$70,000 of the general fund--state appropriation is provided
29 for operation of the Cispus environmental learning center.

30 (e) \$2,949,000 of the general fund--state appropriation is provided
31 for educational clinics, including state support activities.

32 (f) \$3,437,000 of the general fund--state appropriation is provided
33 for grants for magnet schools to be distributed as recommended by the
34 superintendent of public instruction pursuant to chapter 232, section
35 516(13), Laws of 1992.

36 (g) \$4,855,000 of the general fund--state appropriation is provided
37 for complex need grants. Grants shall be provided according to funding
38 ratios established in LEAP Document 30B as developed on May 4, 1993, at
39 11:00 a.m.

1 (h) \$3,050,000 of the violence reduction and drug enforcement (~~and~~
2 ~~education~~) account appropriation is provided solely for matching
3 grants to enhance security in secondary schools. Not more than
4 seventy-five percent of a district's total expenditures for school
5 security in any school year may be paid from a grant under this
6 subsection. The grants shall be expended solely for the costs of
7 employing or contracting for building security monitors, metal
8 detectors, or other security in secondary schools during school hours
9 and school events. Of the amount provided in this subsection, at least
10 \$2,850,000 shall be spent for grants to districts that, during the
11 1988-89 school year, employed or contracted for security monitors in
12 schools during school hours. However, these grants may be used only
13 for increases in school district expenditures for school security over
14 expenditure levels for the 1988-89 school year.

15 (i) Districts receiving allocations from subsection (2) (f) and (g)
16 of this section shall submit an annual report to the superintendent of
17 public instruction on the use of all district resources to address the
18 educational needs of at-risk students in each school building.

19 **Sec. 512.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to
20 read as follows:

21 (1) School districts may participate in the exchange of information
22 with law enforcement and juvenile court officials to the extent
23 permitted by the family educational and privacy rights act of 1974, 20
24 U.S.C. Sec. 1232g. When directed by court order or pursuant to ((any))
25 a lawfully issued subpoena, a school district shall make student
26 records and information available to law enforcement officials,
27 probation officers, court personnel, and others legally entitled to the
28 information. Parents and students shall be notified by the school
29 district of all ((such)) orders or subpoenas in advance of compliance
30 with them.

31 (2) The social file, diversion record, police contact record, and
32 arrest record of a student may be made available to a school district
33 if the records are requested by the principal or school counselor. Use
34 of the records is restricted to the principal, the school counselor, or
35 a teacher or teachers identified by the principal as necessary for the
36 provision of additional services to the student. The records may only
37 be used to identify and facilitate those services offered through the
38 school district that would be of benefit to the student. The student's

1 records shall be made available to the school district under the
2 provisions of this chapter, section 519 of this act, and chapter 13.50
3 RCW unless a parent or guardian provides, prior to the release of the
4 records, a written statement indicating which records shall remain
5 confidential until such further written release. School districts
6 shall provide written notice of this section to parents or guardians at
7 the time of enrollment of a student.

8 **Sec. 513.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to
9 read as follows:

10 (1) This section governs records relating to the commission of
11 juvenile offenses, including records relating to diversions.

12 (2) The official juvenile court file of any alleged or proven
13 juvenile offender shall be open to public inspection, unless sealed
14 pursuant to subsection (11) of this section.

15 (3) All records other than the official juvenile court file are
16 confidential and may be released only as provided in this section, RCW
17 13.50.010, 13.40.215, and 4.24.550.

18 (4) Except as otherwise provided in this section and RCW 13.50.010,
19 records retained or produced by any juvenile justice or care agency may
20 be released to other participants in the juvenile justice or care
21 system only when an investigation or case involving the juvenile in
22 question is being pursued by the other participant or when that other
23 participant is assigned the responsibility for supervising the
24 juvenile.

25 (5) Except as provided in RCW 4.24.550 or 28A.600.475, information
26 not in an official juvenile court file concerning a juvenile or a
27 juvenile's family may be released to the public only when that
28 information could not reasonably be expected to identify the juvenile
29 or the juvenile's family.

30 (6) Notwithstanding any other provision of this chapter, the
31 release, to the juvenile or his or her attorney, of law enforcement and
32 prosecuting attorneys' records pertaining to investigation, diversion,
33 and prosecution of juvenile offenses shall be governed by the rules of
34 discovery and other rules of law applicable in adult criminal
35 investigations and prosecutions.

36 (7) The juvenile court and the prosecutor may set up and maintain
37 a central record-keeping system which may receive information on all
38 alleged juvenile offenders against whom a complaint has been filed

1 pursuant to RCW 13.40.070 whether or not their cases are currently
2 pending before the court. The central record-keeping system may be
3 computerized. If a complaint has been referred to a diversion unit,
4 the diversion unit shall promptly report to the juvenile court or the
5 prosecuting attorney when the juvenile has agreed to diversion. An
6 offense shall not be reported as criminal history in any central
7 record-keeping system without notification by the diversion unit of the
8 date on which the offender agreed to diversion.

9 (8) Upon request of the victim of a crime or the victim's immediate
10 family, the identity of an alleged or proven juvenile offender alleged
11 or found to have committed a crime against the victim and the identity
12 of the alleged or proven juvenile offender's parent, guardian, or
13 custodian and the circumstance of the alleged or proven crime shall be
14 released to the victim of the crime or the victim's immediate family.

15 (9) Subject to the rules of discovery applicable in adult criminal
16 prosecutions, the juvenile offense records of an adult criminal
17 defendant or witness in an adult criminal proceeding shall be released
18 upon request to prosecution and defense counsel after a charge has
19 actually been filed. The juvenile offense records of any adult
20 convicted of a crime and placed under the supervision of the adult
21 corrections system shall be released upon request to the adult
22 corrections system.

23 (10) In any case in which an information has been filed pursuant to
24 RCW 13.40.100 or a complaint has been filed with the prosecutor and
25 referred for diversion pursuant to RCW 13.40.070, the person the
26 subject of the information or complaint may file a motion with the
27 court to have the court vacate its order and findings, if any, and,
28 subject to subsection (24) of this section, order the sealing of the
29 official juvenile court file, the social file, and records of the court
30 and of any other agency in the case.

31 (11) The court shall grant the motion to seal records made pursuant
32 to subsection (10) of this section if it finds that:

33 (a) Two years have elapsed from the later of: (i) Final discharge
34 of the person from the supervision of any agency charged with
35 supervising juvenile offenders; or (ii) from the entry of a court order
36 relating to the commission of a juvenile offense or a criminal offense;

37 (b) No proceeding is pending against the moving party seeking the
38 conviction of a juvenile offense or a criminal offense; and

1 (c) No proceeding is pending seeking the formation of a diversion
2 agreement with that person.

3 (12) The person making a motion pursuant to subsection (10) of this
4 section shall give reasonable notice of the motion to the prosecution
5 and to any person or agency whose files are sought to be sealed.

6 (13) If the court grants the motion to seal made pursuant to
7 subsection (10) of this section, it shall, subject to subsection (24)
8 of this section, order sealed the official juvenile court file, the
9 social file, and other records relating to the case as are named in the
10 order. Thereafter, the proceedings in the case shall be treated as if
11 they never occurred, and the subject of the records may reply
12 accordingly to any inquiry about the events, records of which are
13 sealed. Any agency shall reply to any inquiry concerning confidential
14 or sealed records that records are confidential, and no information can
15 be given about the existence or nonexistence of records concerning an
16 individual.

17 (14) Inspection of the files and records included in the order to
18 seal may thereafter be permitted only by order of the court upon motion
19 made by the person who is the subject of the information or complaint,
20 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of
21 this section.

22 (15) Any adjudication of a juvenile offense or a crime subsequent
23 to sealing has the effect of nullifying the sealing order. Any
24 conviction for any adult felony subsequent to the sealing has the
25 effect of nullifying the sealing order for the purposes of chapter
26 9.94A RCW for any juvenile adjudication of guilt for a class A offense
27 or a sex offense as defined in RCW 9.94A.030.

28 (16) In any case in which an information has been filed pursuant to
29 RCW 13.40.100 or a complaint has been filed with the prosecutor and
30 referred for diversion pursuant to RCW 13.40.070, the person who is the
31 subject of the information or complaint may file a motion with the
32 court to have the court vacate its order and findings, if any, and,
33 subject to subsection (24) of this section, order the destruction of
34 the official juvenile court file, the social file, and records of the
35 court and of any other agency in the case.

36 (17) The court may grant the motion to destroy records made
37 pursuant to subsection (16) of this section if it finds:

38 (a) The person making the motion is at least twenty-three years of
39 age;

- 1 (b) The person has not subsequently been convicted of a felony;
2 (c) No proceeding is pending against that person seeking the
3 conviction of a criminal offense; and
4 (d) The person has never been found guilty of a serious offense.

5 (18) A person eighteen years of age or older whose criminal history
6 consists of only one referral for diversion may request that the court
7 order the records in that case destroyed. The request shall be
8 granted, subject to subsection (24) of this section, if the court finds
9 that two years have elapsed since completion of the diversion
10 agreement.

11 (19) If the court grants the motion to destroy records made
12 pursuant to subsection (16) or (18) of this section, it shall, subject
13 to subsection (24) of this section, order the official juvenile court
14 file, the social file, and any other records named in the order to be
15 destroyed.

16 (20) The person making the motion pursuant to subsection (16) or
17 (18) of this section shall give reasonable notice of the motion to the
18 prosecuting attorney and to any agency whose records are sought to be
19 destroyed.

20 (21) Any juvenile to whom the provisions of this section may apply
21 shall be given written notice of his or her rights under this section
22 at the time of his or her disposition hearing or during the diversion
23 process.

24 (22) Nothing in this section may be construed to prevent a crime
25 victim or a member of the victim's family from divulging the identity
26 of the alleged or proven juvenile offender or his or her family when
27 necessary in a civil proceeding.

28 (23) Any juvenile justice or care agency may, subject to the
29 limitations in subsection (24) of this section and subparagraphs (a)
30 and (b) of this subsection, develop procedures for the routine
31 destruction of records relating to juvenile offenses and diversions.

32 (a) Records may be routinely destroyed only when the person the
33 subject of the information or complaint has attained twenty-three years
34 of age or older, or is eighteen years of age or older and his or her
35 criminal history consists entirely of one diversion agreement and two
36 years have passed since completion of the agreement.

37 (b) The court may not routinely destroy the official juvenile court
38 file or recordings or transcripts of any proceedings.

1 (24) No identifying information held by the Washington state patrol
2 in accordance with chapter 43.43 RCW is subject to destruction or
3 sealing under this section. For the purposes of this subsection,
4 identifying information includes photographs, fingerprints, palmprints,
5 soleprints, toeprints and any other data that identifies a person by
6 physical characteristics, name, birthdate or address, but does not
7 include information regarding criminal activity, arrest, charging,
8 diversion, conviction or other information about a person's treatment
9 by the criminal justice system or about the person's behavior.

10 (25) Information identifying child victims under age eighteen who
11 are victims of sexual assaults by juvenile offenders is confidential
12 and not subject to release to the press or public without the
13 permission of the child victim or the child's legal guardian.
14 Identifying information includes the child victim's name, addresses,
15 location, photographs, and in cases in which the child victim is a
16 relative of the alleged perpetrator, identification of the relationship
17 between the child and the alleged perpetrator. Information identifying
18 a child victim of sexual assault may be released to law enforcement,
19 prosecutors, judges, defense attorneys, or private or governmental
20 agencies that provide services to the child victim of sexual assault.

21 **Sec. 514.** RCW 13.50.010 and 1993 c 374 s 1 are each amended to
22 read as follows:

23 (1) For purposes of this chapter:

24 (a) "Juvenile justice or care agency" means any of the following:
25 Police, diversion units, court, prosecuting attorney, defense attorney,
26 detention center, attorney general, the department of social and health
27 services and its contracting agencies, schools; and, in addition,
28 persons or public or private agencies having children committed to
29 their custody;

30 (b) "Official juvenile court file" means the legal file of the
31 juvenile court containing the petition or information, motions,
32 memorandums, briefs, findings of the court, and court orders;

33 (c) "Social file" means the juvenile court file containing the
34 records and reports of the probation counselor;

35 (d) "Records" means the official juvenile court file, the social
36 file, and records of any other juvenile justice or care agency in the
37 case.

1 (2) Each petition or information filed with the court may include
2 only one juvenile and each petition or information shall be filed under
3 a separate docket number. The social file shall be filed separately
4 from the official juvenile court file.

5 (3) It is the duty of any juvenile justice or care agency to
6 maintain accurate records. To this end:

7 (a) The agency may never knowingly record inaccurate information.
8 Any information in records maintained by the department of social and
9 health services relating to a petition filed pursuant to chapter 13.34
10 RCW that is found by the court, upon proof presented, to be false or
11 inaccurate shall be corrected or expunged from such records by the
12 agency;

13 (b) An agency shall take reasonable steps to (~~insure~~) assure the
14 security of its records and prevent tampering with them; and

15 (c) An agency shall make reasonable efforts to insure the
16 completeness of its records, including action taken by other agencies
17 with respect to matters in its files.

18 (4) Each juvenile justice or care agency shall implement procedures
19 consistent with the provisions of this chapter to facilitate inquiries
20 concerning records.

21 (5) Any person who has reasonable cause to believe information
22 concerning that person is included in the records of a juvenile justice
23 or care agency and who has been denied access to those records by the
24 agency may make a motion to the court for an order authorizing that
25 person to inspect the juvenile justice or care agency record concerning
26 that person. The court shall grant the motion to examine records
27 unless it finds that in the interests of justice or in the best
28 interests of the juvenile the records or parts of them should remain
29 confidential.

30 (6) A juvenile, or his or her parents, or any person who has
31 reasonable cause to believe information concerning that person is
32 included in the records of a juvenile justice or care agency may make
33 a motion to the court challenging the accuracy of any information
34 concerning the moving party in the record or challenging the continued
35 possession of the record by the agency. If the court grants the
36 motion, it shall order the record or information to be corrected or
37 destroyed.

38 (7) The person making a motion under subsection (5) or (6) of this
39 section shall give reasonable notice of the motion to all parties to

1 the original action and to any agency whose records will be affected by
2 the motion.

3 (8) The court may permit inspection of records by, or release of
4 information to, any clinic, hospital, or agency which has the subject
5 person under care or treatment, or to individuals or agencies engaged
6 in legitimate research for educational, scientific, or public purposes.
7 The court may also permit inspection of, or release of information
8 from, records which have been sealed pursuant to RCW 13.50.050(11).
9 Access to records or information for research purposes shall be
10 permitted only if the anonymity of all persons mentioned in the records
11 or information will be preserved. Each person granted permission to
12 inspect juvenile justice or care agency records for research purposes
13 shall present a notarized statement to the court stating that the names
14 of juveniles and parents will remain confidential.

15 (9) Juvenile detention facilities shall release records to the
16 juvenile disposition standards commission under RCW 13.40.025 upon
17 request. The commission shall not disclose the names of any juveniles
18 or parents mentioned in the records without the named individual's
19 written permission.

20 NEW SECTION. **Sec. 515.** The state board of education shall conduct
21 a study to identify possible incentives to encourage schools to
22 increase the space that is available for after-hours community use.
23 The board shall examine incentives for both existing school facilities
24 and for new construction. The board shall report its findings and
25 recommendations to the legislature by November 15, 1994.

26 NEW SECTION. **Sec. 516.** A new section is added to chapter 28A.600
27 RCW to read as follows:

28 When a school transfers a student's transcript to a new school, it
29 may also transfer the student's attendance records, records of unpaid
30 fines or property damage, and any disciplinary records, including
31 records relating to the facts resulting in any expulsions. The
32 student's parent shall be given the opportunity to review all such
33 records before the transfer.

34 **Sec. 517.** RCW 28A.190.030 and 1990 c 33 s 172 are each amended to
35 read as follows:

1 Each school district within which there is located a residential
2 school shall, singly or in concert with another school district
3 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
4 39.34 RCW, conduct a program of education, including the job skills
5 training program created in section 465 of this act and related student
6 activities, for residents of the residential school. Except as
7 otherwise provided for by contract pursuant to RCW 28A.190.050, the
8 duties and authority of a school district and its employees to conduct
9 such a program shall be limited to the following:

10 (1) The employment, supervision and control of administrators,
11 teachers, specialized personnel and other persons, deemed necessary by
12 the school district for the conduct of the program of education;

13 (2) The purchase, lease or rental and provision of textbooks, maps,
14 audio-visual equipment, paper, writing instruments, physical education
15 equipment and other instructional equipment, materials and supplies,
16 deemed necessary by the school district for the conduct of the program
17 of education;

18 (3) The development and implementation, in consultation with the
19 superintendent or chief administrator of the residential school or his
20 or her designee, of the curriculum;

21 (4) The conduct of a program of education, including related
22 student activities, for residents who are three years of age and less
23 than twenty-one years of age, and have not met high school graduation
24 requirements as now or hereafter established by the state board of
25 education and the school district which includes:

26 (a) Not less than one hundred and eighty school days each school
27 year;

28 (b) Special education pursuant to RCW 28A.155.010 through
29 28A.155.100, and vocational education including the job skills training
30 program created in section 465 of this act, as necessary to address the
31 unique needs and limitations of residents. Vocational education
32 opportunities shall be made available to each residential school
33 student between the ages of fourteen and twenty-one. The vocational
34 programs offered shall be occupationally based and provide skills that
35 are transferrable to the emerging labor market; and

36 (c) Such courses of instruction and school related student
37 activities as are provided by the school district for nonresidential
38 school students to the extent it is practical and judged appropriate
39 for the residents by the school district after consultation with the

1 superintendent or chief administrator of the residential school:
2 PROVIDED, That a preschool special education program may be provided
3 for handicapped residential school students;

4 (5) The control of students while participating in a program of
5 education conducted pursuant to this section and the discipline,
6 suspension or expulsion of students for violation of reasonable rules
7 of conduct adopted by the school district; and

8 (6) The expenditure of funds for the direct and indirect costs of
9 maintaining and operating the program of education that are
10 appropriated by the legislature and allocated by the superintendent of
11 public instruction for the exclusive purpose of maintaining and
12 operating residential school programs of education, and funds from
13 federal and private grants, bequests and gifts made for the purpose of
14 maintaining and operating the program of education.

15 **Sec. 518.** RCW 28A.190.040 and 1990 c 33 s 173 are each amended to
16 read as follows:

17 The duties and authority of the department of social and health
18 services and of each superintendent or chief administrator of a
19 residential school to support each program of education conducted by a
20 school district pursuant to RCW 28A.190.030, shall include the
21 following:

22 (1) The provision of transportation for residential school students
23 to and from the sites of the program of education through the purchase,
24 lease or rental of school buses and other vehicles as necessary;

25 (2) The provision of safe and healthy building and playground space
26 for the conduct of the program of education through the construction,
27 purchase, lease or rental of such space as necessary;

28 (3) The provision of furniture, vocational instruction machines and
29 tools, building and playground fixtures, and other equipment and
30 fixtures for the conduct of the program of education through
31 construction, purchase, lease or rental as necessary;

32 (4) The provision of heat, lights, telephones, janitorial services,
33 repair services, and other support services for the vehicles, building
34 and playground spaces, equipment and fixtures provided for in this
35 section;

36 (5) The employment, supervision and control of persons to transport
37 students and to maintain the vehicles, building and playground spaces,
38 equipment and fixtures, provided for in this section;

1 (6) Clinical and medical evaluation services necessary to a
2 determination by the school district of the educational needs of
3 residential school students; and

4 (7) Such other support services and facilities as are reasonably
5 necessary for the conduct of the program of education and the job
6 skills training program created in section 465 of this act.

7 NEW SECTION. **Sec. 519.** (1) The department of social and health
8 services and the superintendent of public instruction shall review all
9 statutes and rules relative to the sharing or exchange of information
10 about children who are the subject of reports of abuse and neglect or
11 who are charged with criminal behavior. The department and the
12 superintendent shall revise or adopt rules, consistent with federal
13 guidelines, that allow educational professionals in elementary and
14 secondary schools access to information contained in department records
15 solely for purposes of improving the child's educational performance or
16 attendance.

17 (2) The department and superintendent shall also revise or adopt
18 rules, consistent with federal guidelines, that allows the department
19 access to information contained in the records of a school or school
20 district on a child who is the subject of a report of abuse or neglect
21 solely for the purpose of improving the department's ability to respond
22 to the report of abuse or neglect.

23 The department and superintendent shall report their findings and
24 actions, including the need for statutory changes, to the legislature
25 by December 31, 1994.

26 This section shall expire January 1, 1995.

27 **PART VI. MEDIA**

28 NEW SECTION. **Sec. 601.** The purpose of this chapter is to regulate
29 media and media-related activities that directly or indirectly promote
30 violence in electronic media. Decades of substantial research has now
31 established a connection between the viewing of violent acts on
32 television or in films and an increased acting out of violent behavior,
33 especially in children. The social costs of increased violence are
34 paid by all Washingtonians. The state of Washington has a compelling
35 interest in reducing the incidence of media-induced violence as a
36 matter of public health and safety.

1 The legislature finds that, to the extent that electronic media,
2 including television, motion pictures, video games, and entertainment
3 uses of virtual reality are conducive to increased violent behaviors,
4 especially in children, the state has a duty to protect the public
5 health and safety by reasonably related regulation of electronic media.

6 Many parents, educators, and others are concerned about protecting
7 children and youth from the negative influences of the media, and want
8 more information about media content and more control over media
9 contact with their children.

10 The legislature finds that requiring companies that produce
11 television, motion pictures, video games, and entertainment uses of
12 virtual reality to provide age-rating guidelines for the public is
13 reasonably related to the prevention of the spread of violent behavior,
14 especially among children and youth.

15 NEW SECTION. **Sec. 602.** Unless the context clearly requires
16 otherwise, the definitions in this section apply throughout this
17 chapter.

18 (1) "Prime time" means those hours as defined by rule by the
19 federal communication commission.

20 (2) "Sweeps week" means any week during the year in which national
21 rating services measure the size of the television audience to
22 determine the market share for purposes of setting advertising rates.

23 (3) "Time/channel lock" is electronic circuitry designed to enable
24 television owners to block display of selected times and channels from
25 viewing.

26 (4) "Video" means any motion picture, television or other
27 electronically delivered programming, or other presentation on film,
28 video tape, or other medium designed to produce, reproduce, or project
29 images on a screen.

30 (5) "Violence" means any deliberate and hostile use of overt force,
31 or the immediate threat thereof, by an individual against another
32 individual.

33 (6) "Virtual reality" means any computer or other electronic
34 artificial-intelligence-based technology that creates an enhanced
35 simulation or illusion of three-dimensional, real-time or near-real-
36 time interactive reality through the use of software, specialized
37 hardware, holograms, gloves, masks, glasses, pods, goggles, helmets,
38 computer guns, or other items capable of producing visual, audio,

1 tactile, or sensory effects of verisimilitude beyond those available
2 with a personal computer.

3 NEW SECTION. **Sec. 603.** All new televisions sold in this state
4 after January 1, 1995, shall be equipped with a time/channel lock or
5 shall be sold with an offer to the customer to purchase a time and/or
6 channel lock, or other device that enables a person to regulate a
7 child's access to television programming, separately. All cable
8 television stations shall make available to all customers at the
9 company's cost the opportunity to purchase a time and/or channel lock,
10 or other device that enables a person to regulate a child's access to
11 television programming. Notice of this availability shall be clearly
12 made to all existing customers and to all new customers at the time of
13 their signing up for service.

14 NEW SECTION. **Sec. 604.** All videos and video and virtual reality
15 games sold or rented in this state shall clearly and prominently
16 display a realistic age rating for appropriateness of use by end-users
17 of the video or video game. The age rating shall be researched,
18 developed, and provided to the purchaser or renter of the video, or
19 video or virtual reality game, by the originator of the video or game.
20 The originator, as used in this section, includes the manufacturer or
21 software developer or copyright holder of the video or game.

22 The originator may develop the age rating in any reasonable manner,
23 as determined by the originator, who may consult child psychologists,
24 educators, child development specialists, pediatricians, or others as
25 appropriate in the determination of realistic age rating. The age-
26 rating determination shall include an objective evaluation and estimate
27 of the number of violent incidents represented in the media material
28 being rated.

29 The age-rating information may be presented to the consumer in any
30 readily understandable format, whether by label, code, or information
31 sheet.

32 NEW SECTION. **Sec. 605.** (1) Owners of video or video game
33 businesses shall not sell or rent videos or video games to a person
34 under the age of eighteen unless: (a) The renter or seller has on file
35 a written declaration from at least one parent or guardian of the
36 juvenile authorizing the juvenile to rent or purchase videos or video

1 games; or (b) the juvenile is accompanied by his or her parent or
2 guardian. The declaration may contain such restrictions as the parent
3 deems appropriate.

4 (2) A violation of this section is a class 3 civil infraction under
5 chapter 7.80 RCW. Compliance by retail outlets selling or renting
6 materials with age-rating information provided under section 604 of
7 this act, and reliance on the information, is a defense to civil or
8 criminal penalties.

9 NEW SECTION. **Sec. 606.** Television and radio broadcast stations
10 including cable stations, video rental companies, and print media are
11 encouraged, as a matter of public health and safety, to broadcast
12 public health-based, antiviolenace public service messages. The
13 content, style, and format of the messages shall be developed by the
14 community public health and safety council created under RCW
15 70.190.010, in coordination with its violence-reduction efforts and may
16 include the television violence report card, as set forth in section
17 608 of this act. The messages may be produced with grant funds from
18 the council or may be produced voluntarily by the media working with
19 the council.

20 NEW SECTION. **Sec. 607.** The legislature finds that, as a matter of
21 public health and safety, access by minors to violent videos, video
22 games, and computer software should be limited.

23 Public libraries, with the exception of university, college, and
24 community college libraries, shall establish standards and policies on
25 the protection of minors from access to violent video and other
26 electronic materials. Libraries shall make their standards and
27 policies known to the public in their communities.

28 Each library system shall formulate its own standards and policies,
29 and may, in its discretion, include public hearings, consultation with
30 community networks as defined under chapter 70.190 RCW, or consultation
31 with the Washington library association in the development of its
32 standards and policies.

33 NEW SECTION. **Sec. 608.** (1) The department of health shall
34 establish, by rule, a program for evaluating and ranking television
35 programs, including cable television programs, on the basis of the
36 violence contained in the programs.

1 Under the program, the department shall select, within each
2 calendar quarter, at least one week for the department to evaluate the
3 extent of the violence contained in each of the programs carried on any
4 of the national broadcast television networks, or on cable television
5 systems with regard to programs available to a substantial percentage
6 of the households that subscribe to cable television service
7 nationally, during that week's prime-time and Saturday morning time
8 slots. The department shall ensure that at least one of the weeks
9 selected in any calendar year is a sweeps week.

10 (2) After evaluating the television programs described in this
11 section, and in accordance with criteria established by the rules
12 adopted under this section, the department shall:

13 (a) List in ranked order those programs in terms of the extent of
14 the violence they contain; and

15 (b) List in ranked order program sponsors in terms of the extent to
16 which they sponsor television programs that contain a high degree of
17 violence.

18 (3) In the quarter following any quarter for which the department
19 has made evaluations under this section, the department shall publish
20 and make available to the public and the news media a television
21 violence report card that reports the violence rankings performed by
22 the department, including identification of the programs so evaluated
23 and the sponsors of those programs.

24 (4) The news media shall be immune from legal liability for the
25 accurate publication of the television violence report card.

26 For the purpose of facilitating the rule making required by
27 sections 613 and 614 of this act, the department of health shall also
28 communicate to the department of general administration and the state
29 investment board the results of its evaluations.

30 NEW SECTION. **Sec. 609.** A new section is added to chapter 13.16
31 RCW to read as follows:

32 Motion pictures unrated or rated X or NC-17 by the motion picture
33 association of America shall not be shown in juvenile detention
34 facilities.

35 NEW SECTION. **Sec. 610.** A new section is added to chapter 72.02
36 RCW to read as follows:

1 Motion pictures unrated or rated X or NC-17 by the motion picture
2 association of America shall not be shown in adult correctional
3 facilities.

4 NEW SECTION. **Sec. 611.** A new section is added to chapter 28A.650
5 RCW to read as follows:

6 (1) Software, computer games, and videos with fictional violent
7 content shall not be used in schools, except to depict actual
8 historical events or for educational purposes in a formal classroom
9 setting.

10 (2) Each educational service district shall monitor the software
11 and videos used in its district for fictional violent content, using
12 the guidelines developed by the office of the superintendent of public
13 instruction.

14 **Sec. 612.** RCW 28A.650.015 and 1993 c 336 s 703 are each amended to
15 read as follows:

16 (1) The superintendent of public instruction, to the extent funds
17 are appropriated, shall develop and implement a Washington state K-12
18 education technology plan. The technology plan, which shall be
19 completed by December 15, 1993, and updated on at least a biennial
20 basis, shall be developed to coordinate and expand the use of education
21 technology in the common schools of the state. The plan shall be
22 consistent with applicable provisions of chapter 43.105 RCW. The plan,
23 at a minimum, shall address:

24 (a) The provision of technical assistance to schools and school
25 districts for the planning, implementation, and training of staff in
26 the use of technology in curricular and administrative functions;

27 (b) The continued development of a network to connect school
28 districts, institutions of higher learning, and other sources of on-
29 line information; (~~and~~)

30 (c) Methods to equitably increase the use of education technology
31 by students and school personnel throughout the state; and

32 (d) After the effective date of this section, guidelines for
33 monitoring fictional violent content in computer software and videos
34 used in schools.

35 (2) The superintendent of public instruction shall appoint an
36 educational technology advisory committee to assist in the development
37 and implementation of the technology plan in subsection (1) of this

1 section. The committee shall include, but is not limited to, persons
2 representing: The state board of education, the commission on student
3 learning, the department of information services, educational service
4 districts, school directors, school administrators, school principals,
5 teachers, classified staff, higher education faculty, parents,
6 students, business, labor, scientists and mathematicians, the higher
7 education coordinating board, the work force training and education
8 coordinating board, and the state library.

9 NEW SECTION. **Sec. 613.** A new section is added to chapter 43.19
10 RCW to read as follows:

11 Notwithstanding any other provision of law, the department of
12 general administration shall adopt a policy of refusing to purchase
13 goods and services for the state from businesses or corporations,
14 including parent corporations, profiting from violence-related products
15 or services. Nothing in this section requires the department to adopt
16 a policy that results in a refusal to purchase goods and services from
17 a corporation that is primarily engaged in the business of producing
18 materials intended to be used in formal educational settings as set
19 forth in section 611 of this act. A business or corporation whose
20 violence-related products or services are for the main purpose of
21 national defense are exempt from this policy. Definitions and
22 guidelines shall be developed by the department of general
23 administration in consultation with the department of health.

24 NEW SECTION. **Sec. 614.** A new section is added to chapter 43.33A
25 RCW to read as follows:

26 Notwithstanding any other provision of law, the state investment
27 board shall adopt a policy of disinvestment in businesses or
28 corporations, including parent corporations, profiting from violence-
29 related products or services. Nothing in this section requires the
30 board to adopt a policy that results in a refusal to purchase goods and
31 services from a corporation that is primarily engaged in the business
32 of producing materials intended to be used in formal educational
33 settings as set forth in section 611 of this act. A business or
34 corporation whose violence-related products or services are for the
35 main purpose of national defense are exempt from this policy.
36 Definitions and guidelines for disinvestment shall be established by

1 the state investment board in consultation with the department of
2 health.

3 NEW SECTION. **Sec. 615.** Sections 601 through 608 of this act shall
4 constitute a new chapter in Title 19 RCW.

5 **PART VII. MISCELLANEOUS**

6 NEW SECTION. **Sec. 701.** A new section is added to chapter 44.28
7 RCW to read as follows:

8 (1) The legislative budget committee shall contract to monitor and
9 track the implementation of chapter . . . , Laws of 1994 (this act) to
10 determine whether these efforts result in a measurable reduction of
11 violence, and evaluate the data provided by the state and local health
12 departments to determine whether the community networks have met the
13 outcome criteria. Starting five years after the initial grant to a
14 community network, if the community network fails to meet the outcome
15 criteria and goals in any two consecutive years, the legislative budget
16 committee shall make recommendations to the legislature concerning
17 whether the funds received by that community network shall revert back
18 to the originating agency.

19 (2) The social development standards and measures established by
20 the department of health under section 204 of this act shall be used in
21 conducting the outcome evaluation of the community networks.

22 **Sec. 702.** RCW 66.24.210 and 1993 c 160 s 2 are each amended to
23 read as follows:

24 (1) There is hereby imposed upon all wines sold to wine wholesalers
25 and the Washington state liquor control board, within the state a tax
26 at the rate of twenty and one-fourth cents per liter: PROVIDED,
27 HOWEVER, That wine sold or shipped in bulk from one winery to another
28 winery shall not be subject to such tax. The tax provided for in this
29 section may, if so prescribed by the board, be collected by means of
30 stamps to be furnished by the board, or by direct payments based on
31 wine purchased by wine wholesalers. Every person purchasing wine under
32 the provisions of this section shall on or before the twentieth day of
33 each month report to the board all purchases during the preceding
34 calendar month in such manner and upon such forms as may be prescribed
35 by the board, and with such report shall pay the tax due from the

1 purchases covered by such report unless the same has previously been
2 paid. Any such purchaser of wine whose applicable tax payment is not
3 postmarked by the twentieth day following the month of purchase will be
4 assessed a penalty at the rate of two percent a month or fraction
5 thereof. If this tax be collected by means of stamps, every such
6 person shall procure from the board revenue stamps representing the tax
7 in such form as the board shall prescribe and shall affix the same to
8 the package or container in such manner and in such denomination as
9 required by the board and shall cancel the same prior to the delivery
10 of the package or container containing the wine to the purchaser. If
11 the tax is not collected by means of stamps, the board may require that
12 every such person shall execute to and file with the board a bond to be
13 approved by the board, in such amount as the board may fix, securing
14 the payment of the tax. If any such person fails to pay the tax when
15 due, the board may forthwith suspend or cancel the license until all
16 taxes are paid.

17 (2) An additional tax is imposed equal to the rate specified in RCW
18 82.02.030 multiplied by the tax payable under subsection (1) of this
19 section. All revenues collected during any month from this additional
20 tax shall be transferred to the state general fund by the twenty-fifth
21 day of the following month.

22 (3) An additional tax is imposed on wines subject to tax under
23 subsection (1) of this section, at the rate of one-fourth of one cent
24 per liter for wine sold after June 30, 1987. Such additional tax shall
25 cease to be imposed on July 1, 2001. All revenues collected under this
26 subsection (3) shall be disbursed quarterly to the Washington wine
27 commission for use in carrying out the purposes of chapter 15.88 RCW.

28 (4) (~~Until July 1, 1995,~~) An additional tax is imposed on all
29 wine subject to tax under subsection (1) of this section. The
30 additional tax is equal to twenty-three and forty-four one-hundredths
31 cents per liter on fortified wine as defined in RCW 66.04.010(34) when
32 bottled or packaged by the manufacturer and one cent per liter on all
33 other wine. All revenues collected during any month from this
34 additional tax shall be deposited in the violence reduction and drug
35 enforcement (~~and education~~) account under RCW 69.50.520 by the
36 twenty-fifth day of the following month.

37 **Sec. 703.** RCW 66.24.290 and 1993 c 492 s 311 are each amended to
38 read as follows:

1 (1) Any brewer or beer wholesaler licensed under this title may
2 sell and deliver beer to holders of authorized licenses direct, but to
3 no other person, other than the board; and every such brewer or beer
4 wholesaler shall report all sales to the board monthly, pursuant to the
5 regulations, and shall pay to the board as an added tax for the
6 privilege of manufacturing and selling the beer within the state a tax
7 of two dollars and sixty cents per barrel of thirty-one gallons on
8 sales to licensees within the state and on sales to licensees within
9 the state of bottled and canned beer shall pay a tax computed in
10 gallons at the rate of two dollars and sixty cents per barrel of
11 thirty-one gallons. Any brewer or beer wholesaler whose applicable tax
12 payment is not postmarked by the twentieth day following the month of
13 sale will be assessed a penalty at the rate of two percent per month or
14 fraction thereof. Each such brewer or wholesaler shall procure from
15 the board revenue stamps representing such tax in form prescribed by
16 the board and shall affix the same to the barrel or package in such
17 manner and in such denominations as required by the board, and shall
18 cancel the same prior to commencing delivery from his or her place of
19 business or warehouse of such barrels or packages. Beer shall be sold
20 by brewers and wholesalers in sealed barrels or packages. The revenue
21 stamps provided under this section need not be affixed and canceled in
22 the making of resales of barrels or packages already taxed by the
23 affixation and cancellation of stamps as provided in this section.

24 (2) An additional tax is imposed equal to seven percent multiplied
25 by the tax payable under subsection (1) of this section. All revenues
26 collected during any month from this additional tax shall be
27 transferred to the state general fund by the twenty-fifth day of the
28 following month.

29 (3) (~~Until July 1, 1995,~~) An additional tax is imposed on all
30 beer subject to tax under subsection (1) of this section. The
31 additional tax is equal to two dollars per barrel of thirty-one
32 gallons. All revenues collected during any month from this additional
33 tax shall be deposited in the violence reduction and drug enforcement
34 (~~and education~~) account under RCW 69.50.520 by the twenty-fifth day
35 of the following month.

36 (4)(a) An additional tax is imposed on all beer subject to tax
37 under subsection (1) of this section. The additional tax is equal to
38 ninety-six cents per barrel of thirty-one gallons through June 30,
39 1995, two dollars and thirty-nine cents per barrel of thirty-one

1 gallons for the period July 1, 1995, through June 30, 1997, and four
2 dollars and seventy-eight cents per barrel of thirty-one gallons
3 thereafter.

4 (b) The additional tax imposed under this subsection does not apply
5 to the sale of the first sixty thousand barrels of beer each year by
6 breweries that are entitled to a reduced rate of tax under 26 U.S.C.
7 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may
8 be provided by the board by rule consistent with the purposes of this
9 exemption.

10 (c) All revenues collected from the additional tax imposed under
11 this subsection (4) shall be deposited in the health services account
12 under RCW 43.72.900.

13 (5) The tax imposed under this section shall not apply to "strong
14 beer" as defined in this title.

15 **Sec. 704.** RCW 82.08.150 and 1993 c 492 s 310 are each amended to
16 read as follows:

17 (1) There is levied and shall be collected a tax upon each retail
18 sale of spirits, or strong beer in the original package at the rate of
19 fifteen percent of the selling price. The tax imposed in this
20 subsection shall apply to all such sales including sales by the
21 Washington state liquor stores and agencies, but excluding sales to
22 class H licensees.

23 (2) There is levied and shall be collected a tax upon each sale of
24 spirits, or strong beer in the original package at the rate of ten
25 percent of the selling price on sales by Washington state liquor stores
26 and agencies to class H licensees.

27 (3) There is levied and shall be collected an additional tax upon
28 each retail sale of spirits in the original package at the rate of one
29 dollar and seventy-two cents per liter. The additional tax imposed in
30 this subsection shall apply to all such sales including sales by
31 Washington state liquor stores and agencies, and including sales to
32 class H licensees.

33 (4) An additional tax is imposed equal to fourteen percent
34 multiplied by the taxes payable under subsections (1), (2), and (3) of
35 this section.

36 (5) (~~Until July 1, 1995,~~) An additional tax is imposed upon each
37 retail sale of spirits in the original package at the rate of seven
38 cents per liter. The additional tax imposed in this subsection shall

1 apply to all such sales including sales by Washington state liquor
2 stores and agencies, and including sales to class H licensees. All
3 revenues collected during any month from this additional tax shall be
4 deposited in the violence reduction and drug enforcement (~~and~~
5 ~~education~~) account under RCW 69.50.520 by the twenty-fifth day of the
6 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. 705.** 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
13 sale, use, consumption, handling, possession, or distribution of all
14 cigarettes, in an amount equal to the rate of (~~one~~) seven and one-
15 half mills per cigarette. All revenues collected during any month from
16 this additional tax shall be deposited in the violence reduction and
17 drug enforcement (~~and education~~) account under RCW 69.50.520 by the
18 twenty-fifth day of the following 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) Wholesalers and retailers subject to the payment of this tax
30 may, if they wish, absorb one-half mill per cigarette of the tax and
31 not pass it on to purchasers without being in violation of this section
32 or any other act relating to the sale or taxation of cigarettes.

33 (5) For purposes of this chapter, "possession" shall mean both (a)
34 physical possession by the purchaser and, (b) when cigarettes are being
35 transported to or held for the purchaser or his or her designee by a
36 person other than the purchaser, constructive possession by the
37 purchaser or his or her designee, which constructive possession shall

1 be deemed to occur at the location of the cigarettes being so
2 transported or held.

3 **Sec. 706.** RCW 69.50.520 and 1989 c 271 s 401 are each amended to
4 read as follows:

5 The violence reduction and drug enforcement (~~(and education)~~)
6 account is created in the state treasury. All designated receipts from
7 RCW 9.41.110(5), 66.24.210(4), 66.24.290(3), 69.50.505((f)(2)(i)(C))
8 (h)(1), 82.04.250(3), 82.08.150(5), 82.24.020(2), 82.64.020, and
9 section 420, chapter 271, Laws of 1989 shall be deposited into the
10 account. Expenditures from the account may be used only for funding
11 services and programs under (~~this act~~) chapter 271, Laws of 1989 and
12 chapter . . . , Laws of 1994 (this act), including state incarceration
13 costs. At least seven and one-half percent of expenditures from the
14 account shall be used for providing grants to community networks under
15 chapter 70.190 RCW by the community public health and safety council.

16 NEW SECTION. **Sec. 707.** Sections 445 and 702 through 705 of this
17 act shall be submitted as a single ballot measure to the people for
18 their adoption and ratification, or rejection, at the next succeeding
19 general election to be held in this state, in accordance with Article
20 II, section 1 of the state Constitution, as amended, and the laws
21 adopted to facilitate the operation thereof unless section 13, chapter
22 2, Laws of 1994, has been declared invalid or otherwise enjoined or
23 stayed by a court of competent jurisdiction.

24 NEW SECTION. **Sec. 708.** (1) Until July 1, 1994, any reference in
25 this act to the director or department of community, trade, and
26 economic development means the director or department of community
27 development.

28 (2) Until July 1, 1994, any reference in this act to the director
29 or department of fish and wildlife means the director or department of
30 wildlife.

31 NEW SECTION. **Sec. 709.** Part headings and the table of contents as
32 used in this act do not constitute any part of the law.

33 NEW SECTION. **Sec. 710.** (1) Sections 201 through 204, 302, 329,
34 460, and 461 of this act are necessary for the immediate preservation

1 of the public peace, health, or safety, or support of the state
2 government and its existing public institutions, and shall take effect
3 immediately.

4 (2) Section 705 of this act shall take effect July 1, 1995."

5 **E2SHB 2319** - S COMM AMD

6 By Committee on Health & Human Services

7

8 On page 1, line 1 of the title, after "violence;" strike the
9 remainder of the title and insert "amending RCW 74.14A.020, 70.190.005,
10 70.190.010, 43.101.240, 70.190.020, 70.190.030, 70.190.040, 70.190.900,
11 43.06.260, 46.20.265, 13.40.265, 9.41.050, 9.41.060, 9.41.070,
12 9.41.080, 9.41.090, 9.41.095, 9.41.098, 9.41.110, 9.41.140, 9.41.170,
13 9.41.180, 9.41.190, 9.41.240, 9.41.250, 9.41.260, 9.41.270, 9.41.280,
14 9A.56.040, 9A.56.160, 4.24.190, 9.94A.125, 13.40.110, 13.04.030,
15 13.40.020, 13.40.0357, 13.40.160, 13.40.210, 13.40.190, 13.40.300,
16 82.04.250, 9A.46.050, 10.14.080, 10.99.040, 10.99.045, 26.09.050,
17 26.09.060, 26.10.040, 26.10.115, 26.26.137, 26.50.070, 77.12.720,
18 9.94A.150, 10.99.030, 28A.300.130, 28A.320.205, 28A.610.030,
19 28A.610.060, 28A.620.020, 9A.36.031, 28A.600.475, 13.50.050, 13.50.010,
20 28A.190.030, 28A.190.040, 28A.650.015, 66.24.210, 66.24.290, 82.08.150,
21 82.24.020, and 69.50.520; amending 1993 sp.s. c 24 s 501 (uncodified);
22 reenacting and amending RCW 9.41.010, 9.41.040, 26.28.080, 26.26.130,
23 26.50.060, 10.31.100, and 28A.630.885; adding new sections to chapter
24 43.70 RCW; adding new sections to chapter 70.190 RCW; adding a new
25 section to chapter 74.14A RCW; adding a new section to Title 28A RCW;
26 adding a new section to chapter 43.63A RCW; adding a new section to
27 chapter 43.101 RCW; adding new sections to chapter 43.41 RCW; adding a
28 new section to chapter 43.20A RCW; adding a new section to chapter
29 35.21 RCW; adding a new section to chapter 35A.11 RCW; adding a new
30 section to chapter 36.32 RCW; adding new sections to chapter 9.41 RCW;
31 adding new sections to chapter 9.94A RCW; adding a new section to
32 chapter 13.06 RCW; adding a new section to chapter 28A.310 RCW; adding
33 a new section to chapter 28A.405 RCW; adding a new section to chapter
34 28A.600 RCW; adding a new section to chapter 13.16 RCW; adding a new
35 section to chapter 72.02 RCW; adding a new section to chapter 28A.650
36 RCW; adding a new section to chapter 43.19 RCW; adding a new section to
37 chapter 43.33A RCW; adding a new section to chapter 44.28 RCW; adding

1 a new chapter to Title 19 RCW; creating new sections; recodifying RCW
2 9.41.160; repealing RCW 70.190.900, 9.41.030, 9.41.093, 9.41.100,
3 9.41.130, 9.41.200, 9.41.210, and 9.41.230; prescribing penalties;
4 providing effective dates; providing for submission of certain sections
5 of this act to a vote of the people; and declaring an emergency."

--- END ---