

2 **E2SHB 2319** - S AMD
3 By Senators Talmadge and Gaspard

4
5 Strike everything after the enacting clause and insert the
6 following:

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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 rate of at-risk children and youth, as defined
15 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, based on
20 recommendations in the public health improvement plan and in
21 consultation with affected groups or agencies, comprehensive rules for
22 the collection and reporting of data relating to acts of violence, at-
23 risk behaviors, and risk and protective factors. The data collection
24 and reporting rules shall be used by any public or private entity that
25 is required to report data relating to these behaviors and conditions.
26 The department may require any agency or program that is state-funded
27 or that accepts state funds and any licensed or regulated person or
28 professional to report these behaviors and conditions. To the extent
29 possible the department shall require the reports to be filed through
30 existing data systems. The department may also require reporting of
31 attempted acts of violence and of nonphysical injuries. For the
32 purposes of this section "acts of violence" means self-directed and
33 interpersonal behaviors that can result in suicide, homicide, and
34 nonfatal intentional injuries. "At-risk behaviors," "protective
35 factors," and "risk factors" have the same meanings as provided in RCW
36 70.190.010.

37 (2) The department is designated as the state-wide agency for the
38 coordination of all information relating to violence and other

1 intentional injuries, at-risk behaviors, and risk and protective
2 factors.

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

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

10 (5) The department shall by rule establish requirements for local
11 health departments to perform assessment related to at-risk behaviors
12 and risk and protective factors and to assist community networks in
13 policy development and in planning and other duties under chapter
14 . . . , Laws of 1994 (this act).

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

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

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

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

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

28 (1) Minimum standards for state and local public health assessment,
29 performance measurement, policy development, and assurance regarding
30 social development to reduce at-risk behaviors and risk and protective
31 factors.

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

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

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

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

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

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

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

15 The department, in consultation with the community public health
16 and safety council created in chapter 70.190 RCW, shall establish, by
17 rule, standards for local health departments and networks to use in
18 assessment, performance measurement, policy development, and assurance
19 regarding social development to prevent health problems caused by risk
20 factors empirically linked to: Violent criminal acts by juveniles,
21 substance abuse, teen pregnancy and male parentage, suicide attempts,
22 and dropping out of school. The standards shall be based on the
23 standards set forth in the public health improvement plan as required
24 by section 203 of this act.

25 The department, in consultation with the community public health
26 and safety council, shall review the definitions of at-risk children
27 and youth, protective factors, and risk factors contained in RCW
28 70.190.010 and make any suggested recommendations for change to the
29 legislature by January 1, 1995.

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

32 The legislature encourages the use of a state-wide voluntary,
33 socially responsible policy to reduce the emphasis, amount, and type of
34 violence in all public media. The department shall develop a suggested
35 reporting format for use by the print, television, and radio media in
36 reporting their voluntary violence reduction efforts. Each area of the

1 public media may carry out the policy in whatever manner that area
2 deems appropriate.

3 **Sec. 206.** RCW 43.70.010 and 1989 1st ex.s. c 9 s 102 are each
4 amended to read as follows:

5 As used in this chapter, unless the context indicates otherwise:

6 (1) "Assessment" means the regular collection, analysis, and
7 sharing of information about health conditions, risks, and resources in
8 a community. Assessment activities identify trends in illness, injury,
9 and death and the factors that may cause these events. They also
10 identify environmental risk factors, community concerns, community
11 health resources, and the use of health services. Assessment includes
12 gathering statistical data as well as conducting epidemiologic and
13 other investigations and evaluations of health emergencies and specific
14 ongoing health problems;

15 (2) "Board" means the state board of health;

16 ~~((+2))~~ (3) "Council" means the health care access and cost control
17 council;

18 ~~((+3))~~ (4) "Department" means the department of health; ~~((and~~

19 ~~+4))~~ (5) "Policy development" means the establishment of social
20 norms, organizational guidelines, operational procedures, rules,
21 ordinances, or statutes that promote health or prevent injury, illness,
22 or death; and

23 (6) "Secretary" means the secretary of health.

24 **PART III. COMMUNITY NETWORKS**

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

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

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

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

13 The legislature further finds that eligibility criteria,
14 expenditure restrictions, and reporting requirements of state and
15 federal categorical programs often create barriers toward the effective
16 use of resources for addressing the multiple problems of at-risk
17 families and children.

18 The purposes of this chapter are (1) to modify public policy and
19 programs to empower communities to support and respond to the needs of
20 individual families and children and (2) to improve the responsiveness
21 of services for children and families at risk by facilitating greater
22 coordination and flexibility in the use of funds by state and local
23 service agencies.

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

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

28 (1) "Assessment" has the same meaning as provided in RCW 43.70.010.

29 (2) "At-risk" children and youth are those who risk the significant
30 loss of social, educational, or economic opportunities.

31 (3) "At-risk behaviors" means violent delinquent acts, substance
32 abuse, teen pregnancy and male parentage, suicide attempts, and
33 dropping out of school. At-risk children and youth also include those
34 who are victims of violence, abuse, neglect, and those who have been
35 removed from the custody of their parents.

36 (4) "Comprehensive plan" means a two-year plan that examines
37 available resources and unmet needs for a county or multicounty area,

1 barriers that limit the effective use of resources, and a plan to
2 address these issues that is broadly supported.

3 ~~((+2))~~ (5) "Participating state agencies" means the office of the
4 superintendent of public instruction, the department of social and
5 health services, the department of health, the employment security
6 department, the department of community, trade, and economic
7 development, and such other departments as may be specifically
8 designated by the governor.

9 ~~((+3) "Family policy"))~~ (6) "Community public health and safety
10 council" or "council" means: The superintendent of public instruction,
11 the secretary of social and health services, the secretary of health,
12 the commissioner of the employment security department, and the
13 director of the department of community, trade, and economic
14 development or their designees~~((+))~~; one legislator from each caucus of
15 the senate and house of representatives~~((+and))~~; one representative of
16 the governor; one representative each appointed by the governor for
17 cities, towns, counties, federally recognized Indian tribes, school
18 districts, the children's commission, law enforcement agencies,
19 superior courts, public parks and recreation programs, and private
20 agency service providers; citizen representatives of community
21 organizations not associated with delivery of services affected by
22 chapter . . . , Laws of 1994 (this act); and two chief executive
23 officers of major Washington corporations appointed by the governor.

24 ~~((+4))~~ (7) "Outcome" or "outcome based" means defined and
25 measurable outcomes ~~((and indicators that make it possible for~~
26 ~~communities))~~ used to evaluate progress in ~~((meeting their goals and~~
27 ~~whether systems are fulfilling their responsibilities))~~ reducing the
28 rate of at-risk children and youth through reducing risk factors and
29 increasing protective factors.

30 ~~((+5))~~ (8) "Matching funds" means an amount no less than twenty-
31 five percent of the amount budgeted for a ~~((consortium's project))~~
32 community network's plan. Up to half of the ~~((consortium's))~~ community
33 network's matching funds may be in-kind goods and services. Funding
34 sources allowable for match include appropriate federal or local levy
35 funds, private charitable funding, and other charitable giving. Basic
36 education funds shall not be used as a match.

37 ~~((+6) "Consortium" means a diverse group of individuals that~~
38 ~~includes at least representatives of local service providers, service~~
39 ~~recipients, local government administering or funding children or~~

1 ~~family service programs, participating state agencies, school~~
2 ~~districts, existing children's commissions, ethnic and racial minority~~
3 ~~populations, and other interested persons organized for the purpose of~~
4 ~~designing and providing collaborative and coordinated services under~~
5 ~~this chapter. Consortiums shall represent a county, multicounty, or~~
6 ~~municipal service area. In addition, consortiums may represent Indian~~
7 ~~tribes applying either individually or collectively.))~~

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

10 (10) "Policy development" has the same meaning as provided in RCW
11 43.70.010.

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

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

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

29 (1) The legislature intends to create community public health and
30 safety networks to reconnect parents and other citizens with children,
31 youth, families, and community institutions which support health and
32 safety. The networks should empower parents and other citizens by
33 being a means of expressing their attitudes, spirit, and perspectives
34 regarding safe and healthy family and community life. The legislature
35 intends that parent and other citizen perspectives exercise a
36 controlling influence over policy and program operations of
37 professional organizations concerned with children and family issues
38 within networks in a manner consistent with the Constitution and state

1 law. It is not the intent of the legislature that health, social
2 service, or educational professionals dominate community public health
3 and safety network processes or programs, but rather that these
4 professionals use their skills to lend support to parents and other
5 citizens in expressing their values as parents and other citizens
6 identify community needs and establish community priorities. To this
7 end, the legislature intends full participation of parents and other
8 citizens in community public health and safety networks. The intent is
9 that local community values are reflected in the operations of the
10 network.

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

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

36 (4) A list of the network members shall be submitted to the
37 governor by December 1, 1994, by the network chair who shall be
38 selected by network members at their first meeting. The list shall
39 become final unless the governor chooses other members within twenty

1 days after the list is submitted. The governor shall accept the list
2 unless he or she believes the proposed list does not adequately
3 represent all parties identified in subsection (3) of this section or
4 a member has a conflict of interest between his or her membership and
5 his or her livelihood. Members of the community network shall serve
6 terms of three years.

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

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

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

23 The community public health and safety networks shall:

24 (1) Review state and local public health data and analysis relating
25 to risk factors, protective factors, and at-risk children and youth;

26 (2) Prioritize the risk factors and protective factors to reduce
27 the likelihood of their children and youth being at risk. The
28 priorities shall be based upon public health data and assessment and
29 policy development standards provided by the department of health under
30 section 204 of this act;

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

34 (4) Distribute funds to local programs that reflect the locally
35 established priorities;

36 (5) Comply with outcome-based standards;

37 (6) Cooperate with the department of health and local boards of
38 health to provide data and determine outcomes; and

1 (7) Coordinate its efforts with anti-drug use efforts and
2 organizations and maintain a high priority for combatting drug use by
3 at-risk youth.

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

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

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

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

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

24 (c) Parenting education and skills development;

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

26 (e) Parent support groups; and

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

33 These programs are intended to be voluntary for the parents
34 involved.

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

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

38 (i) Identify and recruit at-risk youth for local job opportunities;

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

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

32 (1) A community network that has its membership finalized under
33 section 303(4) of this act shall, upon application to the council, be
34 eligible to receive planning grants and technical assistance from the
35 council. Planning grants may be funded through available federal funds
36 for family preservation services. After receiving the planning grant
37 the region will be given up to one year to submit the long-term
38 community plan. Effective July 1, 1995, up to one-half of the

1 community networks will be eligible to receive grant funds for
2 prevention and early 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 326 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 309 of this act, including all programs funded under RCW

1 69.50.520, in addition to those set forth in sections 312 through 316
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 326 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;

16 (8)(a) The council shall monitor the implementation of programs
17 contracted by participating state agencies by reviewing periodic
18 reports on the extent to which services were delivered to intended
19 populations, the quality of services, and the extent to which service
20 outcomes were achieved at the conclusion of service interventions.
21 This monitoring shall include provision for periodic feedback to
22 community networks;

23 (b) The legislature intends that this monitoring be used by the
24 legislative budget committee, together with public health data on at-
25 risk behaviors and risk and protective factors to produce an external
26 evaluation of the effectiveness of the networks and their programs.
27 For this reason, and to conserve public funds, the council shall not
28 conduct or contract for the conduct of control group studies, quasi-
29 experimental design studies, or other analysis efforts to attempt to
30 determine the impact of network programs on at-risk behaviors or risk
31 and protective factors; and

32 (9) Review the implementation of chapter . . . , Laws of 1994 (this
33 act) and report its recommendations to the legislature annually. The
34 report shall use measurable performance standards to evaluate the
35 implementation.

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

1 (1) The council, and each network, shall annually review all state
2 and federal funded programs serving individuals, families, or
3 communities to determine whether a network may be better able to
4 integrate and coordinate these services within the community.

5 (2) The council, and each network, shall specifically review and
6 report on the feasibility and desirability of decategorizing and
7 granting, all or part of, the following program funds to the networks:

8 (a) Child care;

9 (b) Early intervention and educational services, including but not
10 limited to, birth to three, birth to six, early childhood education and
11 assistance, and headstart;

12 (c) Crisis residential care;

13 (d) Victims' assistance;

14 (e) Foster care;

15 (f) Adoption support;

16 (g) Continuum of care; and

17 (h) Drug and alcohol abuse prevention and early intervention in
18 schools.

19 (3) In determining the desirability of decategorizing these
20 programs the report shall analyze whether:

21 (a) The program is an integral part of the community plan without
22 decategorization;

23 (b) The program is already adequately integrated and coordinated
24 with other programs that are, or will be, funded by the network;

25 (c) The network could develop the capacity to provide the program's
26 services;

27 (d) The program goals might receive greater community support and
28 reinforcement through the network;

29 (e) The program presently ensures that adequate follow-up efforts
30 are utilized, and whether the network could improve on those efforts
31 through decategorization of the funds;

32 (f) The decategorization would benefit the community; and

33 (g) The decategorization would assist the network in achieving its
34 goals.

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

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

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

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

9 (1) The participating state agencies shall execute an interagency
10 agreement to ensure the coordination of their local program efforts
11 regarding children. This agreement shall recognize and give specific
12 planning, coordination, and program administration responsibilities to
13 community networks after the approval under section 311 of this act of
14 their comprehensive community plans. The community networks shall
15 encourage the development of integrated, regionally based children,
16 youth, and family activities and services with adequate local
17 flexibility to accomplish the purposes stated in section 101 of this
18 act and RCW 74.14A.020.

19 (2) The community networks shall exercise the planning,
20 coordinating, and program administration functions specified by the
21 state interagency agreement in addition to other activities required by
22 law, and shall participate in the planning process required by chapter
23 71.36 RCW.

24 (3) Any state or federal funds identified for contracts with
25 community networks shall be transferred with no reductions.

26 NEW SECTION. **Sec. 311.** A new section is added to chapter 70.190
27 RCW to read as follows:

28 (1) The participating state agencies shall only disburse funds to
29 a community network after a comprehensive community plan has been
30 prepared by the network and approved by the council. In approving the
31 plan the council shall consider whether the network:

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

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

1 (c) Obtained a declaration by the largest health department in the
2 region, ensuring that the plan met minimum standards for assessment and
3 policy development relating to social development according to section
4 204 of this act;

5 (d) Included a specific mechanism of data collection and
6 transmission based on the rules established under section 204 of this
7 act;

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

12 (f) Committed to make measurable reductions in the rate of at-risk
13 children and youth by reducing the rate of state-funded out-of-home
14 placements and make reductions in at least three of the following rates
15 of youth: Violent criminal acts, substance abuse, pregnancy and male
16 parentage, suicide attempts, or dropping out of school.

17 (2) Upon approval of a community network's plan, the council shall
18 grant all of the funds for the programs identified in sections 312
19 through 316 of this act, unless the community network has demonstrated
20 that a specific program, or a part of a program, should not be granted
21 to the network. To preclude a grant, the community network shall
22 demonstrate, in a detailed plan, that the existing program, or part of
23 a program:

24 (a) Is incorporated into the community plan;

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

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

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

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

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

34 (g) Is contributing to the reduction in the rate of at-risk
35 children and youth in the community through reducing risk factors or
36 increasing protective factors.

37 NEW SECTION. **Sec. 312.** A new section is added to chapter 74.14A
38 RCW to read as follows:

1 The secretary shall, subject to the provisions of sections 309 and
2 311(2) of this act, contract with the community networks approved under
3 section 311 of this act, on a grant basis, for the administration of an
4 integrated program reducing the rate of at-risk children and youth
5 beginning July 1, 1995. The contract shall include state and federal
6 funds currently appropriated for:

- 7 (1) Consolidated juvenile services; and
- 8 (2) Family preservation and support services.

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

11 NEW SECTION. **Sec. 313.** A new section is added to Title 28A RCW to
12 read as follows:

13 The superintendent of public instruction shall, subject to the
14 provisions of sections 309 and 311(2) of this act, contract with the
15 community networks approved under section 311 of this act, on a grant
16 basis, for the administration of an integrated program reducing the
17 rate of at-risk children and youth beginning July 1, 1995. The
18 contracts shall include state and federal funds currently appropriated
19 for the readiness to learn program.

20 NEW SECTION. **Sec. 314.** A new section is added to chapter 43.63A
21 RCW to read as follows:

22 The department of community, trade, and economic development shall,
23 subject to the provisions of sections 309 and 311(2) of this act,
24 contract with the community networks approved under section 311 of this
25 act, on a grant basis, for the administration of an integrated program
26 reducing the rate of at-risk children and youth beginning July 1, 1995.
27 The contracts shall include state and federal funds currently
28 appropriated for:

- 29 (1) The community mobilization program; and
- 30 (2) The violence prevention program.

31 NEW SECTION. **Sec. 315.** A new section is added to chapter 70.190
32 RCW to read as follows:

33 All funds transferred to community networks for programs under
34 chapter 43.270 RCW shall, until July 1, 1997, be used only for the
35 purposes of chapter 43.270 RCW.

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

3 The criminal justice training commission shall, subject to the
4 provisions of sections 309 and 311(2) of this act, contract with
5 community networks approved under section 311 of this act, on a grant
6 basis for the administration of an integrated program reducing the rate
7 of at-risk children and youth. The contract shall include all state
8 and federal funds currently appropriated for the community-police
9 partnership program under RCW 43.101.240.

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

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

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

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

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

3 If there exist any federal restrictions against the transfer of
4 funds, for the programs enumerated in sections 310 through 316 of this
5 act, to the community networks, the council shall assist the governor
6 in immediately applying to the federal government for waivers of the
7 federal restrictions. The council shall also assist the governor in
8 coordinating efforts to make any changes in federal law necessary to
9 meet the purpose and intent of chapter . . . , Laws of 1994 (this act).

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

12 For grant funds awarded under sections 307 and 312 through 316 of
13 this act, no state agency may require any other program requirements,
14 except those necessary to meet federal funding standards or
15 requirements. None of the grant funds awarded to the community
16 networks shall be considered as new entitlements.

17 NEW SECTION. **Sec. 320.** A new section is added to chapter 70.190
18 RCW to read as follows:

19 The implementation of community networks shall be included in all
20 federal and state plans affecting the state's children, youth, and
21 families. The plans shall be consistent with the intent and
22 requirements of this chapter.

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

25 To the extent that any power or duty of the council (~~created~~
26 ~~according to chapter 198, Laws of 1992~~) may duplicate efforts of
27 existing councils, commissions, advisory committees, or other entities,
28 the governor is authorized to take necessary actions to eliminate such
29 duplication. This shall include authority to consolidate similar
30 councils or activities in a manner consistent with the goals of this
31 chapter (~~198, Laws of 1992~~)).

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

34 (~~(1)~~) The (~~family policy~~) council shall annually solicit from
35 (~~consortiums~~) community networks proposals to facilitate greater

1 flexibility, coordination, and responsiveness of services at the
2 community level. The council shall consider such proposals only if:
3 ~~((a))~~ (1) A comprehensive plan has been prepared by the
4 ~~((consortium; and~~
5 ~~(b))~~ community networks;
6 (2) The ~~((consortium))~~ community network has identified and agreed
7 to contribute matching funds as specified in RCW 70.190.010; ~~((and~~
8 ~~(c))~~ (3) An interagency agreement has been prepared by the
9 ~~((family policy))~~ council and the participating local service and
10 support agencies that governs the use of funds, specifies the
11 relationship of the project to the principles listed in RCW 74.14A.025,
12 and identifies specific outcomes and indicators; and
13 ~~((d) Funds are to be used to provide support or services needed to~~
14 ~~implement a family's or child's case plan that are not otherwise~~
15 ~~adequately available through existing categorical services or community~~
16 ~~programs; [and]~~
17 ~~(e) The consortium has provided written agreements that identify a~~
18 ~~lead agency that will assume fiscal and programmatic responsibility for~~
19 ~~the project, and identify participants in a consortium council with~~
20 ~~broad participation and that shall have responsibility for ensuring~~
21 ~~effective coordination of resources; and~~
22 ~~(f))~~ (4) The ~~((consortium))~~ community network has designed into
23 its comprehensive plan standards for accountability. Accountability
24 standards include, but are not limited to, the public hearing process
25 eliciting public comment about the appropriateness of the proposed
26 comprehensive plan. The ~~((consortium))~~ community network must submit
27 reports to the ~~((family policy))~~ council outlining the public response
28 regarding the appropriateness and effectiveness of the comprehensive
29 plan.
30 ~~((2) The family policy council may submit a prioritized list of~~
31 ~~projects recommended for funding in the governor's budget document.~~
32 ~~(3) The participating state agencies shall identify funds to~~
33 ~~implement the proposed projects from budget requests or existing~~
34 ~~appropriations for services to children and their families.))~~

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

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

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

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

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

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

13 The office of financial management shall review the administration
14 of funds as modified by sections 307 and 312 through 318 of this act
15 and shall by January 1, 1995, propose legislation to complete
16 interdepartmental transfers of funds or programs needed to place all
17 programs and funds affected by sections 307 and 312 through 318 of this
18 act into a single existing state agency. The proposal shall place
19 these programs in a single state agency whose statutory purpose,
20 mission, goals, and operating philosophy most closely supports the
21 principles and purposes of section 101 of this act and RCW 74.14A.020.
22 The office of financial management may not suggest the creation of a
23 new state agency for the function unless, after thorough review and
24 documentation, the office of financial management determines that no
25 suitable state agency exists. The office of financial management shall
26 review statutes that authorize the programs transferred by sections 312
27 through 318 of this act and suggest legislation to eliminate statutory
28 requirements that may interfere with the administration of that policy.

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

31 (1) The office of financial management, in consultation with
32 affected parties, shall establish a fund distribution formula for
33 determining allocations to the community networks authorized under
34 section 311 of this act. The formula shall reflect the local needs
35 assessment for at-risk children and consider:

1 (a) The number of arrests and convictions for juvenile violent
2 offenses;

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

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

6 (d) The number of child and teenage suicides and attempted
7 suicides; and

8 (e) The high school graduation rate.

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

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

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

21 NEW SECTION. **Sec. 327.** A new section is added to chapter 70.190
22 RCW to read as follows:

23 If a community network is unable or unwilling to assume powers and
24 duties authorized under this chapter by June 30, 1999, and the
25 legislative budget committee recommends under section 701 of this act
26 making grants with available funds, the office of financial management
27 may transfer all funds and programs to a single state agency for the
28 purpose of integrating the programs and services.

29 NEW SECTION. **Sec. 328.** The secretary of social and health
30 services and the insurance commissioner shall conduct a study regarding
31 liability issues and insurance rates for private nonprofit group homes
32 that contract with the department for client placement. The secretary
33 and commissioner shall report their findings and recommendations to the
34 legislature by November 15, 1994.

35 NEW SECTION. **Sec. 329.** A new section is added to chapter 43.20A
36 RCW to read as follows:

1 The secretary of social and health services shall make all of the
2 department's evaluation and research materials and data on private
3 nonprofit group homes available to group home contractors. The
4 department may delete any information from the materials that
5 identifies a specific client or contractor, other than the contractor
6 requesting the materials.

7 NEW SECTION. **Sec. 330.** The governor shall appoint the initial
8 members of the community public health and safety council by May 15,
9 1994.

10 NEW SECTION. **Sec. 331.** RCW 70.190.900 and 1994 c . . . s 324
11 (section 324 of this act) & 1992 c 198 s 11 are each repealed.

12 NEW SECTION. **Sec. 332.** Section 331 of this act shall take effect
13 July 1, 1995.

14 **PART IV. PUBLIC SAFETY**

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

17 After the proclamation of a state of emergency as provided in RCW
18 43.06.010 any person (~~sixteen~~) fourteen years of age or over who
19 violates any provision of RCW 43.06.010(~~(, and)~~) or 43.06.200 through
20 43.06.270 shall be (~~prosecuted as an adult~~) subject to a decline
21 hearing under RCW 13.40.110.

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

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

31 (2) The ordinance shall: (a) Contain clear specific prohibitions
32 in terms of location, conduct, and ages; and (b) accommodate (i)
33 juveniles acting in the course of their employment, (ii) juveniles

1 engaged in organized school activities, (iii) the physical well-being
2 of the juvenile, and (iv) juveniles who are in the presence of their
3 parents.

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

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

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

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

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

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

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

1 (1) In addition to any other authority to revoke driving privileges
2 under this chapter, the department shall revoke all driving privileges
3 of a juvenile when the department receives notice from a court pursuant
4 to section 407 or 408 of this act, RCW 13.40.265, 66.44.365, 69.41.065,
5 69.50.420, 69.52.070, or a substantially similar municipal ordinance
6 adopted by a local legislative authority, or from a diversion unit
7 pursuant to RCW 13.40.265. The revocation shall be imposed without
8 hearing.

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

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

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

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

21 (4)(a) If the department receives notice pursuant to RCW
22 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
23 diversion agreement for which the juvenile's driving privileges were
24 revoked, the department shall reinstate any driving privileges revoked
25 under this section as provided in (b) of this subsection.

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

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

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

6 (b) Except as otherwise provided in (c) of this subsection, upon
7 petition of a juvenile who has been found by the court to have
8 committed an offense that is a violation of chapter 9.41, 66.44, 69.41,
9 69.50, or 69.52 RCW, the court may at any time the court deems
10 appropriate notify the department of licensing that the juvenile's
11 driving privileges should be reinstated.

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

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

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

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

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

37 (2) Except as otherwise provided in subsection (3) of this section,
38 upon petition of a juvenile whose privilege to drive has been revoked

1 pursuant to RCW 46.20.265, the court may at any time the court deems
2 appropriate notify the department of licensing to reinstate the
3 juvenile's privilege to drive.

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

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

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

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

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

31 If the license has not otherwise expired, the court shall restore,
32 without cost, the license of a person whose conviction is reversed on
33 appeal. The person shall also be eligible for relicensing without
34 consideration of the original conviction. Upon restoration, the court
35 shall immediately notify the department of licensing.

1 NEW SECTION. Sec. 410. A new section is added to chapter 9.41 RCW
2 to read as follows:

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

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

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

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

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

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

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

33 (4) "Dealer" means:

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

36 (b) Any person engaged in the business of repairing firearms or of
37 making or fitting special barrels, stocks, or trigger mechanisms to
38 firearms; or

1 (c) Any person who is a pawnbroker.

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

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

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

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

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

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

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

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

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

39 (a) Any crime of violence;

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

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

27 (1) A person is guilty of the crime of unlawful possession of a
28 ~~((short firearm or))~~ pistol, if, having previously been convicted or,
29 as a juvenile, adjudicated in this state or elsewhere of a crime of
30 violence, a most serious offense, a domestic violence offense
31 enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW
32 9A.46.060, or of a felony in which a firearm was used or displayed, the
33 person owns or has in his or her possession any ~~((short firearm or))~~
34 pistol.

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

37 (3) As used in this section, a person has been "convicted or
38 adjudicated" at such time as a plea of guilty has been accepted or a

1 verdict of guilty has been filed, notwithstanding the pendency of any
2 future proceedings including but not limited to sentencing or
3 disposition, post-trial or post-factfinding motions, and appeals. A
4 person shall not be precluded from possession if the conviction or
5 adjudication has been the subject of a pardon, annulment, certificate
6 of rehabilitation, or other equivalent procedure based on a finding of
7 the rehabilitation of the person convicted or adjudicated or the
8 conviction or disposition has been the subject of a pardon, annulment,
9 or other equivalent procedure based on a finding of innocence.

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

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

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

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

32 (c) The secretary of social and health services shall develop
33 appropriate rules to create an approval process under this subsection.
34 The rules must provide for the immediate restoration of the right to
35 possess a firearm upon a showing in a court of competent jurisdiction
36 that a person no longer is required to participate in an inpatient or
37 outpatient treatment program, and is no longer required to take
38 medication to treat any condition related to the commitment. Unlawful

1 possession of a firearm under this subsection shall be punished as a
2 class C felony under chapter 9A.20 RCW.

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

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

9 (2) A person who is in possession of an unloaded pistol shall not
10 leave the unloaded pistol in a vehicle unless the unloaded pistol is
11 locked within the vehicle and concealed from view from outside the
12 vehicle.

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

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

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

1 pistol in the usual or ordinary course of such business, or to any
2 person while carrying a pistol unloaded and in a secure wrapper from
3 the place of purchase to his or her home or place of business or to a
4 place of repair or back to his or her home or place of business or in
5 moving from one place of abode or business to another.

6 **Sec. 415.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
7 as follows:

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

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

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

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

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

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

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

33 (g) Has been convicted of any of the following offenses: Assault
34 in the third degree, indecent liberties, malicious mischief in the
35 first degree, possession of stolen property in the first or second
36 degree, or theft in the first or second degree. Any person who becomes
37 ineligible for a concealed pistol (~~permit~~) license as a result of a
38 conviction for a crime listed in this subsection (1)(g) and then

1 successfully completes all terms of his or her sentence, as evidenced
2 by a certificate of discharge issued under RCW 9.94A.220 in the case of
3 a sentence under chapter 9.94A RCW, and has not again been convicted of
4 any crime and is not under indictment for any crime, may, one year or
5 longer after such successful sentence completion, petition the district
6 court for a declaration that the person is no longer ineligible for a
7 concealed pistol (~~(permit)~~) license under this subsection (1)(g).

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

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

24 (~~((+3))~~) (4) The license shall be revoked by the issuing authority
25 immediately upon conviction of a crime which makes such a person
26 ineligible to (~~(own)~~) possess a pistol or upon the third conviction for
27 a violation of this chapter within five calendar years.

28 (~~((+4))~~) (5) Upon an order to forfeit a firearm under RCW
29 9.41.098(1)(d) the issuing authority shall:

- 30 (a) On the first forfeiture, revoke the license for one year;
31 (b) On the second forfeiture, revoke the license for two years;
32 (c) On the third or subsequent forfeiture, revoke the license for
33 five years.

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

1 (~~(5)~~) (6) The license application shall be in triplicate, in form
2 to be prescribed by the department of licensing, and shall bear the
3 full name, street address, (~~and~~) date and place of birth, race,
4 gender, description, fingerprints, (~~and~~) signature of the licensee,
5 and the licensee's driver's license number or state identification card
6 number if used for identification in applying for the license. The
7 application shall also include a statement that the applicant is
8 eligible to possess a pistol under RCW 9.41.040. The license
9 application shall contain a warning substantially as follows:

10 CAUTION: Although state and local laws do not differ, federal
11 law and state law on the possession of firearms differ. If you
12 are prohibited by federal law from possessing a firearm, you
13 may be prosecuted in federal court. A state license is not a
14 defense to a federal prosecution.

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

34 Upon approval of the application by the issuing authority, the
35 original (~~thereof~~) application and license shall be delivered to the
36 licensee(~~, the~~); a duplicate of the license shall within seven days
37 be sent (~~by registered mail~~) to the director of licensing; and
38 (~~the~~) a triplicate of the license shall be preserved for six years,

1 by the issuing authority (~~((issuing said license))~~). If the application
2 is denied, notice of the denial shall be sent to the applicant and the
3 director of licensing by the issuing authority within five days of
4 denial.

5 The department of licensing shall enter the information on the
6 application record and license into its data bank. The department
7 shall make available in an on-line format all information received
8 under this subsection and subsection (5) of this section. The form of
9 the application and license shall be as determined by the director of
10 licensing.

11 ~~((+6))~~ (7) The fee for the original issuance of a four-year
12 license shall be ~~((twenty-three))~~ thirty dollars(~~((: PROVIDED, That))~~).
13 No other (~~((additional charges by any))~~) branch or unit of government
14 (~~((shall be borne by))~~) may impose any additional charges on the
15 applicant for the issuance of the license(~~((: PROVIDED FURTHER, That))~~).

16 The fee shall be distributed as follows:

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

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

20 (c) ~~((Twelve))~~ Fifteen dollars and fifty cents shall be paid to the
21 issuing authority solely for the purpose of enforcing this chapter;
22 ~~((and))~~

23 (d) Three dollars to the firearms range account in the general
24 fund; and

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

27 ~~((+7))~~ (8) The fee for the renewal of such license shall be
28 ~~((fifteen))~~ twenty dollars(~~((: PROVIDED, That))~~). No other (~~((additional~~
29 ~~charges by any))~~) branch or unit of government (~~((shall be borne by))~~) may
30 impose any additional charges on the applicant for the renewal of the
31 license(~~((: PROVIDED FURTHER, That))~~).

32 The renewal fee shall be distributed as follows:

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

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

36 (c) Three dollars to the firearms range account in the general
37 fund; and

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

1 ~~((+8))~~ (9) Methods of payment shall be ~~((by cash, check, or money~~
2 ~~order at the option of the applicant. Additional methods of payment~~
3 ~~may be allowed))~~ determined at the option of the issuing authority.

4 ~~((+9))~~ (10) A licensee may renew a license if the licensee applies
5 for renewal within ninety days before or after the expiration date of
6 the license. A license so renewed shall take effect on the expiration
7 date of the prior license. A licensee renewing after the expiration
8 date of the license must pay a late renewal penalty of ten dollars in
9 addition to the renewal fee specified in subsection ~~((+7))~~ (8) of this
10 section. The fee shall be distributed as follows:

11 (a) Three dollars shall be deposited in the state wildlife fund and
12 used exclusively for the printing and distribution of a pamphlet on the
13 legal limits of the use of firearms, firearms safety, and the
14 preemptive nature of state law. The pamphlet shall be given to each
15 applicant for a license; and

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

18 ~~((+10))~~ (11) Notwithstanding the requirements of subsections (1)
19 through ~~((+9))~~ (10) of this section, the chief of police of the
20 municipality or the sheriff of the county of the applicant's residence
21 may issue a temporary emergency license for good cause pending review
22 under subsection (1) of this section.

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

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

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

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

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

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

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

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

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

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

29 (b) The (~~seller~~) dealer is notified in writing by the chief of
30 police of the municipality or the sheriff of the county that the
31 purchaser (~~meets the requirements of~~) is eligible to possess a pistol
32 under RCW 9.41.040 and that the application to purchase is (~~granted~~)
33 approved by the chief of police or sheriff; or

34 (c) Five consecutive days (~~including~~) excluding Saturday, Sunday
35 and holidays have elapsed from the time of receipt of the application
36 for the purchase thereof as provided herein by the chief of police or
37 sheriff designated in subsection (4) of this section, and, when

1 delivered, (~~said~~) the pistol shall be securely wrapped and shall not
2 be (~~unloaded~~) loaded. However, if the purchaser does not have a
3 valid permanent Washington driver's license or state identification
4 card or has not been a resident of the state for the previous
5 consecutive ninety days, the waiting period under this subsection
6 (1)(c) shall be up to sixty days.

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

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

34 (4) At the time of applying for the purchase of a pistol, the
35 purchaser shall sign in triplicate and deliver to the (~~seller~~) dealer
36 an application containing his or her full name, street address, date
37 and place of birth, (~~and~~) race, and gender; the date and hour of the
38 application; the applicant's driver's license number or state
39 identification card number; (~~and~~) a description of the (~~weapon~~)

1 pistol, including(~~(7)~~) the make, model, caliber and manufacturer's
2 number; and a statement that the purchaser is eligible to (~~own~~)
3 possess a pistol under RCW 9.41.040. The application shall contain a
4 warning substantially as follows:

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

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

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

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

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

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

3 Any person whose application to purchase a pistol as provided in
4 RCW 9.41.090 (~~as now or hereinafter amended~~) is denied shall have a
5 right to appeal to the legislative body of the municipality or of the
6 county, whichever is applicable, for a review of the denial at a public
7 hearing to be conducted within fifteen days after denial. It shall be
8 the duty of the law enforcement officer recommending the denial to
9 appear at such hearing and to present proof relating to the grounds for
10 denial. In the event that the evidence so presented does not sustain
11 one of the grounds for denial enumerated in RCW 9.41.090, the
12 legislative authority shall authorize the sale.

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

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

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

20 (a) Found concealed on a person not authorized by RCW 9.41.060 or
21 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
22 defense to forfeiture if the person possessed a valid Washington
23 concealed pistol license within the preceding two years and has not
24 become ineligible for a concealed pistol license in the interim.
25 Before the firearm may be returned, the person must pay the past due
26 renewal fee and the current renewal fee;

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

29 (c) Found in the possession or under the control of a person at the
30 time the person committed or was arrested for committing a crime of
31 violence or a crime in which a firearm was used or displayed or a
32 felony violation of the Uniform Controlled Substances Act, chapter
33 69.50 RCW;

34 (d) Found concealed on a person who is in any place in which a
35 concealed pistol license is required, and who is under the influence of
36 any drug or under the influence of intoxicating liquor, having 0.10
37 grams or more of alcohol per two hundred ten liters of breath or 0.10

1 percent or more by weight of alcohol in the person's blood, as shown by
2 analysis of the person's breath, blood, or other bodily substance;

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

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

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

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

16 (i) Known to have been used in the commission of a crime of
17 violence or a crime in which a firearm was used or displayed or a
18 felony violation of the ((~~Uniformed~~ [Uniform])) Uniform Controlled
19 Substances Act, chapter 69.50 RCW.

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

24 (a) Except as provided in (b), (c), and (d) of this subsection,
25 firearms that are: (i) Judicially forfeited and no longer needed for
26 evidence; or (ii) forfeited due to a failure to make a claim under RCW
27 63.32.010 or 63.40.010; may be disposed of in any manner determined by
28 the local legislative authority. Any proceeds of an auction or trade
29 may be retained by the legislative authority. This subsection (2)(a)
30 applies only to firearms that come into the possession of the law
31 enforcement agency after June 30, 1993, and applies only if the law
32 enforcement agency has complied with (b) of this subsection.

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

38 (b) Except as provided in (c) of this subsection, of the
39 inventoried firearms a law enforcement agency shall destroy illegal

1 firearms, may retain a maximum of ten percent of legal forfeited
2 firearms for agency use, and shall either:

3 (i) Comply with the provisions for the auction of firearms in RCW
4 9.41.098 that were in effect immediately preceding May 7, 1993; or

5 (ii) Trade, auction, or arrange for the auction of, rifles and
6 shotguns. In addition, the law enforcement agency shall either trade,
7 auction, or arrange for the auction of, (~~short firearms~~) pistols, or
8 shall pay a fee of twenty-five dollars to the state treasurer for every
9 (~~short firearm~~) pistol neither auctioned nor traded, to a maximum of
10 fifty thousand dollars. The fees shall be accompanied by an inventory,
11 under oath, of every (~~short firearm~~) pistol listed in the inventory
12 required by (a) of this subsection, that has been neither traded nor
13 auctioned. The state treasurer shall credit the fees to the firearms
14 range account established in RCW 77.12.720. All trades or auctions of
15 firearms under this subsection shall be to (~~commercial sellers~~)
16 dealers. Proceeds of any auction less costs, including actual costs of
17 storage and sale, shall be forwarded to the firearms range account
18 established in RCW 77.12.720.

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

24 (d) Firearms in the possession of the Washington state patrol on or
25 after May 7, 1993, that are judicially forfeited and no longer needed
26 for evidence, or forfeited due to a failure to make a claim under RCW
27 63.35.020, must be disposed of as follows: (i) Firearms illegal for
28 any person to possess must be destroyed; (ii) the Washington state
29 patrol may retain a maximum of ten percent of legal firearms for agency
30 use; and (iii) all other legal firearms must be auctioned or traded to
31 (~~commercial sellers~~) dealers. The Washington state patrol may retain
32 any proceeds of an auction or trade.

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

38 (4) A law enforcement officer of the state or of any county or
39 municipality may confiscate a firearm found to be in the possession of

1 a person under circumstances specified in subsection (1) of this
2 section. After confiscation, the firearm shall not be surrendered
3 except: (a) To the prosecuting attorney for use in subsequent legal
4 proceedings; (b) for disposition according to an order of a court
5 having jurisdiction as provided in subsection (1) of this section; or
6 (c) to the owner if the proceedings are dismissed or as directed in
7 subsection (3) of this section.

8 **Sec. 420.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read
9 as follows:

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

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

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

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

30 ((1)) (5)(a) A licensing authority shall, within forty-five days
31 after the filing of an application of any person for a dealer's
32 license, determine whether to grant the license. However, if the
33 applicant does not have a valid permanent Washington driver's license
34 or Washington state identification card, or has not been a resident of
35 the state for the previous consecutive ninety days, the licensing
36 authority shall have up to seventy-five days to determine whether to
37 issue a license. No person shall qualify for a license under this
38 section without first receiving a federal firearms license and

1 undergoing fingerprinting and a background check. In addition, no
2 person ineligible to possess a firearm under RCW 9.41.040 or ineligible
3 for a concealed pistol license under RCW 9.41.070 shall qualify for a
4 dealer's license.

5 (b) A dealer shall require every employee who may sell a firearm in
6 the course of his or her employment to undergo fingerprinting and a
7 background check. An employee must be eligible to own, possess, or
8 control a firearm, and eligible for a concealed pistol license, before
9 being permitted to sell a firearm. Every employee shall comply with
10 requirements concerning purchase applications and restrictions on
11 delivery of pistols that are applicable to dealers.

12 (6)(a) The business shall be carried on only in the building
13 designated in the license.

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

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

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

35 ~~(5) This section shall not apply to sales at wholesale.)~~ (d) The
36 license fee for pistols shall be one hundred fifty dollars. The
37 license fee for firearms other than pistols shall be one hundred fifty
38 dollars. The license fee for ammunition shall be one hundred fifty
39 dollars. Any dealer who obtains any license under subsection (1), (2),

1 or (3) of this section may also obtain the remaining licenses without
2 payment of any fee. The fees received under this section shall be
3 deposited in the violence reduction and drug enforcement account under
4 RCW 69.50.520 for the purpose of providing firearm safety training
5 through the department of fish and wildlife in whatever manner the
6 director deems appropriate.

7 ~~((6))~~ (7) The dealer's licenses authorized to be issued by this
8 section are general licenses covering all sales by the licensee within
9 the effective period of the licenses. The department shall provide a
10 single application form for dealer's licenses.

11 ~~((7))~~ (8) Except as provided in RCW 9.41.090 ~~((as now or~~
12 ~~hereinafter amended))~~, every city, town, and political subdivision of
13 this state is prohibited from requiring the purchaser to secure a
14 permit to purchase or from requiring the dealer to secure an individual
15 permit for each sale.

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

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

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

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

32 It shall be unlawful for any person who is not a citizen of the
33 United States, or who has not declared his or her intention to become
34 a citizen of the United States, to carry or have in his or her
35 possession at any time any shotgun, rifle, or other firearm, without
36 first having obtained a license from the director of licensing, and
37 such license is not to be issued by the director of licensing except

1 upon the certificate of the consul domiciled in the state and
2 representing the country of such alien, that he or she is a responsible
3 person and upon the payment for the license of the sum of fifteen
4 dollars: PROVIDED, That this section shall not apply to Canadian
5 citizens resident in a province which has an enactment or public policy
6 providing substantially similar privilege to residents of the state of
7 Washington and who are carrying or possessing weapons for the purpose
8 of using them in the hunting of game while such persons are in the act
9 of hunting, or while on a hunting trip, or while such persons are
10 competing in a bona fide trap or skeet shoot or any other organized
11 contest where rifles, pistols, or shotguns are used as to weapons used
12 in such contest. Nothing in this section (~~shall be construed to~~)
13 allows aliens to hunt or fish in this state without first having
14 obtained a regular hunting or fishing license. Any person violating
15 the provisions of this section shall be guilty of a misdemeanor.

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

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

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

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

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

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

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

37 (2) This section shall not apply to:

1 (a) Any peace officer in the discharge of official duty, or to any
2 officer or member of the armed forces of the United States or the state
3 of Washington(~~(: PROVIDED FURTHER, That this section does not apply~~
4 to)) in the discharge of official duty; or

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

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

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

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

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

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

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

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

34 (3) This section shall not apply to any peace officer in the
35 discharge of official duty, or to any officer or member of the armed
36 forces of the United States or the state of Washington in the discharge
37 of official duty.

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

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

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

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

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

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

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

34 (1) ~~((shall be unlawful))~~ is a class C felony punishable under
35 chapter 9A.20 RCW for anyone to aim any firearm, whether loaded or not,
36 at or towards any human being, or to carry, exhibit, display, or draw

1 any (~~firearm, dagger, sword, knife or other cutting or stabbing~~
2 ~~instrument, club, or any other weapon apparently capable of producing~~
3 ~~bodily harm,~~) deadly weapon in a manner, under circumstances, and at
4 a time and place that either manifests an intent to intimidate another
5 or that warrants alarm for the safety of other persons.

6 (2) (~~Any person violating the provisions of subsection (1) above~~
7 ~~shall be guilty of a gross misdemeanor~~) It is a gross misdemeanor to
8 willfully discharge any firearm, air gun, or other deadly weapon or
9 throw any deadly weapon in a public place, or in any place where any
10 reasonable person believes a person might be endangered thereby,
11 although no injury results; or to use any contrivance or device for
12 suppressing the noise of any firearm. A public place shall not include
13 any location at which firearms are authorized to be lawfully
14 discharged.

15 (3) It is a misdemeanor to carry a concealed deadly weapon, except
16 for a pistol when the person carrying the pistol is licensed under RCW
17 9.41.070.

18 (4) For purposes of this section, "reasonable" means a conclusion
19 that a person of ordinary intelligence, given the circumstances during
20 which a belief is held or an event occurred, would be expected to
21 reach, or an action that a person of ordinary intelligence would be
22 expected to take.

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

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

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

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

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

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

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

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

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

8 ~~(b) Any dangerous))~~ deadly weapon ~~((as defined in RCW 9.41.250));~~
9 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 NEW SECTION. Sec. 430. A new section is added to chapter 9.41 RCW
28 to read as follows:

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

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

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

37 (4) It shall be a defense to any prosecution under this section,
38 which the defendant shall prove by a preponderance of the evidence,

1 that he or she did not know, at any time while in possession of the
2 firearm, that it was stolen.

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

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

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

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

13 (c) An access device; or

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) The parent or parents of any minor child under the age of
2 eighteen years who is living with the parent or parents and who shall
3 willfully or maliciously destroy property, real or personal or mixed,
4 or who shall willfully and maliciously inflict personal injury on
5 another person, shall be liable to the owner of such property or to the
6 person injured in a civil action at law for damages in an amount not to
7 exceed ((five)) ten thousand dollars. This section shall in no way
8 limit the amount of recovery against the parent or parents for their
9 own common law negligence.

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

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

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

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

24 In a criminal case wherein there has been a special allegation and
25 evidence establishing that the accused or an accomplice was armed with
26 a deadly weapon at the time of the commission of the crime, the court
27 shall make a finding of fact of whether or not the accused or an
28 accomplice was armed with a deadly weapon at the time of the commission
29 of the crime, or if a jury trial is had, the jury shall, if it
30 ((find{s})) finds the defendant guilty, also find a special verdict as
31 to whether or not the defendant or an accomplice was armed with a
32 deadly weapon at the time of the commission of the crime.

33 For purposes of this section, ((a)) "deadly weapon ((is an
34 implement or instrument which has the capacity to inflict death and
35 from the manner in which it is used, is likely to produce or may easily
36 and readily produce death))" shall have the same definition as "deadly
37 weapon" under RCW 9A.04.110. ((The following instruments are included
38 in the term deadly weapon: Blackjack, sling shot, billy, sand club,

1 sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any
2 other firearm, any knife having a blade longer than three inches, any
3 razor with an unguarded blade, any metal pipe or bar used or intended
4 to be used as a club, any explosive, and any weapon containing
5 poisonous or injurious gas.))

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

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

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

17 (b) The respondent is fourteen years of age or over and the
18 information alleges a violation of RCW 43.06.010 or 43.06.200 through
19 43.06.270;

20 (c) The respondent is seventeen years of age and the information
21 alleges assault in the second degree, extortion in the first degree,
22 indecent liberties, child molestation in the second degree, kidnapping
23 in the second degree, or robbery in the second degree; or

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

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

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

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

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

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

5 (2) Relating to children alleged or found to be dependent as
6 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(7~~
7 ~~as now or hereafter amended)~~);

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

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

13 (5) Relating to juveniles alleged or found to have committed
14 offenses, traffic infractions, or violations as provided in RCW
15 13.40.020 through 13.40.230, (~~(as now or hereafter amended,~~) unless:

16 (a) The juvenile court transfers jurisdiction of a particular
17 juvenile to adult criminal court pursuant to RCW 13.40.110(~~(7~~
18 ~~as now or hereafter amended)~~); or

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

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

37 (d) The juvenile is sixteen or seventeen years old and the alleged
38 offense is: (i) A serious violent offense as defined in RCW 9.94A.030
39 committed on or after the effective date of this section; or (ii) a

1 violent offense as defined in RCW 9.94A.030 committed on or after the
2 effective date of this section and the juvenile has a criminal history
3 consisting of: (A) One or more prior serious violent offenses; (B) two
4 or more prior violent offenses; or (C) three or more of any combination
5 of the following offenses: Any class A felony, any class B felony,
6 vehicular assault, or manslaughter in the second degree, all of which
7 must have been committed after the juvenile's thirteenth birthday and
8 prosecuted separately. In such a case the adult criminal court shall
9 have exclusive original jurisdiction.

10 If the juvenile challenges the state's determination of the
11 juvenile's criminal history, the state may establish the offender's
12 criminal history by a preponderance of the evidence. If the criminal
13 history consists of adjudications entered upon a plea of guilty, the
14 state shall not bear a burden of establishing the knowing and
15 voluntariness of the plea;

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

18 (7) Relating to termination of a diversion agreement under RCW
19 13.40.080 (~~as now or hereafter amended~~), including a proceeding in
20 which the divertee has attained eighteen years of age; and

21 (8) Relating to court validation of a voluntary consent to foster
22 care placement under chapter 13.34 RCW, by the parent or Indian
23 custodian of an Indian child, except if the parent or Indian custodian
24 and child are residents of or domiciled within the boundaries of a
25 federally recognized Indian reservation over which the tribe exercises
26 exclusive jurisdiction.

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

29 For the purposes of this chapter:

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

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

33 (b) Manslaughter in the first degree; or

34 (c) Assault in the second degree, extortion in the first degree,
35 child molestation in the second degree, kidnapping in the second
36 degree, robbery in the second degree, residential burglary, or burglary
37 in the second degree, where such offenses include the infliction of
38 bodily harm upon another or where during the commission of or immediate

1 withdrawal from such an offense the perpetrator is armed with a deadly
2 weapon or firearm as defined in RCW 9A.04.110;

3 (2) "Community service" means compulsory service, without
4 compensation, performed for the benefit of the community by the
5 offender as punishment for committing an offense. Community service
6 may be performed through public or private organizations or through
7 work crews;

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

14 (a) Community-based sanctions;

15 (b) Community-based rehabilitation;

16 (c) Monitoring and reporting requirements;

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

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

20 (b) Community service not to exceed one hundred fifty hours of
21 service;

22 (5) "Community-based rehabilitation" means one or more of the
23 following: Attendance of information classes; counseling, outpatient
24 substance abuse treatment programs, outpatient mental health programs,
25 anger management classes, or other services; or attendance at school or
26 other educational programs appropriate for the juvenile as determined
27 by the school district. Placement in community-based rehabilitation
28 programs is subject to available funds;

29 (6) "Monitoring and reporting requirements" means one or more of
30 the following: Curfews; requirements to remain at home, school, work,
31 or court-ordered treatment programs during specified hours;
32 restrictions from leaving or entering specified geographical areas;
33 requirements to report to the probation officer as directed and to
34 remain under the probation officer's supervision; and other conditions
35 or limitations as the court may require which may not include
36 confinement;

37 (7) "Confinement" means physical custody by the department of
38 social and health services in a facility operated by or pursuant to a
39 contract with the state, or physical custody in a detention facility

1 operated by or pursuant to a contract with any county. The county may
2 operate or contract with vendors to operate county detention
3 facilities. The department may operate or contract to operate
4 detention facilities for juveniles committed to the department.
5 Pretrial confinement or confinement of less than thirty-one days
6 imposed as part of a disposition or modification order may be served
7 consecutively or intermittently, in the discretion of the court and may
8 be served in a detention group home, detention foster home, or with
9 electronic monitoring. Detention group homes and detention foster
10 homes used for confinement shall not also be used for the placement of
11 dependent children. Confinement in detention group homes and detention
12 foster homes and electronic monitoring are subject to available funds;

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

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

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

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

25 (10) "Department" means the department of social and health
26 services;

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

30 (12) "Diversion unit" means any probation counselor who enters into
31 a diversion agreement with an alleged youthful offender, or any other
32 person or entity except a law enforcement official or entity, with whom
33 the juvenile court administrator has contracted to arrange and
34 supervise such agreements pursuant to RCW 13.40.080, or any person or
35 entity specially funded by the legislature to arrange and supervise
36 diversion agreements in accordance with the requirements of this
37 chapter;

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

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

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

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

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

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

16 (a) Four misdemeanors;

17 (b) Two misdemeanors and one gross misdemeanor;

18 (c) One misdemeanor and two gross misdemeanors;

19 (d) Three gross misdemeanors;

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

22 (f) One class B felony except: Any felony which constitutes an
23 attempt to commit a class A felony; manslaughter in the first degree;
24 assault in the second degree; extortion in the first degree; indecent
25 liberties; kidnapping in the second degree; robbery in the second
26 degree; burglary in the second degree; residential burglary; vehicular
27 homicide; or arson in the second degree.

28 For purposes of this definition, current violations shall be
29 counted as misdemeanors;

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

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

36 (21) "Restitution" means financial reimbursement by the offender to
37 the victim, and shall be limited to easily ascertainable damages for
38 injury to or loss of property, actual expenses incurred for medical
39 treatment for physical injury to persons, lost wages resulting from

1 physical injury, and costs of the victim's counseling reasonably
2 related to the offense if the offense is a sex offense. Restitution
3 shall not include reimbursement for damages for mental anguish, pain
4 and suffering, or other intangible losses. Nothing in this chapter
5 shall limit or replace civil remedies or defenses available to the
6 victim or offender;

7 (22) "Secretary" means the secretary of the department of social
8 and health services;

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

13 (24) "Sex offense" means an offense defined as a sex offense in RCW
14 9.94A.030;

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

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

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

24 **Sec. 438.** RCW 13.40.0354 and 1989 c 407 s 6 are each amended to
25 read as follows:

26 The total current offense points for use in the standards range
27 matrix of schedules D-1, D-2, and D-3 are computed as follows:

28 (1) The disposition offense category is determined by the offense
29 of conviction. Offenses are divided into ten levels of seriousness,
30 ranging from low (seriousness level E) to high (seriousness level A+),
31 see schedule A, RCW 13.40.0357.

32 (2) The prior offense increase factor is summarized in schedule B,
33 RCW 13.40.0357. The increase factor is determined for each prior
34 offense by using the time span and the offense category in the prior
35 offense increase factor grid. Time span is computed from the date of
36 the prior offense to the date of the current offense. The total
37 increase factor is determined by totalling the increase factors for
38 each prior offense and adding a constant factor of 1.0.

1 (3) The current offense points are summarized in schedule C, RCW
 2 13.40.0357. The current offense points are determined for each current
 3 offense by locating the juvenile's age on the horizontal axis and using
 4 the offense category on the vertical axis. The juvenile's age is
 5 determined as of the time of the current offense and is rounded down to
 6 the nearest whole number.

7 (4) The total current offense points are determined for each
 8 current offense by multiplying the total increase factor by the current
 9 offense points. The total current offense points are rounded down to
 10 the nearest whole number.

11 (5) All current offense points calculated in schedules D-1, D-2,
 12 and D-3 shall be increased by a factor of five percent if the offense
 13 is committed by a juvenile who is in a program of parole under this
 14 chapter.

15 **Sec. 439.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to
 16 read as follows:

17 SCHEDULE A
 18 DESCRIPTION AND OFFENSE CATEGORY

		JUVENILE DISPOSITION
JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
19		

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

1	A	Possession of Incendiary Device	
2		(9.40.120)	B+
3		Assault and Other Crimes	
4		Involving Physical Harm	
5	A	Assault 1 (9A.36.011)	B+
6	B+	Assault 2 (9A.36.021)	C+
7	C+	Assault 3 (9A.36.031)	D+
8	D+	Assault 4 (9A.36.041)	E
9	D+	Reckless Endangerment	
10		(9A.36.050)	E
11	C+	Promoting Suicide Attempt	
12		(9A.36.060)	D+
13	D+	Coercion (9A.36.070)	E
14	C+	Custodial Assault (9A.36.100)	D+
15		Burglary and Trespass	
16	B+	Burglary 1 (9A.52.020)	C+
17	B	Burglary 2 (9A.52.030)	C
18	D	Burglary Tools (Possession of)	
19		(9A.52.060)	E
20	D	Criminal Trespass 1 (9A.52.070)	E
21	E	Criminal Trespass 2 (9A.52.080)	E
22	D	Vehicle Prowling (9A.52.100)	E
23		Drugs	
24	E	Possession/Consumption of Alcohol	
25		(66.44.270)	E
26	C	Illegally Obtaining Legend Drug	
27		(69.41.020)	D
28	C+	Sale, Delivery, Possession of Legend	
29		Drug with Intent to Sell	
30		(69.41.030)	D+
31	E	Possession of Legend Drug	
32		(69.41.030)	E
33	B+	Violation of Uniform Controlled	
34		Substances Act - Narcotic Sale	
35		(69.50.401(a)(1)(i))	B+

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

1		Homicide	
2	A+	Murder 1 (9A.32.030)	A
3	A+	Murder 2 (9A.32.050)	B+
4	B+	Manslaughter 1 (9A.32.060)	C+
5	C+	Manslaughter 2 (9A.32.070)	D+
6	B+	Vehicular Homicide (46.61.520)	C+
7		Kidnapping	
8	A	Kidnap 1 (9A.40.020)	B+
9	B+	Kidnap 2 (9A.40.030)	C+
10	C+	Unlawful Imprisonment	
11		(9A.40.040)	D+
12	((D	Custodial Interference	
13		(9A.40.050)	E))
14		Obstructing Governmental Operation	
15	E	Obstructing a Public Servant	
16		(9A.76.020)	E
17	E	Resisting Arrest (9A.76.040)	E
18	B	Introducing Contraband 1	
19		(9A.76.140)	C
20	C	Introducing Contraband 2	
21		(9A.76.150)	D
22	E	Introducing Contraband 3	
23		(9A.76.160)	E
24	B+	Intimidating a Public Servant	
25		(9A.76.180)	C+
26	B+	Intimidating a Witness	
27		(9A.72.110)	C+
28	((E	Criminal Contempt	
29		(9.23.010)	E))
30		Public Disturbance	
31	C+	Riot with Weapon (9A.84.010)	D+
32	D+	Riot Without Weapon	
33		(9A.84.010)	E
34	E	Failure to Disperse (9A.84.020)	E
35	E	Disorderly Conduct (9A.84.030)	E

1		Sex Crimes	
2	A	Rape 1 (9A.44.040)	B+
3	A-	Rape 2 (9A.44.050)	B+
4	C+	Rape 3 (9A.44.060)	D+
5	A-	Rape of a Child 1 (9A.44.073)	B+
6	B	Rape of a Child 2 (9A.44.076)	C+
7	B	Incest 1 (9A.64.020(1))	C
8	C	Incest 2 (9A.64.020(2))	D
9	D+	((Public Indecency)) <u>Indecent Exposure</u>	
10		(Victim <14) (9A.88.010)	E
11	E	((Public Indecency)) <u>Indecent Exposure</u>	
12		(Victim 14 or over) (9A.88.010)	E
13	B+	Promoting Prostitution 1	
14		(9A.88.070)	C+
15	C+	Promoting Prostitution 2	
16		(9A.88.080)	D+
17	E	O & A (Prostitution) (9A.88.030)	E
18	B+	Indecent Liberties (9A.44.100)	C+
19	B+	Child Molestation 1 (9A.44.083)	C+
20	C+	Child Molestation 2 (9A.44.086)	C
21		Theft, Robbery, Extortion, and Forgery	
22	B	Theft 1 (9A.56.030)	C
23	C	Theft 2 (9A.56.040)	D
24	D	Theft 3 (9A.56.050)	E
25	B	Theft of Livestock (9A.56.080)	C
26	C	Forgery (((9A.56.020))) <u>(9A.60.020)</u>	D
27	A	Robbery 1 (9A.56.200)	B+
28	B+	Robbery 2 (9A.56.210)	C+
29	B+	Extortion 1 (9A.56.120)	C+
30	C+	Extortion 2 (9A.56.130)	D+
31	B	Possession of Stolen Property 1	
32		(9A.56.150)	C
33	C	Possession of Stolen Property 2	
34		(9A.56.160)	D
35	D	Possession of Stolen Property 3	
36		(9A.56.170)	E
37	C	Taking Motor Vehicle Without	
38		Owner's Permission (9A.56.070)	D

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

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

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

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

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

18 SCHEDULE B
 19 PRIOR OFFENSE INCREASE FACTOR

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

22 TIME SPAN

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

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

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

9 SCHEDULE C
10 CURRENT OFFENSE POINTS

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

13 AGE

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

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-1

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

6 MINOR/FIRST OFFENDER

7 OPTION A

8 STANDARD RANGE

9		Community		
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. 440.** RCW 13.40.080 and 1992 c 205 s 108 are each amended to
31 read as follows:

1 (1) A diversion agreement shall be a contract between a juvenile
2 accused of an offense and a diversionary unit whereby the juvenile
3 agrees to fulfill certain conditions in lieu of prosecution. The
4 juvenile's custodial parent or parents or guardian shall be parties to
5 the diversion agreement. Such agreements may be entered into only
6 after the prosecutor, or probation counselor pursuant to this chapter,
7 has determined that probable cause exists to believe that a crime has
8 been committed and that the juvenile committed it. Such agreements
9 shall be entered into as expeditiously as possible.

10 (2) A diversion agreement shall be limited to:

11 (a) Community service not to exceed one hundred fifty hours, not to
12 be performed during school hours if the juvenile is attending school;

13 (b) Restitution limited to the amount of actual loss incurred by
14 the victim, and to an amount the juvenile has the means or potential
15 means to pay;

16 (c) Attendance at up to ten hours of counseling and/or up to twenty
17 hours of educational or informational sessions at a community agency:
18 PROVIDED, That the state shall not be liable for costs resulting from
19 the diversionary unit exercising the option to permit diversion
20 agreements to mandate attendance at up to ten hours of counseling and/
21 or up to twenty hours of educational or informational sessions; and

22 (d) A fine, not to exceed one hundred dollars. In determining the
23 amount of the fine, the diversion unit shall consider only the
24 juvenile's financial resources and whether the juvenile has the means
25 to pay the fine. The diversion unit shall not consider the financial
26 resources of the juvenile's parents, guardian, or custodian in
27 determining the fine to be imposed.

28 (3) In assessing periods of community service to be performed and
29 restitution to be paid by a juvenile who has entered into a diversion
30 agreement, the court officer to whom this task is assigned shall
31 consult with victims who have contacted the diversionary unit and, to
32 the extent possible, involve members of the community. Such members of
33 the community shall meet with the juvenile and advise the court officer
34 as to the terms of the diversion agreement and shall supervise the
35 juvenile in carrying out its terms.

36 (4) A diversion agreement may not exceed a period of six months and
37 may include a period extending beyond the eighteenth birthday of the
38 diveree. Any restitution assessed during its term may not exceed an
39 amount which the juvenile could be reasonably expected to pay during

1 this period. If additional time is necessary for the juvenile to
2 complete restitution to the victim, the time period limitations of this
3 subsection may be extended by an additional six months.

4 (5) The juvenile shall retain the right to be referred to the court
5 at any time prior to the signing of the diversion agreement.

6 (6) Divertees and potential divertees shall be afforded due process
7 in all contacts with a diversionary unit regardless of whether the
8 juveniles are accepted for diversion or whether the diversion program
9 is successfully completed. Such due process shall include, but not be
10 limited to, the following:

11 (a) A written diversion agreement shall be executed stating all
12 conditions in clearly understandable language;

13 (b) Violation of the terms of the agreement shall be the only
14 grounds for termination;

15 (c) No divertee may be terminated from a diversion program without
16 being given a court hearing, which hearing shall be preceded by:

17 (i) Written notice of alleged violations of the conditions of the
18 diversion program; and

19 (ii) Disclosure of all evidence to be offered against the divertee;

20 (d) The hearing shall be conducted by the juvenile court and shall
21 include:

22 (i) Opportunity to be heard in person and to present evidence;

23 (ii) The right to confront and cross-examine all adverse witnesses;

24 (iii) A written statement by the court as to the evidence relied on
25 and the reasons for termination, should that be the decision; and

26 (iv) Demonstration by evidence that the divertee has substantially
27 violated the terms of his or her diversion agreement.

28 (e) The prosecutor may file an information on the offense for which
29 the divertee was diverted:

30 (i) In juvenile court if the divertee is under eighteen years of
31 age; or

32 (ii) In superior court or the appropriate court of limited
33 jurisdiction if the divertee is eighteen years of age or older.

34 (7) The diversion unit shall, subject to available funds, be
35 responsible for providing interpreters when juveniles need interpreters
36 to effectively communicate during diversion unit hearings or
37 negotiations.

38 (8) The diversion unit shall be responsible for advising a divertee
39 of his or her rights as provided in this chapter.

1 (9) The diversion unit may refer a juvenile to community-based
2 counseling or treatment programs.

3 (10) The right to counsel shall inure prior to the initial
4 interview for purposes of advising the juvenile as to whether he or she
5 desires to participate in the diversion process or to appear in the
6 juvenile court. The juvenile may be represented by counsel at any
7 critical stage of the diversion process, including intake interviews
8 and termination hearings. The juvenile shall be fully advised at the
9 intake of his or her right to an attorney and of the relevant services
10 an attorney can provide. For the purpose of this section, intake
11 interviews mean all interviews regarding the diversion agreement
12 process.

13 The juvenile shall be advised that a diversion agreement shall
14 constitute a part of the juvenile's criminal history as defined by RCW
15 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
16 of such advisement shall be obtained from the juvenile, and the
17 document shall be maintained by the diversionary unit together with the
18 diversion agreement, and a copy of both documents shall be delivered to
19 the prosecutor if requested by the prosecutor. The supreme court shall
20 promulgate rules setting forth the content of such advisement in simple
21 language.

22 (11) When a juvenile enters into a diversion agreement, the
23 juvenile court may receive only the following information for
24 dispositional purposes:

- 25 (a) The fact that a charge or charges were made;
- 26 (b) The fact that a diversion agreement was entered into;
- 27 (c) The juvenile's obligations under such agreement;
- 28 (d) Whether the alleged offender performed his or her obligations
29 under such agreement; and
- 30 (e) The facts of the alleged offense.

31 (12) A diversionary unit may refuse to enter into a diversion
32 agreement with a juvenile. When a diversionary unit refuses to enter
33 a diversion agreement with a juvenile, it shall immediately refer such
34 juvenile to the court for action and shall forward to the court the
35 criminal complaint and a detailed statement of its reasons for refusing
36 to enter into a diversion agreement. The diversionary unit shall also
37 immediately refer the case to the prosecuting attorney for action if
38 such juvenile violates the terms of the diversion agreement.

1 (13) A diversionary unit may, in instances where it determines that
2 the act or omission of an act for which a juvenile has been referred to
3 it involved no victim, or where it determines that the juvenile
4 referred to it has no prior criminal history and is alleged to have
5 committed an illegal act involving no threat of or instance of actual
6 physical harm and involving not more than fifty dollars in property
7 loss or damage and that there is no loss outstanding to the person or
8 firm suffering such damage or loss, counsel and release or release such
9 a juvenile without entering into a diversion agreement. A diversion
10 unit's authority to counsel and release a juvenile under this
11 subsection shall include the authority to refer the juvenile to
12 community-based counseling or treatment programs. Any juvenile
13 released under this subsection shall be advised that the act or
14 omission of any act for which he or she had been referred shall
15 constitute a part of the juvenile's criminal history as defined by RCW
16 13.40.020(9) (~~as now or hereafter amended~~). A signed acknowledgment
17 of such advisement shall be obtained from the juvenile, and the
18 document shall be maintained by the unit, and a copy of the document
19 shall be delivered to the prosecutor if requested by the prosecutor.
20 The supreme court shall promulgate rules setting forth the content of
21 such advisement in simple language. A juvenile determined to be
22 eligible by a diversionary unit for release as provided in this
23 subsection shall retain the same right to counsel and right to have his
24 or her case referred to the court for formal action as any other
25 juvenile referred to the unit.

26 (14) A diversion unit may supervise the fulfillment of a diversion
27 agreement entered into before the juvenile's eighteenth birthday and
28 which includes a period extending beyond the divertee's eighteenth
29 birthday.

30 (15) If a fine required by a diversion agreement cannot reasonably
31 be paid due to a change of circumstance, the diversion agreement may be
32 modified at the request of the divertee and with the concurrence of the
33 diversion unit to convert an unpaid fine into community service. The
34 modification of the diversion agreement shall be in writing and signed
35 by the divertee and the diversion unit. The number of hours of
36 community service in lieu of a monetary penalty shall be converted at
37 the rate of the prevailing state minimum wage per hour.

38 (16) Fines imposed under this section shall be collected and paid
39 into the county general fund in accordance with procedures established

1 by the juvenile court administrator under RCW 13.04.040 and may be used
2 only for juvenile services. In the expenditure of funds for juvenile
3 services, there shall be a maintenance of effort whereby counties
4 exhaust existing resources before using amounts collected under this
5 section.

6 **Sec. 441.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
7 as follows:

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

13 If the court concludes, and enters reasons for its conclusion, that
14 disposition within the standard range would effectuate a manifest
15 injustice the court shall impose a disposition outside the standard
16 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
17 court's finding of manifest injustice shall be supported by clear and
18 convincing evidence.

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

29 (2) Where the respondent is found to be a minor or first offender,
30 the court shall order that the respondent serve a term of community
31 supervision as indicated in option A or option B of schedule D-1, RCW
32 13.40.0357 except as provided in subsections (5) and (6) of this
33 section. If the court determines that a disposition of community
34 supervision would effectuate a manifest injustice the court may impose
35 another disposition under option C of schedule D-1, RCW 13.40.0357.
36 Except as provided in subsection (5) of this section, a disposition
37 other than a community supervision may be imposed only after the court
38 enters reasons upon which it bases its conclusions that imposition of

1 community supervision would effectuate a manifest injustice. When a
2 judge finds a manifest injustice and imposes a sentence of confinement
3 exceeding thirty days, the court shall sentence the juvenile to a
4 maximum term, and the provisions of RCW 13.40.030(2)(~~(, as now or~~
5 ~~hereafter amended,)~~) shall be used to determine the range. The court's
6 finding of manifest injustice shall be supported by clear and
7 convincing evidence.

8 Except for disposition of community supervision or a disposition
9 imposed pursuant to subsection (5) of this section, a disposition may
10 be appealed as provided in RCW 13.40.230(~~(, as now or hereafter~~
11 ~~amended,)~~) by the state or the respondent. A disposition of community
12 supervision or a disposition imposed pursuant to subsection (5) of this
13 section may not be appealed under RCW 13.40.230 (~~(as now or hereafter~~
14 ~~amended)~~).

15 (3) Where a respondent is found to have committed an offense for
16 which the respondent declined to enter into a diversion agreement, the
17 court shall impose a term of community supervision limited to the
18 conditions allowed in a diversion agreement as provided in RCW
19 13.40.080(2) (~~(as now or hereafter amended)~~).

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

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

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

38 (c) Only if the court concludes, and enters reasons for its
39 conclusions, that disposition as provided in subsection (4)(a) or (b)

1 of this section would effectuate a manifest injustice, the court shall
2 sentence the juvenile to a maximum term, and the provisions of RCW
3 13.40.030(2)((~~, as now or hereafter amended,~~)) shall be used to
4 determine the range. The court's finding of manifest injustice shall
5 be supported by clear and convincing evidence.

6 (d) A disposition pursuant to subsection (4)(c) of this section is
7 appealable under RCW 13.40.230((~~, as now or hereafter amended,~~)) by the
8 state or the respondent. A disposition pursuant to subsection (4) (a)
9 or (b) of this section is not appealable under RCW 13.40.230 ((~~as now
10 or hereafter amended~~)).

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

17 The report of the examination shall include at a minimum the
18 following: The respondent's version of the facts and the official
19 version of the facts, the respondent's offense history, an assessment
20 of problems in addition to alleged deviant behaviors, the respondent's
21 social, educational, and employment situation, and other evaluation
22 measures used. The report shall set forth the sources of the
23 evaluator's information.

24 The examiner shall assess and report regarding the respondent's
25 amenability to treatment and relative risk to the community. A
26 proposed treatment plan shall be provided and shall include, at a
27 minimum:

28 (a)(i) Frequency and type of contact between the offender and
29 therapist;

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

32 (iii) Monitoring plans, including any requirements regarding living
33 conditions, lifestyle requirements, and monitoring by family members,
34 legal guardians, or others;

35 (iv) Anticipated length of treatment; and

36 (v) Recommended crime-related prohibitions.

37 The court on its own motion may order, or on a motion by the state
38 shall order, a second examination regarding the offender's amenability
39 to treatment. The evaluator shall be selected by the party making the

1 motion. The defendant shall pay the cost of any second examination
2 ordered unless the court finds the defendant to be indigent in which
3 case the state shall pay the cost.

4 After receipt of reports of the examination, the court shall then
5 consider whether the offender and the community will benefit from use
6 of this special sex offender disposition alternative and consider the
7 victim's opinion whether the offender should receive a treatment
8 disposition under this section. If the court determines that this
9 special sex offender disposition alternative is appropriate, then the
10 court shall impose a determinate disposition within the standard range
11 for the offense, or if the court concludes, and enters reasons for its
12 conclusion, that such disposition would effectuate a manifest
13 injustice, the court shall impose a disposition pursuant to option C of
14 schedule D-1, option C of schedule D-2, or option B of schedule D-3 as
15 appropriate, and the court may suspend the execution of the disposition
16 and place the offender on community supervision for up to two years.
17 As a condition of the suspended disposition, the court may impose the
18 conditions of community supervision and other conditions, including up
19 to thirty days of confinement and requirements that the offender do any
20 one or more of the following:

21 (b)(i) Devote time to a specific education, employment, or
22 occupation;

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

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

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

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

- 1 (vi) Pay all court-ordered legal financial obligations, perform
2 community service, or any combination thereof; or
3 (vii) Make restitution to the victim for the cost of any counseling
4 reasonably related to the offense.

5 The sex offender treatment provider shall submit quarterly reports
6 on the respondent's progress in treatment to the court and the parties.
7 The reports shall reference the treatment plan and include at a minimum
8 the following: Dates of attendance, respondent's compliance with
9 requirements, treatment activities, the respondent's relative progress
10 in treatment, and any other material specified by the court at the time
11 of the disposition.

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

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

27 If the offender violates any condition of the disposition or the
28 court finds that the respondent is failing to make satisfactory
29 progress in treatment, the court may revoke the suspension and order
30 execution of the sentence. The court shall give credit for any
31 confinement time previously served if that confinement was for the
32 offense for which the suspension is being revoked.

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

38 (6)(a) The minimum sentence for any juvenile age sixteen or
39 seventeen who illegally possesses a pistol is ten confinement days.

1 The court may extend community supervision up to twelve months for such
2 offense.

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

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

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

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

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

13 ~~((+7))~~ (8) Except as provided for in subsection (5) of this
14 section, the court shall not suspend or defer the imposition or the
15 execution of the disposition.

16 ~~((+8))~~ (9) In no case shall the term of confinement imposed by the
17 court at disposition exceed that to which an adult could be subjected
18 for the same offense.

19 **Sec. 442.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to
20 read as follows:

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

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

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

1 ~~committing new offenses~~). After termination of the parole period, the
2 juvenile shall be discharged from the department's supervision.

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

25 (b) If the department finds that any juvenile in a program of
26 parole has possessed a firearm or used a deadly weapon during the
27 program of parole, the department shall modify the parole under (a) of
28 this subsection and confine the juvenile for at least thirty days.
29 Confinement shall be in a facility operated by or pursuant to a
30 contract with the state or any county.

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

35 (6) If so requested and approved under chapter 13.06 RCW, the
36 secretary shall permit a county or group of counties to perform
37 functions under subsections (3) through (5) of this section.

1 **Sec. 443.** RCW 13.40.190 and 1987 c 281 s 5 are each amended to
2 read as follows:

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

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

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

35 **Sec. 444.** RCW 13.40.300 and 1986 c 288 s 6 are each amended to
36 read as follows:

37 (1) In no case may a juvenile offender be committed by the juvenile
38 court to the department of social and health services for placement in

1 a juvenile correctional institution beyond the juvenile offender's
2 twenty-first birthday. A juvenile may be under the jurisdiction of the
3 juvenile court or the authority of the department of social and health
4 services beyond the juvenile's eighteenth birthday only if prior to the
5 juvenile's eighteenth birthday:

6 (a) Proceedings are pending seeking the adjudication of a juvenile
7 offense and the court by written order setting forth its reasons
8 extends jurisdiction of juvenile court over the juvenile beyond his or
9 her eighteenth birthday;

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

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

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

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

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

31 **Sec. 445.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
32 each reenacted and amended to read as follows:

33 Every person who((+)

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

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

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

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

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

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

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

20 NEW SECTION. **Sec. 446.** A new section is added to chapter 9.94A
21 RCW to read as follows:

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

31 **Sec. 447.** RCW 82.04.250 and 1993 sp.s. c 25 s 103 are each amended
32 to read as follows:

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

1 (2) Upon every person engaging within this state in the business of
2 making sales at retail that are exempt from the tax imposed under
3 chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or
4 82.08.0263, as to such persons, the amount of tax with respect to such
5 business shall be equal to the gross proceeds of sales of the business,
6 multiplied by the rate of 0.484 percent.

7 (3) In addition to the tax imposed under subsection (1) of this
8 section, upon every person engaging within this state in the business
9 of making sales at retail of ammunition or firearms, as defined in RCW
10 9.41.010, as to such persons, an additional tax is imposed with respect
11 to such business equal to the gross proceeds of sales of ammunition and
12 firearms, as defined in RCW 9.41.010, multiplied by the rate of 0.5
13 percent. Proceeds of the tax imposed under this subsection shall be
14 deposited into the violence reduction and drug enforcement account
15 under RCW 69.50.520.

16 NEW SECTION. Sec. 448. A new section is added to chapter 9.41 RCW
17 to read as follows:

18 (1) Any court when entering an order authorized under RCW
19 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060,
20 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070
21 shall, upon a showing by clear and convincing evidence, that a party
22 has: Used, displayed, or threatened to use a deadly weapon in a crime
23 of violence or previously committed any offense which makes him or her
24 ineligible to possess a pistol under the provisions of RCW 9.41.040:

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

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

28 (c) Prohibit the party from obtaining or possessing a deadly
29 weapon;

30 (d) Prohibit the party from obtaining or possessing a concealed
31 pistol license.

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

37 (3) In addition to the provisions of subsections (1) and (2) of
38 this section, the court may enter an order requiring a party to comply

1 with the provisions in subsection (1) of this section if it finds that
2 the possession of a firearm by any party presents a serious and
3 imminent threat to public health or safety, or to the health or safety
4 of any individual.

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

7 (5) The court may require the party to surrender any deadly weapon
8 in his or her immediate possession or control or subject to his or her
9 immediate possession or control to the sheriff of the county having
10 jurisdiction of the proceeding or to the restrained or enjoined party's
11 counsel or to any person designated by the court.

12 **Sec. 449.** RCW 9A.46.050 and 1985 c 288 s 5 are each amended to
13 read as follows:

14 A defendant who is charged by citation, complaint, or information
15 with an offense involving harassment and not arrested shall appear in
16 court for arraignment in person as soon as practicable, but in no event
17 later than fourteen days after the next day on which court is in
18 session following the issuance of the citation or the filing of the
19 complaint or information. At that appearance, the court shall
20 determine the necessity of imposing a no-contact or no-harassment
21 order, and consider the provisions of section 448 of this act, or other
22 conditions of pretrial release according to the procedures established
23 by court rule for preliminary appearance or an arraignment.

24 **Sec. 450.** RCW 10.14.080 and 1992 c 143 s 11 are each amended to
25 read as follows:

26 (1) Upon filing a petition for a civil antiharassment protection
27 order under this chapter, the petitioner may obtain an ex parte
28 temporary antiharassment protection order. An ex parte temporary
29 antiharassment protection order may be granted with or without notice
30 upon the filing of an affidavit which, to the satisfaction of the
31 court, shows reasonable proof of unlawful harassment of the petitioner
32 by the respondent and that great or irreparable harm will result to the
33 petitioner if the temporary antiharassment protection order is not
34 granted.

35 (2) An ex parte temporary antiharassment protection order shall be
36 effective for a fixed period not to exceed fourteen days or twenty-four
37 days if the court has permitted service by publication under RCW

1 10.14.085. The ex parte order may be reissued. A full hearing, as
2 provided in this chapter, shall be set for not later than fourteen days
3 from the issuance of the temporary order or not later than twenty-four
4 days if service by publication is permitted. Except as provided in RCW
5 10.14.070 and 10.14.085, the respondent shall be personally served with
6 a copy of the ex parte order along with a copy of the petition and
7 notice of the date set for the hearing.

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

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

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

1 respondent will not resume harassment of the petitioner when the order
2 expires. The court may renew the protection order for another fixed
3 time period or may enter a permanent order as provided in subsection
4 (4) of this section.

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

9 (a) Restraining the respondent from making any attempts to contact
10 the petitioner;

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

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

15 (d) Considering the provisions of section 448 of this act.

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

22 (8) The court order shall specify the date an order issued pursuant
23 to subsections (4) and (5) of this section expires if any. The court
24 order shall also state whether the court issued the protection order
25 following personal service or service by publication and whether the
26 court has approved service by publication of an order issued under this
27 section.

28 **Sec. 451.** RCW 10.99.040 and 1992 c 86 s 2 are each amended to read
29 as follows:

30 (1) Because of the serious nature of domestic violence, the court
31 in domestic violence actions:

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

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

36 (c) Shall waive any requirement that the victim's location be
37 disclosed to any person, other than the attorney of a criminal
38 defendant, upon a showing that there is a possibility of further

1 violence: PROVIDED, That the court may order a criminal defense
2 attorney not to disclose to his or her client the victim's location;
3 and

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

6 (2) Because of the likelihood of repeated violence directed at
7 those who have been victims of domestic violence in the past, when any
8 person charged with or arrested for a crime involving domestic violence
9 is released from custody before arraignment or trial on bail or
10 personal recognizance, the court authorizing the release may prohibit
11 that person from having any contact with the victim. The jurisdiction
12 authorizing the release shall determine whether that person should be
13 prohibited from having any contact with the victim. If there is no
14 outstanding restraining or protective order prohibiting that person
15 from having contact with the victim, the court authorizing release may
16 issue, by telephone, a no-contact order prohibiting the person charged
17 or arrested from having contact with the victim. In issuing the order,
18 the court shall consider the provisions of section 448 of this act.
19 The no-contact order shall also be issued in writing as soon as
20 possible. (~~If the court has probable cause to believe that the person~~
21 ~~charged or arrested is likely to use or display or threaten to use a~~
22 ~~deadly weapon as defined in RCW 9A.04.110 in any further acts of~~
23 ~~violence, the court may also require that person to surrender any~~
24 ~~deadly weapon in that person's immediate possession or control, or~~
25 ~~subject to that person's immediate possession or control, to the~~
26 ~~sheriff of the county or chief of police of the municipality in which~~
27 ~~that person resides or to the defendant's counsel for safekeeping.))~~

28 (3) At the time of arraignment the court shall determine whether a
29 no-contact order shall be issued or extended. If a no-contact order is
30 issued or extended, the court may also include in the conditions of
31 release a requirement that the defendant submit to electronic
32 monitoring. If electronic monitoring is ordered, the court shall
33 specify who shall provide the monitoring services, and the terms under
34 which the monitoring shall be performed. Upon conviction, the court
35 may require as a condition of the sentence that the defendant reimburse
36 the providing agency for the costs of the electronic monitoring.

37 (4)(a) Willful violation of a court order issued under subsection
38 (2) or (3) of this section is a misdemeanor. Upon conviction and in
39 addition to other penalties provided by law, the court may require that

1 the defendant submit to electronic monitoring. The court shall specify
2 who shall provide the electronic monitoring services and the terms
3 under which the monitoring must be performed. The court also may
4 include a requirement that the defendant pay the costs of the
5 monitoring. The court shall consider the ability of the convicted
6 person to pay for electronic monitoring.

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

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

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

37 **Sec. 452.** RCW 10.99.045 and 1984 c 263 s 23 are each amended to
38 read as follows:

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

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

10 (3) At the time of the appearances provided in subsection (1) or
11 (2) of this section, the court shall determine the necessity of
12 imposing a no contact order or other conditions of pretrial release
13 according to the procedures established by court rule for a preliminary
14 appearance or an arraignment. ~~((If the court has probable cause to
15 believe that the defendant is likely to use or display or threaten to
16 use a deadly weapon as defined in RCW 9A.04.110 in any further acts of
17 violence, as one of the conditions of pretrial release, the court may
18 require the defendant to surrender any deadly weapon in the defendant's
19 immediate possession or control, or subject to the defendant's
20 immediate possession or control, to the sheriff of the county or chief
21 of police of the municipality in which the defendant resides or to the
22 defendant's counsel for safekeeping. The decision of the judge and
23 findings of fact in support thereof shall be in writing.))~~ The court
24 may include in the order any conditions authorized under section 448 of
25 this act.

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

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

31 **Sec. 453.** RCW 26.09.050 and 1989 c 375 s 29 are each amended to
32 read as follows:

33 In entering a decree of dissolution of marriage, legal separation,
34 or declaration of invalidity, the court shall determine the marital
35 status of the parties, make provision for a parenting plan for any
36 minor child of the marriage, make provision for the support of any
37 child of the marriage entitled to support, consider or approve
38 provision for the maintenance of either spouse, make provision for the

1 disposition of property and liabilities of the parties, make provision
2 for the allocation of the children as federal tax exemptions, make
3 provision for any necessary continuing restraining orders including the
4 provisions contained in section 448 of this act, and make provision for
5 the change of name of any party.

6 **Sec. 454.** RCW 26.09.060 and 1992 c 229 s 9 are each amended to
7 read as follows:

8 (1) In a proceeding for:

9 (a) Dissolution of marriage, legal separation, or a declaration of
10 invalidity; or

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

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

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

27 (b) ~~Molesting or disturbing the peace of the other party or of any~~
28 ~~child ((and, upon a showing by clear and convincing evidence that the~~
29 ~~party so restrained or enjoined has used or displayed or threatened to~~
30 ~~use a deadly weapon as defined in RCW 9A.04.110 in an act of violence~~
31 ~~or has previously committed acts of domestic violence and is likely to~~
32 ~~use or display or threaten to use a deadly weapon in an act of domestic~~
33 ~~violence, requiring the party to surrender any deadly weapon in his~~
34 ~~immediate possession or control or subject to his immediate possession~~
35 ~~or control to the sheriff of the county having jurisdiction of the~~
36 ~~proceeding or to the restrained or enjoined party's counsel or to any~~
37 ~~person designated by the court. The court may order temporary~~
38 ~~surrender of deadly weapons without notice to the other party only if~~

1 ~~it finds on the basis of the moving affidavit or other evidence that~~
2 ~~irreparable injury could result if an order is not issued until the~~
3 ~~time for response has elapsed));~~

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

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

7 (3) In issuing the order, the court shall consider the provisions
8 of section 448 of this act.

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

14 ((+4)) (5) The court may issue a temporary restraining order or
15 preliminary injunction and an order for temporary maintenance or
16 support in such amounts and on such terms as are just and proper in the
17 circumstances. The court may in its discretion waive the filing of the
18 bond or the posting of security.

19 ((+5)) (6) Restraining orders issued under this section
20 restraining the person from molesting or disturbing another party or
21 from entering a party's home shall bear the legend: VIOLATION OF THIS
22 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
23 CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

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

34 ((+7)) (8) A temporary order, temporary restraining order, or
35 preliminary injunction:

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

38 (b) May be revoked or modified;

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

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

7 (~~((+8+))~~) (9) Delinquent support payments accrued under an order for
8 temporary support remain collectible and are not extinguished when a
9 final decree is entered unless the decree contains specific language to
10 the contrary. A support debt under a temporary order owed to the state
11 for public assistance expenditures shall not be extinguished by the
12 final decree if:

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

15 (b) The temporary order directs the obligor to make support
16 payments to the office of support enforcement or the Washington state
17 support registry.

18 **Sec. 455.** RCW 26.10.040 and 1989 c 375 s 31 are each amended to
19 read as follows:

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

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

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

25 (3) Any necessary continuing restraining orders, including the
26 provisions contained in section 448 of this act.

27 **Sec. 456.** RCW 26.10.115 and 1989 c 375 s 32 are each amended to
28 read as follows:

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

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

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

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

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

19 (3) In issuing the order, the court shall consider the provisions
20 of section 448 of this act.

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

26 ((+4)) (5) The court may issue a temporary restraining order or
27 preliminary injunction and an order for temporary support in such
28 amounts and on such terms as are just and proper in the circumstances.

29 ((+5)) (6) Restraining orders issued under this section
30 restraining the person from molesting or disturbing another party or
31 from entering a party's home shall bear the legend: VIOLATION OF THIS
32 ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER
33 CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

34 ((+6)) (7) The court may order that any temporary restraining
35 order granted under this section be forwarded by the clerk of the court
36 on or before the next judicial day to the appropriate law enforcement
37 agency specified in the order. Upon receipt of the order, the law
38 enforcement agency shall forthwith enter the order for one year into
39 any computer-based criminal intelligence information system available

1 in this state used by law enforcement agencies to list outstanding
2 warrants. Entry into the law enforcement information system
3 constitutes notice to all law enforcement agencies of the existence of
4 the order. The order is fully enforceable in any county in the state.

5 ~~((7))~~ (8) A temporary order, temporary restraining order, or
6 preliminary injunction:

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

9 (b) May be revoked or modified;

10 (c) Terminates when the final order is entered or when the motion
11 is dismissed;

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

14 ~~((8))~~ (9) A support debt owed to the state for public assistance
15 expenditures which has been charged against a party pursuant to RCW
16 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
17 extinguished by, the final decree or order, unless the office of
18 support enforcement has been given notice of the final proceeding and
19 an opportunity to present its claim for the support debt to the court
20 and has failed to file an affidavit as provided in this subsection.
21 Notice of the proceeding shall be served upon the office of support
22 enforcement personally, or by certified mail, and shall be given no
23 fewer than thirty days prior to the date of the final proceeding. An
24 original copy of the notice shall be filed with the court either before
25 service or within a reasonable time thereafter. The office of support
26 enforcement may present its claim, and thereby preserve the support
27 debt, by filing an affidavit setting forth the amount of the debt with
28 the court, and by mailing a copy of the affidavit to the parties or
29 their attorney prior to the date of the final proceeding.

30 **Sec. 457.** RCW 26.26.130 and 1989 c 375 s 23 and 1989 c 360 s 18
31 are each reenacted and amended to read as follows:

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

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

1 (3) The judgment and order shall contain other appropriate
2 provisions directed to the appropriate parties to the proceeding,
3 concerning the duty of current and future support, the extent of any
4 liability for past support furnished to the child if that issue is
5 before the court, the furnishing of bond or other security for the
6 payment of the judgment, or any other matter in the best interest of
7 the child. The judgment and order may direct the father to pay the
8 reasonable expenses of the mother's pregnancy and confinement. The
9 judgment and order may include a continuing restraining order or
10 injunction. In issuing the order, the court shall consider the
11 provisions of section 448 of this act.

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

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

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

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

37 **Sec. 458.** RCW 26.26.137 and 1983 1st ex.s. c 41 s 12 are each
38 amended to read as follows:

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

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

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

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

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

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

19 (4) The court may issue a temporary restraining order or
20 preliminary injunction and an order for temporary support in such
21 amounts and on such terms as are just and proper in the circumstances.
22 In issuing the order, the court shall consider the provisions of
23 section 448 of this act.

24 (5) A temporary order, temporary restraining order, or preliminary
25 injunction:

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

28 (b) May be revoked or modified;

29 (c) Terminates when the final order is entered or when the petition
30 is dismissed; and

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

33 (6) A support debt owed to the state for public assistance
34 expenditures which has been charged against a party pursuant to RCW
35 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
36 extinguished by, the final decree or order, unless the office of
37 support enforcement has been given notice of the final proceeding and
38 an opportunity to present its claim for the support debt to the court
39 and has failed to file an affidavit as provided in this subsection.

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

10 **Sec. 459.** RCW 26.50.060 and 1992 c 143 s 2, 1992 c 111 s 4, and
11 1992 c 86 s 4 are each reenacted and amended to read as follows:

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

14 (a) Restrain the respondent from committing acts of domestic
15 violence;

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

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

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

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

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

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

37 (h) Require the respondent to submit to electronic monitoring. The
38 order shall specify who shall provide the electronic monitoring

1 services and the terms under which the monitoring must be performed.
2 The order also may include a requirement that the respondent pay the
3 costs of the monitoring. The court shall consider the ability of the
4 respondent to pay for electronic monitoring; and

5 (i) Consider the provisions of section 448 of this act.

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

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

24 (3) If the court grants an order for a fixed time period, the
25 petitioner may apply for renewal of the order by filing a petition for
26 renewal at any time within the three months before the order expires.
27 The petition for renewal shall state the reasons why the petitioner
28 seeks to renew the protection order. Upon receipt of the petition for
29 renewal the court shall order a hearing which shall be not later than
30 fourteen days from the date of the order. Except as provided in RCW
31 26.50.085, personal service shall be made on the respondent not less
32 than five days before the hearing. If timely service cannot be made
33 the court shall set a new hearing date and shall either require
34 additional attempts at obtaining personal service or permit service by
35 publication as provided in RCW 26.50.085. If the court permits service
36 by publication, the court shall set the new hearing date not later than
37 twenty-four days from the date of the order. If the order expires
38 because timely service cannot be made the court shall grant an ex parte
39 order of protection as provided in RCW 26.50.070. The court shall

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

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

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

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

27 **Sec. 460.** RCW 26.50.070 and 1992 c 143 s 3 are each amended to
28 read as follows:

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

35 (a) Restraining any party from committing acts of domestic
36 violence;

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

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

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

7 (e) Considering the provisions of section 448 of this act.

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

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

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

25 **Sec. 461.** RCW 77.12.720 and 1990 c 195 s 2 are each amended to
26 read as follows:

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

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

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 462.** A new section is added to chapter 9.94A
2 RCW to read as follows:

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

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

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

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

18 (b) If the midpoint of the standard range is greater than one year
19 and the sentencing judge determines that the offender is eligible for
20 this option and that the offender and the community will benefit from
21 the use of the special drug offender sentencing alternative, the judge
22 may waive imposition of a sentence within the standard range and impose
23 a sentence that must include a period of total confinement in a state
24 facility for one-half of the midpoint of the standard range. During
25 incarceration in the state facility, offenders sentenced under this
26 section shall undergo a comprehensive substance abuse assessment and
27 receive, within available resources, treatment services appropriate for
28 the offender. An offender sentenced under this section shall serve his
29 or her entire term of community placement under RCW 9.94A.120 in
30 community custody that must include crime-related prohibitions
31 including a condition not to use illegal controlled substances, and a
32 requirement to submit to urinalysis or other testing to monitor that
33 status. The department may require the offender to pay thirty dollars
34 per month while on community custody to offset the cost of monitoring.
35 In addition, the court may impose any of the following conditions:

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

37 (ii) Participate in outpatient substance abuse treatment;

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

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

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

6 (vi) Perform community service work;

7 (vii) Pay a day fine;

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

9 (ix) Undergo day reporting.

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

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

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

35 (3) For the purposes of this section:

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

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

6 NEW SECTION. **Sec. 463.** The commission shall evaluate the impact
7 of implementing the drug offender options provided for in section 462
8 of this act. The commission shall submit preliminary findings to the
9 legislature by December 1, 1995, and shall submit the final report to
10 the legislature by December 1, 1996. The report shall describe the
11 changes in sentencing practices related to the use of punishment
12 options for drug offenders and include the impact of sentencing
13 alternatives on state prison populations, the savings in state
14 resources, and the impact on recidivism rates.

15 **Sec. 464.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to
16 read as follows:

17 No person serving a sentence imposed pursuant to this chapter and
18 committed to the custody of the department shall leave the confines of
19 the correctional facility or be released prior to the expiration of the
20 sentence except as follows:

21 (1) Except as otherwise provided for in subsection (2) of this
22 section, the term of the sentence of an offender committed to a
23 correctional facility operated by the department, may be reduced by
24 earned early release time in accordance with procedures that shall be
25 developed and promulgated by the correctional agency having
26 jurisdiction in which the offender is confined. The earned early
27 release time shall be for good behavior and good performance, as
28 determined by the correctional agency having jurisdiction. The
29 correctional agency shall not credit the offender with earned early
30 release credits in advance of the offender actually earning the
31 credits. Any program established pursuant to this section shall allow
32 an offender to earn early release credits for presentence
33 incarceration. If an offender is transferred from a county jail to the
34 department of corrections, the county jail facility shall certify to
35 the department the amount of time spent in custody at the facility and
36 the amount of earned early release time. In the case of an offender
37 convicted of a serious violent offense or a sex offense that is a class

1 A felony committed on or after July 1, 1990, the aggregate earned early
2 release time may not exceed fifteen percent of the sentence. In no
3 other case shall the aggregate earned early release time exceed one-
4 third of the total sentence;

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

14 (3) An offender may leave a correctional facility pursuant to an
15 authorized furlough or leave of absence. In addition, offenders may
16 leave a correctional facility when in the custody of a corrections
17 officer or officers;

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

22 (5) No more than the final six months of the sentence may be served
23 in partial confinement designed to aid the offender in finding work and
24 reestablishing ((him)) himself or herself in the community, except for
25 offenders sentenced under section 462 of this act who have a standard
26 range midpoint of twenty-four months or less in which case no more than
27 the final three months of the sentence may be served in such partial
28 confinement;

29 (6) The governor may pardon any offender;

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

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

36 **Sec. 465.** RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are
37 each reenacted and amended to read as follows:

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

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

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

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

24 (b) The person is eighteen years or older and within the preceding
25 four hours has assaulted that person's spouse, former spouse, or a
26 person eighteen years or older with whom the person resides or has
27 formerly resided and the officer believes: (i) A felonious assault
28 has occurred; (ii) an assault has occurred which has resulted in bodily
29 injury to the victim, whether the injury is observable by the
30 responding officer or not; or (iii) that any physical action has
31 occurred which was intended to cause another person reasonably to fear
32 imminent serious bodily injury or death. Bodily injury means physical
33 pain, illness, or an impairment of physical condition. When the
34 officer has probable cause to believe that spouses, former spouses, or
35 other persons who reside together or formerly resided together have
36 assaulted each other, the officer is not required to arrest both
37 persons. The officer shall arrest the person whom the officer believes
38 to be the primary physical aggressor. In making this determination,
39 the officer shall make every reasonable effort to consider: (i) The

1 intent to protect victims of domestic violence under RCW 10.99.010;
2 (ii) the comparative extent of injuries inflicted or serious threats
3 creating fear of physical injury; and (iii) the history of domestic
4 violence between the persons involved.

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

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

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

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

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

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

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

20 (4) A law enforcement officer investigating at the scene of a motor
21 vehicle accident may arrest the driver of a motor vehicle involved in
22 the accident if the officer has probable cause to believe that the
23 driver has committed in connection with the accident a violation of any
24 traffic law or regulation.

25 (5) Any police officer having probable cause to believe that a
26 person has committed or is committing a violation of RCW ((88.12.100))
27 88.12.025 shall have the authority to arrest the person.

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

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

37 (8) A police officer may arrest and take into custody, pending
38 release on bail, personal recognizance, or court order, a person
39 without a warrant when the officer has probable cause to believe that

1 an order has been issued of which the person has knowledge under
2 chapter 10.14 RCW and the person has violated the terms of that order.

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

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

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

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

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

20 **Sec. 466.** RCW 10.99.030 and 1993 c 350 s 3 are each amended to
21 read as follows:

22 (1) All training relating to the handling of domestic violence
23 complaints by law enforcement officers shall stress enforcement of
24 criminal laws in domestic situations, availability of community
25 resources, and protection of the victim. Law enforcement agencies and
26 community organizations with expertise in the issue of domestic
27 violence shall cooperate in all aspects of such training.

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

31 (3)(a) When a peace officer responds to a domestic violence call
32 and has probable cause to believe that a crime has been committed, the
33 peace officer shall exercise arrest powers with reference to the
34 criteria in RCW 10.31.100. The officer shall notify the victim of the
35 victim's right to initiate a criminal proceeding in all cases where the
36 officer has not exercised arrest powers or decided to initiate criminal
37 proceedings by citation or otherwise. The parties in such cases shall
38 also be advised of the importance of preserving evidence.

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

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

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

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

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

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

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

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

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

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

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

36 (c) To require that, in consultation with interested persons, the
37 Washington association of sheriffs and police chiefs prepare and
38 disseminate procedures to all law enforcement agencies in the state as

1 to how the agencies shall code and report domestic violence incidents
2 to the Washington association of sheriffs and police chiefs.

3 NEW SECTION. **Sec. 467.** A new section is added to chapter 13.06
4 RCW to read as follows:

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

14 (a) Assure that educational programs offered are occupationally
15 based and provide a wide range of prevocational skills necessary to
16 career development;

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

19 (c) Assure that basic skill offerings include remedial and advanced
20 skills in workplace communication, negotiation, teamwork, and problem
21 solving;

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

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

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

31 (g) Provide institutional work experience opportunities and
32 programs that are coordinated with educational programs to reinforce
33 learning and application of skills.

34 (2) The director and the several school districts shall consult
35 with the employment security department, the office of the
36 superintendent of public instruction, and the work force training and
37 education coordinating board on the design, implementation,
38 coordination, and management of the program.

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

4 NEW SECTION. **Sec. 468.** The legislature is making the change of
5 "dangerous weapon" to "deadly weapon" solely to make consistent use of
6 terminology. No substantive change in sentencing or the element of any
7 criminal offense is intended.

8 NEW SECTION. **Sec. 469.** RCW 9.41.160 shall be recodified within
9 chapter 9.41 RCW to follow RCW 9.41.310.

10 NEW SECTION. **Sec. 470.** The following acts or parts of acts are
11 each repealed:

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

19 **PART V. EDUCATION**

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

22 (1) Expanding activity in educational research, educational
23 restructuring, and educational improvement initiatives has produced and
24 continues to produce much valuable information. The legislature finds
25 that such information should be shared with the citizens and
26 educational community of the state as widely as possible. To
27 facilitate access to information and materials on educational
28 improvement and research, the superintendent of public instruction, to
29 the extent funds are appropriated, shall establish the center for the
30 improvement of student learning. The primary purpose of the center is
31 to provide assistance and advice to parents, school board members,
32 educators, and the public regarding strategies for assisting students
33 in learning the essential academic learning requirements pursuant to
34 RCW 28A.630.885. The center shall work in conjunction with the

1 commission on student learning, educational service districts, and
2 institutions of higher education.

3 (2) The center shall:

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

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

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

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

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

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

35 (g) Work with appropriate organizations to inform teachers,
36 district and school administrators, and school directors about the
37 waivers available under RCW 28A.305.140 and the broadened school board
38 powers under RCW 28A.320.015;

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

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

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

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

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

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

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

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

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

33 (1) Beginning with the 1994-95 school year, to provide the local
34 community and electorate with access to information on the educational
35 programs in the schools in the district, each school shall publish
36 annually a school performance report and deliver the report to each
37 parent with children enrolled in the school and make the report

1 available to the community served by the school. The annual
2 performance report shall be in a form that can be easily understood and
3 be used by parents, guardians, and other members of the community who
4 are not professional educators to make informed educational decisions.
5 As data from the assessments in RCW 28A.630.885 becomes available, the
6 annual performance report should enable parents, educators, and school
7 board members to determine whether students in the district's schools
8 are attaining mastery of the student learning goals under RCW
9 28A.150.210, and other important facts about the schools' performance
10 in assisting students to learn. The annual report shall make
11 comparisons to a school's performance in preceding years and shall
12 project goals in performance categories.

13 (2) The annual performance report shall include, but not be limited
14 to: A brief statement of the mission of the school and the school
15 district; enrollment statistics including student demographics;
16 expenditures per pupil for the school year; a summary of student scores
17 on all mandated tests; a concise annual budget report; student
18 attendance, graduation, and dropout rates; information regarding the
19 use and condition of the school building or buildings; a brief
20 description of the restructuring plan for the school; violence data
21 based on department of health violence data collection standards; and
22 an invitation to all parents and citizens to participate in school
23 activities.

24 (3) The superintendent of public instruction shall develop by June
25 30, 1994, a model report form, which shall also be adapted for
26 computers, that schools may use to meet the requirements of subsections
27 (1) and (2) of this section.

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

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

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

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

10 (2) In addition to providing basic skills instruction to eligible
11 parents, the program shall include violence prevention awareness and
12 training and may include other program components which may include
13 transportation, child care, and such other directly necessary
14 activities as may be necessary to accomplish the purposes of RCW
15 28A.610.020 through 28A.610.060.

16 (3) Parents who elect to participate in training or work programs,
17 as a condition of receiving public assistance, shall have the hours
18 spent in parent participation programs, conducted as part of a federal
19 head start program, or the state early childhood education and
20 assistance program under RCW 28A.215.100 through 28A.215.200 and
21 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
22 28A.610.020 through 28A.610.060, counted toward the fulfillment of
23 their work and training obligation for the receipt of public
24 assistance.

25 (4) State funds as may be appropriated for project even start shall
26 be used solely to expand and complement, but not supplant, federal
27 funds for adult literary programs.

28 (5) The superintendent of public instruction shall adopt rules as
29 necessary to carry out the purposes of RCW 28A.610.020 through
30 28A.610.060.

31 **Sec. 506.** RCW 28A.610.060 and 1987 c 518 s 109 are each amended to
32 read as follows:

33 The superintendent of public instruction, through the (~~(state~~
34 ~~clearinghouse for education information)~~) center for the improvement of
35 student learning, shall collect and disseminate to all school districts
36 and other interested parties information about effective parent
37 literacy programs under project even start.

1 **Sec. 507.** RCW 28A.620.020 and 1985 c 344 s 2 are each amended to
2 read as follows:

3 Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any
4 other law, rule, or regulation, any school district is authorized and
5 encouraged to provide community education programs in the form of
6 instructional, recreational and/or service programs on a noncredit and
7 nontuition basis, excluding fees for supplies, materials, or instructor
8 costs, for the purpose of stimulating the full educational potential
9 and meeting the needs of the district's residents of all ages, and
10 making the fullest use of the district's school facilities: PROVIDED,
11 That school districts are encouraged to provide programs for
12 prospective parents, prospective foster parents, and prospective
13 adoptive parents on parenting skills, violence prevention, and on the
14 problems of child abuse and methods to avoid child abuse situations:
15 PROVIDED FURTHER, That community education programs shall be consistent
16 with rules and regulations promulgated by the state superintendent of
17 public instruction governing cooperation between common schools,
18 community college districts, and other civic and governmental
19 organizations which shall have been developed in cooperation with the
20 state board for community and technical colleges ~~((education))~~ and
21 shall be programs receiving the approval of said superintendent.

22 **Sec. 508.** RCW 28A.630.885 and 1993 c 336 s 202 and 1993 c 334 s 1
23 are each reenacted and amended to read as follows:

24 (1) The Washington commission on student learning is hereby
25 established. The primary purposes of the commission are to identify
26 the knowledge and skills all public school students need to know and be
27 able to do based on the student learning goals in RCW 28A.150.210, to
28 develop student assessment and school accountability systems, and to
29 take other steps necessary to develop a performance-based education
30 system. The commission shall include three members of the state board
31 of education, three members appointed by the governor before July 1,
32 1992, and five members appointed no later than June 1, 1993, by the
33 governor elected in the November 1992 election. The governor shall
34 appoint a chair from the commission members, and fill any vacancies in
35 gubernatorial appointments that may occur. The state board of
36 education shall fill any vacancies of state board of education
37 appointments that may occur. In making the appointments, educators,
38 business leaders, and parents shall be represented, and nominations

1 from state-wide education, business, and parent organizations shall be
2 requested. Efforts shall be made to ensure that the commission
3 reflects the racial and ethnic diversity of the state's K-12 student
4 population and that the major geographic regions in the state are
5 represented. Appointees shall be qualified individuals who are
6 supportive of educational restructuring, who have a positive record of
7 service, and who will devote sufficient time to the responsibilities of
8 the commission to ensure that the objectives of the commission are
9 achieved.

10 (2) The commission shall establish advisory committees. Membership
11 of the advisory committees shall include, but not necessarily be
12 limited to, professionals from the office of the superintendent of
13 public instruction and the state board of education, and other state
14 and local educational practitioners and student assessment specialists.

15 (3) The commission, with the assistance of the advisory committees,
16 shall:

17 (a) Develop essential academic learning requirements based on the
18 student learning goals in RCW 28A.150.210. Essential academic learning
19 requirements shall be developed, to the extent possible, for each of
20 the student learning goals in RCW 28A.150.210. Goals one and two shall
21 be considered primary. Essential academic learning requirements for
22 RCW 28A.150.210(1), goal one, and the mathematics component of RCW
23 28A.150.210(2), goal two, shall be completed no later than March 1,
24 1995. Essential academic learning requirements that incorporate the
25 remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and
26 four, shall be completed no later than March 1, 1996. To the maximum
27 extent possible, the commission shall integrate goal four and the
28 knowledge and skill areas in the other goals in the development of the
29 essential academic learning requirements;

30 (b)(i) The commission shall present to the state board of education
31 and superintendent of public instruction a state-wide academic
32 assessment system for use in the elementary, middle, and high school
33 years designed to determine if each student has mastered the essential
34 academic learning requirements identified in (a) of this subsection.
35 The academic assessment system shall include a variety of assessment
36 methods, including performance-based measures that are criterion-
37 referenced. Performance standards for determining if a student has
38 successfully completed an assessment shall be initially determined by

1 the commission in consultation with the advisory committees required in
2 subsection (2) of this section.

3 (ii) The assessment system shall be designed so that the results
4 under the assessment system are used by educators as tools to evaluate
5 instructional practices, and to initiate appropriate educational
6 support for students who have not mastered the essential academic
7 learning requirements at the appropriate periods in the student's
8 educational development.

9 (iii) Assessments measuring the essential academic learning
10 requirements developed for RCW 28A.150.210(1), goal one, and the
11 mathematics component of RCW 28A.150.210(2), goal two, shall be
12 initially implemented by the state board of education and
13 superintendent of public instruction no later than the 1996-97 school
14 year, unless the legislature takes action to delay or prevent
15 implementation of the assessment system and essential academic learning
16 requirements. Assessments measuring the essential academic learning
17 requirements developed for RCW 28A.150.210 (2), (3), and (4), goals
18 two, three, and four, shall be initially implemented by the state board
19 of education and superintendent of public instruction no later than the
20 1997-98 school year, unless the legislature takes action to delay or
21 prevent implementation of the assessment system and essential academic
22 learning requirements. To the maximum extent possible, the commission
23 shall integrate knowledge and skill areas in development of the
24 assessments.

25 (iv) Before the 2000-2001 school year, participation by school
26 districts in the assessment system shall be optional. School districts
27 that desire to participate before the 2000-2001 school year shall
28 notify the superintendent of public instruction in a manner determined
29 by the superintendent. Beginning in the 2000-2001 school year, all
30 school districts shall be required to participate in the assessment
31 system.

32 (v) The state board of education and superintendent of public
33 instruction may modify the essential academic learning requirements and
34 academic assessment system, as needed, in subsequent school years.

35 (vi) The commission shall develop assessments that are directly
36 related to the essential academic learning requirements, and are not
37 biased toward persons with different learning styles, racial or ethnic
38 backgrounds, or on the basis of gender;

1 (c) After a determination is made by the state board of education
2 that the high school assessment system has been implemented and that it
3 is sufficiently reliable and valid, successful completion of the high
4 school assessment shall lead to a certificate of mastery. The
5 certificate of mastery shall be obtained by most students at about the
6 age of sixteen, and is evidence that the student has successfully
7 mastered the essential academic learning requirements during his or her
8 educational career. The certificate of mastery shall be required for
9 graduation but shall not be the only requirement for graduation. The
10 commission shall make recommendations to the state board of education
11 regarding the relationship between the certificate of mastery and high
12 school graduation requirements. Upon achieving the certificate of
13 mastery, schools shall provide students with the opportunity to
14 continue to pursue career and educational objectives through
15 educational pathways that emphasize integration of academic and
16 vocational education. Educational pathways may include, but are not
17 limited to, programs such as work-based learning, school-to-work
18 transition, tech prep, vocational-technical education, running start,
19 and preparation for technical college, community college, or university
20 education;

21 (d) Consider methods to address the unique needs of special
22 education students when developing the assessments in (b) and (c) of
23 this subsection;

24 (e) Consider methods to address the unique needs of highly capable
25 students when developing the assessments in (b) and (c) of this
26 subsection;

27 (f) Develop recommendations on the time, support, and resources,
28 including technical assistance, needed by schools and school districts
29 to help students achieve the essential academic learning requirements.
30 These recommendations shall include an estimate for the legislature,
31 superintendent of public instruction, and governor on the expected cost
32 of implementing the academic assessment system;

33 (g) Develop recommendations for consideration by the higher
34 education coordinating board for adopting college and university
35 entrance requirements for public school students that are consistent
36 with the essential academic learning requirements and the certificate
37 of mastery;

38 (h) By December 1, 1998, recommend to the legislature, governor,
39 state board of education, and superintendent of public instruction:

1 (i) A state-wide accountability system to monitor and evaluate
2 accurately and fairly the level of learning occurring in individual
3 schools and school districts. The accountability system shall be
4 designed to recognize the characteristics of the student population of
5 schools and school districts such as gender, race, ethnicity,
6 socioeconomic status, and other factors. The system shall include
7 school-site, school district, and state-level accountability reports;

8 (ii) A school assistance program to help schools and school
9 districts that are having difficulty helping students meet the
10 essential academic learning requirements;

11 (iii) A system to intervene in schools and school districts in
12 which significant numbers of students persistently fail to learn the
13 essential academic learning requirements; and

14 (iv) An awards program to provide incentives to school staff to
15 help their students learn the essential academic learning requirements,
16 with each school being assessed individually against its own baseline.
17 Incentives shall be based on the rate of percentage change of students
18 achieving the essential academic learning requirements. School staff
19 shall determine how the awards will be spent.

20 The recommended awards, assistance, and intervention programs shall
21 include violence indicators or standards as part of the criteria for
22 determining the status of a school to receive an award or assistance,
23 or be subject to intervention.

24 It is the intent of the legislature to begin implementation of
25 programs in this subsection (3)(h) on September 1, 2000;

26 (i) Report annually by December 1st to the legislature, the
27 governor, the superintendent of public instruction, and the state board
28 of education on the progress, findings, and recommendations of the
29 commission; and

30 (j) Make recommendations to the legislature and take other actions
31 necessary or desirable to help students meet the student learning
32 goals.

33 (4) The commission shall coordinate its activities with the state
34 board of education and the office of the superintendent of public
35 instruction.

36 (5) The commission shall seek advice broadly from the public and
37 all interested educational organizations in the conduct of its work,
38 including holding periodic regional public hearings.

1 (6) The commission shall select an entity to provide staff support
2 and the office of the superintendent of public instruction shall
3 provide administrative oversight and be the fiscal agent for the
4 commission. The commission may direct the office of the superintendent
5 of public instruction to enter into subcontracts, within the
6 commission's resources, with school districts, teachers, higher
7 education faculty, state agencies, business organizations, and other
8 individuals and organizations to assist the commission in its
9 deliberations.

10 (7) Members of the commission shall be reimbursed for travel
11 expenses as provided in RCW 43.03.050 and 43.03.060.

12 NEW SECTION. **Sec. 509.** A new section is added to chapter 70.190
13 RCW to read as follows:

14 The community public health and safety networks, based on rules
15 adopted by the department of health, may include in its comprehensive
16 community plans procedures for providing matching grants to school
17 districts to support expanded use of school facilities for after-hours
18 recreational opportunities and day care as authorized under chapter
19 28A.215 RCW and RCW 28A.620.010.

20 **Sec. 510.** RCW 9A.36.031 and 1990 c 236 s 1 are each amended to
21 read as follows:

22 (1) A person is guilty of assault in the third degree if he or she,
23 under circumstances not amounting to assault in the first or second
24 degree:

25 (a) With intent to prevent or resist the execution of any lawful
26 process or mandate of any court officer or the lawful apprehension or
27 detention of himself or herself or another person, assaults another; or

28 (b) Assaults a person employed as a transit operator or driver by
29 a public or private transit company while that person is operating or
30 is in control of a vehicle that is owned or operated by the transit
31 company and that is occupied by one or more passengers; or

32 (c) Assaults a school bus driver employed by a school district or
33 a private company under contract for transportation services with a
34 school district while the driver is operating or is in control of a
35 school bus that is occupied by one or more passengers; or

1 (d) With criminal negligence, causes bodily harm to another person
2 by means of a weapon or other instrument or thing likely to produce
3 bodily harm; or

4 (e) Assaults a fire fighter or other employee of a fire department
5 or fire protection district who was performing his or her official
6 duties at the time of the assault; or

7 (f) With criminal negligence, causes bodily harm accompanied by
8 substantial pain that extends for a period sufficient to cause
9 considerable suffering; or

10 (g) Assaults a law enforcement officer or other employee of a law
11 enforcement agency who was performing his or her official duties at the
12 time of the assault; or

13 (h) Assaults a certificated staff member, classified staff member
14 not included under (c) of this subsection, or a volunteer, of a
15 preschool through twelfth grade school, who was performing his or her
16 assigned duties at the time of the assault; or

17 (i) Assaults a referee, umpire, judge, manager, coach, or volunteer
18 of an organized physical activity or sporting event, either during or
19 immediately following the activity or event.

20 (2) Assault in the third degree is a class C felony.

21 **Sec. 511.** 1993 sp.s. c 24 s 501 (uncodified) is amended to read as
22 follows:

23 **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

24	General Fund--State Appropriation	\$	34,414,000
25	General Fund--Federal Appropriation	\$	33,106,000
26	Public Safety and Education Account		
27	Appropriation	\$	338,000
28	<u>Violence Reduction and Drug Enforcement</u>		
29	((and Education)) Account Appropriation	\$	3,197,000
30	TOTAL APPROPRIATION	\$	71,055,000

31 The appropriations in this section are subject to the following
32 conditions and limitations:

33 (1) AGENCY OPERATIONS

34 (a) \$304,000 of the general fund--state appropriation is provided
35 solely to upgrade the student data collection capability of the
36 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 467 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 467 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 467 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 channel
6 blocking device, or other device that enables a person to regulate a
7 child's access to unwanted television programming. All cable
8 television companies shall make available to all customers at the
9 company's cost the opportunity to purchase a channel blocking device,
10 or other device that enables a person to regulate a child's access to
11 unwanted television programming. The commercial television sellers and
12 cable television companies shall offer time/channel locks to their
13 customers, when these devices are available. Notice of this
14 availability shall be clearly made to all existing customers and to all
15 new customers at the time of their signing up for service.

16 NEW SECTION. **Sec. 604.** All videos, video games, and virtual
17 reality games sold or rented in this state shall clearly and
18 prominently display a realistic age rating for appropriateness of use
19 by end-users of the video or game. The age rating shall be researched,
20 developed, and provided to the purchaser or renter of the video, video
21 game, or virtual reality game, by the originator of the video or game.
22 The originator, as used in this section, includes the manufacturer or
23 software developer or copyright holder of the video or game.

24 The originator may develop the age rating in any reasonable manner,
25 as determined by the originator, who may consult child psychologists,
26 educators, child development specialists, pediatricians, or others as
27 appropriate in the determination of realistic age rating. The age-
28 rating determination shall include an objective evaluation and estimate
29 of the number of violent incidents represented in the media material
30 being rated.

31 The age-rating information may be presented to the consumer in any
32 readily understandable format, whether by label, code, or information
33 sheet.

34 NEW SECTION. **Sec. 605.** (1) Owners of video or video game
35 businesses shall not sell or rent videos or video games to a person
36 under the age of eighteen unless: (a) The renter or seller has on file

1 a written declaration from at least one parent or guardian of the
2 juvenile authorizing the juvenile to rent or purchase videos or video
3 games; or (b) the juvenile is accompanied by his or her parent or
4 guardian. The declaration may contain such restrictions as the parent
5 deems appropriate.

6 (2) A violation of this section is a class 3 civil infraction under
7 chapter 7.80 RCW. Compliance by retail outlets selling or renting
8 materials with age-rating information provided under section 604 of
9 this act, and reliance on the information, is a defense to civil or
10 criminal penalties.

11 NEW SECTION. **Sec. 606.** Television and radio broadcast stations
12 including cable stations, video rental companies, and print media are
13 encouraged, as a matter of public health and safety, to broadcast
14 public health-based, antiviolence public service messages. The
15 content, style, and format of the messages shall be developed by the
16 community public health and safety council created under RCW
17 70.190.010, in coordination with its violence-reduction efforts and may
18 include the television violence report card, as set forth in section
19 608 of this act. The messages may be produced with grant funds from
20 the council or may be produced voluntarily by the media working with
21 the council.

22 NEW SECTION. **Sec. 607.** The legislature finds that, as a matter of
23 public health and safety, access by minors to violent videos, video
24 games, and computer software should be limited.

25 Public libraries, with the exception of university, college, and
26 community college libraries, shall establish standards and policies on
27 the protection of minors from access to violent video and other
28 electronic materials. Libraries shall make their standards and
29 policies known to the public in their communities.

30 Each library system shall formulate its own standards and policies,
31 and may, in its discretion, include public hearings, consultation with
32 community networks as defined under chapter 70.190 RCW, or consultation
33 with the Washington library association in the development of its
34 standards and policies.

35 NEW SECTION. **Sec. 608.** (1) The department of health shall
36 establish, by rule, a program for evaluating and ranking television

1 programs, including cable television programs, on the basis of the
2 violence contained in the programs.

3 Under the program, the department shall select, within each
4 calendar quarter, at least one week for the department to evaluate the
5 extent of the violence contained in each of the programs carried on any
6 of the national broadcast television networks, or on cable television
7 systems with regard to programs available to a substantial percentage
8 of the households that subscribe to cable television service
9 nationally, during that week's prime-time and Saturday morning time
10 slots. The department shall ensure that at least one of the weeks
11 selected in any calendar year is a sweeps week.

12 (2) After evaluating the television programs described in this
13 section, and in accordance with criteria established by the rules
14 adopted under this section, the department shall:

15 (a) List in ranked order those programs in terms of the extent of
16 the violence they contain; and

17 (b) List in ranked order program sponsors in terms of the extent to
18 which they sponsor television programs that contain a high degree of
19 violence.

20 (3) In the quarter following any quarter for which the department
21 has made evaluations under this section, the department shall publish
22 and make available to the public and the news media a television
23 violence report card that reports the violence rankings performed by
24 the department, including identification of the programs so evaluated
25 and the sponsors of those programs.

26 (4) The news media shall be immune from legal liability for the
27 accurate publication of the television violence report card.

28 For the purpose of facilitating the rule making required by
29 sections 613 and 614 of this act, the department of health shall also
30 communicate to the department of general administration and the state
31 investment board the results of its evaluations.

32 NEW SECTION. **Sec. 609.** A new section is added to chapter 13.16
33 RCW to read as follows:

34 Motion pictures unrated or rated X or NC-17 by the motion picture
35 association of America shall not be shown in juvenile detention
36 facilities or facilities operated by the division of juvenile
37 rehabilitation in the department of social and health services.

1 NEW SECTION. **Sec. 610.** A new section is added to chapter 72.02
2 RCW to read as follows:

3 Motion pictures unrated or rated X or NC-17 by the motion picture
4 association of America shall not be shown in adult correctional
5 facilities.

6 NEW SECTION. **Sec. 611.** A new section is added to chapter 28A.650
7 RCW to read as follows:

8 (1) Software, computer games, and videos with fictional violent
9 content shall not be used in schools, except to depict actual
10 historical events or for educational purposes in a formal classroom
11 setting.

12 (2) Each educational service district shall monitor the software
13 and videos used in its district for fictional violent content, using
14 the guidelines developed by the office of the superintendent of public
15 instruction.

16 **Sec. 612.** RCW 28A.650.015 and 1993 c 336 s 703 are each amended to
17 read as follows:

18 (1) The superintendent of public instruction, to the extent funds
19 are appropriated, shall develop and implement a Washington state K-12
20 education technology plan. The technology plan, which shall be
21 completed by December 15, 1993, and updated on at least a biennial
22 basis, shall be developed to coordinate and expand the use of education
23 technology in the common schools of the state. The plan shall be
24 consistent with applicable provisions of chapter 43.105 RCW. The plan,
25 at a minimum, shall address:

26 (a) The provision of technical assistance to schools and school
27 districts for the planning, implementation, and training of staff in
28 the use of technology in curricular and administrative functions;

29 (b) The continued development of a network to connect school
30 districts, institutions of higher learning, and other sources of on-
31 line information; (~~and~~)

32 (c) Methods to equitably increase the use of education technology
33 by students and school personnel throughout the state; and

34 (d) After the effective date of this section, guidelines for
35 monitoring fictional violent content in computer software and videos
36 used in schools.

1 (2) The superintendent of public instruction shall appoint an
2 educational technology advisory committee to assist in the development
3 and implementation of the technology plan in subsection (1) of this
4 section. The committee shall include, but is not limited to, persons
5 representing: The state board of education, the commission on student
6 learning, the department of information services, educational service
7 districts, school directors, school administrators, school principals,
8 teachers, classified staff, higher education faculty, parents,
9 students, business, labor, scientists and mathematicians, the higher
10 education coordinating board, the work force training and education
11 coordinating board, and the state library.

12 NEW SECTION. **Sec. 613.** A new section is added to chapter 43.19
13 RCW to read as follows:

14 Notwithstanding any other provision of law, the department of
15 general administration shall adopt a policy of refusing to purchase
16 goods and services for the state from businesses or corporations,
17 including parent corporations, profiting from violence-related products
18 or services. Nothing in this section requires the department to adopt
19 a policy that results in a refusal to purchase goods and services from
20 a corporation that is primarily engaged in the business of producing
21 materials intended to be used in formal educational settings as set
22 forth in section 611 of this act. A business or corporation whose
23 violence-related products or services are for the main purpose of
24 national defense are exempt from this policy. Definitions and
25 guidelines shall be developed by the department of general
26 administration in consultation with the department of health.

27 NEW SECTION. **Sec. 614.** A new section is added to chapter 43.33A
28 RCW to read as follows:

29 Notwithstanding any other provision of law, the state investment
30 board shall adopt a policy of disinvestment in businesses or
31 corporations, including parent corporations, profiting from violence-
32 related products or services. Nothing in this section requires the
33 board to adopt a policy that results in a refusal to purchase goods and
34 services from a corporation that is primarily engaged in the business
35 of producing materials intended to be used in formal educational
36 settings as set forth in section 611 of this act. A business or
37 corporation whose violence-related products or services are for the

1 main purpose of national defense are exempt from this policy.
2 Definitions and guidelines for disinvestment shall be established by
3 the state investment board in consultation with the department of
4 health.

5 NEW SECTION. **Sec. 615.** Sections 601 through 608 of this act shall
6 constitute a new chapter in Title 19 RCW.

7 **PART VII. MISCELLANEOUS**

8 NEW SECTION. **Sec. 701.** A new section is added to chapter 44.28
9 RCW to read as follows:

10 (1) The legislative budget committee shall contract to monitor and
11 track the implementation of chapter . . . , Laws of 1994 (this act) to
12 determine whether these efforts result in a measurable reduction of
13 violence. The legislative budget committee shall also contract for and
14 coordinate an evaluation of the effectiveness of the community networks
15 in reducing the rate of at-risk youth through reducing risk factors and
16 increasing protective factors. The evaluation plan shall result in
17 statistically valid evaluation at both state-wide and community levels.
18 The evaluation plan shall be submitted to the governor and appropriate
19 legislative committees by July 1, 1995.

20 (2) Starting five years after the initial grant to a community
21 network, if the community network fails to meet the outcome standards
22 and goals in any two consecutive years, the legislative budget
23 committee shall make recommendations to the legislature concerning
24 whether the funds received by that community network should revert back
25 to the originating agency. In making this determination, the
26 legislative budget committee shall consider the adequacy of the level
27 of intervention relative to the risk factors in the community and any
28 external events having a significant impact on risk factors or
29 outcomes.

30 (3) The outcomes required under chapter 70.190 RCW and social
31 development standards and measures established by the department of
32 health under section 204 of this act shall be used in conducting the
33 outcome evaluation of the community networks.

34 **Sec. 702.** RCW 66.24.210 and 1993 c 160 s 2 are each amended to
35 read as follows:

1 (1) There is hereby imposed upon all wines sold to wine wholesalers
2 and the Washington state liquor control board, within the state a tax
3 at the rate of twenty and one-fourth cents per liter: PROVIDED,
4 HOWEVER, That wine sold or shipped in bulk from one winery to another
5 winery shall not be subject to such tax. The tax provided for in this
6 section may, if so prescribed by the board, be collected by means of
7 stamps to be furnished by the board, or by direct payments based on
8 wine purchased by wine wholesalers. Every person purchasing wine under
9 the provisions of this section shall on or before the twentieth day of
10 each month report to the board all purchases during the preceding
11 calendar month in such manner and upon such forms as may be prescribed
12 by the board, and with such report shall pay the tax due from the
13 purchases covered by such report unless the same has previously been
14 paid. Any such purchaser of wine whose applicable tax payment is not
15 postmarked by the twentieth day following the month of purchase will be
16 assessed a penalty at the rate of two percent a month or fraction
17 thereof. If this tax be collected by means of stamps, every such
18 person shall procure from the board revenue stamps representing the tax
19 in such form as the board shall prescribe and shall affix the same to
20 the package or container in such manner and in such denomination as
21 required by the board and shall cancel the same prior to the delivery
22 of the package or container containing the wine to the purchaser. If
23 the tax is not collected by means of stamps, the board may require that
24 every such person shall execute to and file with the board a bond to be
25 approved by the board, in such amount as the board may fix, securing
26 the payment of the tax. If any such person fails to pay the tax when
27 due, the board may forthwith suspend or cancel the license until all
28 taxes are paid.

29 (2) An additional tax is imposed equal to the rate specified in RCW
30 82.02.030 multiplied by the tax payable under subsection (1) of this
31 section. All revenues collected during any month from this additional
32 tax shall be transferred to the state general fund by the twenty-fifth
33 day of the following month.

34 (3) An additional tax is imposed on wines subject to tax under
35 subsection (1) of this section, at the rate of one-fourth of one cent
36 per liter for wine sold after June 30, 1987. Such additional tax shall
37 cease to be imposed on July 1, 2001. All revenues collected under this
38 subsection (3) shall be disbursed quarterly to the Washington wine
39 commission for use in carrying out the purposes of chapter 15.88 RCW.

1 (4) (~~Until July 1, 1995,~~) An additional tax is imposed on all
2 wine subject to tax under subsection (1) of this section. The
3 additional tax is equal to twenty-three and forty-four one-hundredths
4 cents per liter on fortified wine as defined in RCW 66.04.010(34) when
5 bottled or packaged by the manufacturer and one cent per liter on all
6 other wine. All revenues collected during any month from this
7 additional tax shall be deposited in the violence reduction and drug
8 enforcement (~~and education~~) account under RCW 69.50.520 by the
9 twenty-fifth day of the following month.

10 **Sec. 703.** RCW 66.24.290 and 1993 c 492 s 311 are each amended to
11 read as follows:

12 (1) Any brewer or beer wholesaler licensed under this title may
13 sell and deliver beer to holders of authorized licenses direct, but to
14 no other person, other than the board; and every such brewer or beer
15 wholesaler shall report all sales to the board monthly, pursuant to the
16 regulations, and shall pay to the board as an added tax for the
17 privilege of manufacturing and selling the beer within the state a tax
18 of two dollars and sixty cents per barrel of thirty-one gallons on
19 sales to licensees within the state and on sales to licensees within
20 the state of bottled and canned beer shall pay a tax computed in
21 gallons at the rate of two dollars and sixty cents per barrel of
22 thirty-one gallons. Any brewer or beer wholesaler whose applicable tax
23 payment is not postmarked by the twentieth day following the month of
24 sale will be assessed a penalty at the rate of two percent per month or
25 fraction thereof. Each such brewer or wholesaler shall procure from
26 the board revenue stamps representing such tax in form prescribed by
27 the board and shall affix the same to the barrel or package in such
28 manner and in such denominations as required by the board, and shall
29 cancel the same prior to commencing delivery from his or her place of
30 business or warehouse of such barrels or packages. Beer shall be sold
31 by brewers and wholesalers in sealed barrels or packages. The revenue
32 stamps provided under this section need not be affixed and canceled in
33 the making of resales of barrels or packages already taxed by the
34 affixation and cancellation of stamps as provided in this section.

35 (2) An additional tax is imposed equal to seven percent multiplied
36 by the tax payable under subsection (1) of this section. All revenues
37 collected during any month from this additional tax shall be

1 transferred to the state general fund by the twenty-fifth day of the
2 following month.

3 (3) (~~Until July 1, 1995,~~) An additional tax is imposed on all
4 beer subject to tax under subsection (1) of this section. The
5 additional tax is equal to two dollars per barrel of thirty-one
6 gallons. All revenues collected during any month from this additional
7 tax shall be deposited in the violence reduction and drug enforcement
8 (~~and education~~) account under RCW 69.50.520 by the twenty-fifth day
9 of the following month.

10 (4)(a) An additional tax is imposed on all beer subject to tax
11 under subsection (1) of this section. The additional tax is equal to
12 ninety-six cents per barrel of thirty-one gallons through June 30,
13 1995, two dollars and thirty-nine cents per barrel of thirty-one
14 gallons for the period July 1, 1995, through June 30, 1997, and four
15 dollars and seventy-eight cents per barrel of thirty-one gallons
16 thereafter.

17 (b) The additional tax imposed under this subsection does not apply
18 to the sale of the first sixty thousand barrels of beer each year by
19 breweries that are entitled to a reduced rate of tax under 26 U.S.C.
20 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may
21 be provided by the board by rule consistent with the purposes of this
22 exemption.

23 (c) All revenues collected from the additional tax imposed under
24 this subsection (4) shall be deposited in the health services account
25 under RCW 43.72.900.

26 (5) The tax imposed under this section shall not apply to "strong
27 beer" as defined in this title.

28 **Sec. 704.** RCW 82.08.150 and 1993 c 492 s 310 are each amended to
29 read as follows:

30 (1) There is levied and shall be collected a tax upon each retail
31 sale of spirits, or strong beer in the original package at the rate of
32 fifteen percent of the selling price. The tax imposed in this
33 subsection shall apply to all such sales including sales by the
34 Washington state liquor stores and agencies, but excluding sales to
35 class H licensees.

36 (2) There is levied and shall be collected a tax upon each sale of
37 spirits, or strong beer in the original package at the rate of ten

1 percent of the selling price on sales by Washington state liquor stores
2 and agencies to class H licensees.

3 (3) There is levied and shall be collected an additional tax upon
4 each retail sale of spirits in the original package at the rate of one
5 dollar and seventy-two cents per liter. The additional tax imposed in
6 this subsection shall apply to all such sales including sales by
7 Washington state liquor stores and agencies, and including sales to
8 class H licensees.

9 (4) An additional tax is imposed equal to fourteen percent
10 multiplied by the taxes payable under subsections (1), (2), and (3) of
11 this section.

12 (5) (~~Until July 1, 1995,~~) An additional tax is imposed upon each
13 retail sale of spirits in the original package at the rate of seven
14 cents per liter. The additional tax imposed in this subsection shall
15 apply to all such sales including sales by Washington state liquor
16 stores and agencies, and including sales to class H licensees. All
17 revenues collected during any month from this additional tax shall be
18 deposited in the violence reduction and drug enforcement (~~and~~
19 ~~education~~) account under RCW 69.50.520 by the twenty-fifth day of the
20 following month.

21 (6)(a) An additional tax is imposed upon retail sale of spirits in
22 the original package at the rate of one and seven-tenths percent of the
23 selling price through June 30, 1995, two and six-tenths percent of the
24 selling price for the period July 1, 1995, through June 30, 1997, and
25 three and four-tenths of the selling price thereafter. This additional
26 tax applies to all such sales including sales by Washington state
27 liquor stores and agencies, but excluding sales to class H licensees.

28 (b) An additional tax is imposed upon retail sale of spirits in the
29 original package at the rate of one and one-tenth percent of the
30 selling price through June 30, 1995, one and seven-tenths percent of
31 the selling price for the period July 1, 1995, through June 30, 1997,
32 and two and three-tenths of the selling price thereafter. This
33 additional tax applies to all such sales to class H licensees.

34 (c) An additional tax is imposed upon each retail sale of spirits
35 in the original package at the rate of twenty cents per liter through
36 June 30, 1995, thirty cents per liter for the period July 1, 1995,
37 through June 30, 1997, and forty-one cents per liter thereafter. This
38 additional tax applies to all such sales including sales by Washington

1 state liquor stores and agencies, and including sales to class H
2 licensees.

3 (d) All revenues collected during any month from additional taxes
4 under this subsection shall be deposited in the health services account
5 created under RCW 43.72.900 by the twenty-fifth day of the following
6 month.

7 (7) The tax imposed in RCW 82.08.020 shall not apply to sales of
8 spirits or strong beer in the original package.

9 (8) The taxes imposed in this section shall be paid by the buyer to
10 the seller, and each seller shall collect from the buyer the full
11 amount of the tax payable in respect to each taxable sale under this
12 section. The taxes required by this section to be collected by the
13 seller shall be stated separately from the selling price and for
14 purposes of determining the tax due from the buyer to the seller, it
15 shall be conclusively presumed that the selling price quoted in any
16 price list does not include the taxes imposed by this section.

17 (9) As used in this section, the terms, "spirits," "strong beer,"
18 and "package" shall have the meaning ascribed to them in chapter 66.04
19 RCW.

20 **Sec. 705.** RCW 82.24.020 and 1993 c 492 s 307 are each amended to
21 read as follows:

22 (1) There is levied and there shall be collected as provided in
23 this chapter, a tax upon the sale, use, consumption, handling,
24 possession or distribution of all cigarettes, in an amount equal to the
25 rate of eleven and one-half mills per cigarette.

26 (2) (~~Until July 1, 1995,~~) An additional tax is imposed upon the
27 sale, use, consumption, handling, possession, or distribution of all
28 cigarettes, in an amount equal to the rate of (~~one and one-half~~) five
29 mills per cigarette. All revenues collected during any month from this
30 additional tax shall be deposited in the violence reduction and drug
31 enforcement (~~and education~~) account under RCW 69.50.520 by the
32 twenty-fifth day of the following month.

33 (3) An additional tax is imposed upon the sale, use, consumption,
34 handling, possession, or distribution of all cigarettes, in an amount
35 equal to the rate of ten mills per cigarette through June 30, 1994,
36 eleven and one-fourth mills per cigarette for the period July 1, 1994,
37 through June 30, 1995, twenty mills per cigarette for the period July
38 1, 1995, through June 30, 1996, and twenty and one-half mills per

1 cigarette thereafter. All revenues collected during any month from
2 this additional tax shall be deposited in the health services account
3 created under RCW 43.72.900 by the twenty-fifth day of the following
4 month.

5 (4) Wholesalers and retailers subject to the payment of this tax
6 may, if they wish, absorb one-half mill per cigarette of the tax and
7 not pass it on to purchasers without being in violation of this section
8 or any other act relating to the sale or taxation of cigarettes.

9 (5) For purposes of this chapter, "possession" shall mean both (a)
10 physical possession by the purchaser and, (b) when cigarettes are being
11 transported to or held for the purchaser or his or her designee by a
12 person other than the purchaser, constructive possession by the
13 purchaser or his or her designee, which constructive possession shall
14 be deemed to occur at the location of the cigarettes being so
15 transported or held.

16 **Sec. 706.** RCW 82.64.020 and 1991 c 80 s 2 are each amended to read
17 as follows:

18 (1) A tax is imposed on each sale at wholesale of a carbonated
19 beverage or syrup in this state. The rate of the tax shall be equal to
20 ~~((eighty-four one-thousandths))~~ three hundred seventeen ten-thousandths
21 of a cent per ounce for carbonated beverages and ~~((seventy-five))~~
22 twenty-six and three-tenths cents per gallon for syrups. Fractional
23 amounts shall be taxed proportionally.

24 (2) A tax is imposed on each sale at retail of a carbonated
25 beverage or syrup in this state. The rate of the tax shall be equal to
26 the rate imposed under subsection (1) of this section.

27 (3) Moneys collected under this chapter shall be deposited in the
28 violence reduction and drug enforcement ~~((and education))~~ account under
29 RCW 69.50.520.

30 (4) Chapter 82.32 RCW applies to the taxes imposed in this chapter.
31 The tax due dates, reporting periods, and return requirements
32 applicable to chapter 82.04 RCW apply equally to the taxes imposed in
33 this chapter.

34 NEW SECTION. **Sec. 707.** RCW 82.64.900 and 1989 c 271 s 509 are
35 each repealed.

1 **Sec. 708.** RCW 69.50.520 and 1989 c 271 s 401 are each amended to
2 read as follows:

3 The violence reduction and drug enforcement (~~(and education)~~)
4 account is created in the state treasury. All designated receipts from
5 RCW 9.41.110(5), 66.24.210(4), 66.24.290(3), 69.50.505((f)(2)(i)(C))
6 (h)(1), 82.04.250(3), 82.08.150(5), 82.24.020(2), 82.64.020, and
7 section 420, chapter 271, Laws of 1989 shall be deposited into the
8 account. Expenditures from the account may be used only for funding
9 services and programs under (~~this act~~) chapter 271, Laws of 1989 and
10 chapter . . . , Laws of 1994 (this act), including state incarceration
11 costs. At least seven and one-half percent of expenditures from the
12 account shall be used for providing grants to community networks under
13 chapter 70.190 RCW by the community public health and safety council.

14 NEW SECTION. **Sec. 709.** Sections 447 and 702 through 707 of this
15 act shall be submitted as a single ballot measure to the people for
16 their adoption and ratification, or rejection, at the next succeeding
17 general election to be held in this state, in accordance with Article
18 II, section 1 of the state Constitution, as amended, and the laws
19 adopted to facilitate the operation thereof unless section 13, chapter
20 2, Laws of 1994, has been declared invalid or otherwise enjoined or
21 stayed by a court of competent jurisdiction.

22 NEW SECTION. **Sec. 710.** (1) Until July 1, 1994, any reference in
23 this act to the director or department of community, trade, and
24 economic development means the director or department of community
25 development.

26 (2) Until July 1, 1994, any reference in this act to the director
27 or department of fish and wildlife means the director or department of
28 wildlife.

29 NEW SECTION. **Sec. 711.** Part headings and the table of contents as
30 used in this act do not constitute any part of the law.

31 NEW SECTION. **Sec. 712.** (1) Sections 201 through 204, 302, 330,
32 462, and 463 of this act are necessary for the immediate preservation
33 of the public peace, health, or safety, or support of the state
34 government and its existing public institutions, and shall take effect
35 immediately.

1 (2) Notwithstanding other provisions of this section, if sections
2 447 and 702 through 707 of this act are required to be referred to the
3 voters, sections 416, 428, 435 through 442, 470, 517, and 518 of this
4 act shall take effect January 1, 1995, and section 705 of this act
5 shall take effect July 1, 1995, if sections 447 and 702 through 707 of
6 this act are approved and ratified by the voters at the next succeeding
7 general election as provided in section 709 of this act. If sections
8 447 and 702 through 707 of this act are rejected by the voters,
9 sections 416, 428, 435 through 442, 470, 517, and 518 of this act shall
10 be null and void. If sections 447 and 702 through 707 of this act are
11 not required to be referred to the voters, sections 416, 428, 435
12 through 442, 470, 517, and 518 of this act shall take effect as
13 provided in Article II, section 41 of the state Constitution, and
14 section 705 of this act shall take effect July 1, 1995."

15 **E2SHB 2319** - S AMD
16 By Senator

17

18 On page 1, line 1 of the title, after "violence;" strike the
19 remainder of the title and insert "amending RCW 74.14A.020, 43.70.010,
20 70.190.005, 70.190.010, 43.101.240, 70.190.020, 70.190.030, 70.190.040,
21 70.190.900, 43.06.260, 46.20.265, 13.40.265, 9.41.050, 9.41.060,
22 9.41.070, 9.41.080, 9.41.090, 9.41.095, 9.41.098, 9.41.110, 9.41.140,
23 9.41.170, 9.41.180, 9.41.190, 9.41.240, 9.41.250, 9.41.260, 9.41.270,
24 9.41.280, 9A.56.040, 9A.56.160, 4.24.190, 9.94A.125, 13.40.110,
25 13.04.030, 13.40.020, 13.40.0354, 13.40.0357, 13.40.080, 13.40.160,
26 13.40.210, 13.40.190, 13.40.300, 82.04.250, 9A.46.050, 10.14.080,
27 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115,
28 26.26.137, 26.50.070, 77.12.720, 9.94A.150, 10.99.030, 28A.300.130,
29 28A.320.205, 28A.610.030, 28A.610.060, 28A.620.020, 9A.36.031,
30 28A.600.475, 13.50.050, 13.50.010, 28A.190.030, 28A.190.040,
31 28A.650.015, 66.24.210, 66.24.290, 82.08.150, 82.24.020, 82.64.020, and
32 69.50.520; amending 1993 sp.s. c 24 s 501 (uncodified); reenacting and
33 amending RCW 9.41.010, 9.41.040, 26.28.080, 26.26.130, 26.50.060,
34 10.31.100, and 28A.630.885; adding new sections to chapter 43.70 RCW;
35 adding new sections to chapter 70.190 RCW; adding a new section to
36 chapter 74.14A RCW; adding a new section to Title 28A RCW; adding a new
37 section to chapter 43.63A RCW; adding a new section to chapter 43.101

1 RCW; adding new sections to chapter 43.41 RCW; adding a new section to
2 chapter 43.20A RCW; adding a new section to chapter 35.21 RCW; adding
3 a new section to chapter 35A.11 RCW; adding a new section to chapter
4 36.32 RCW; adding new sections to chapter 9.41 RCW; adding new sections
5 to chapter 9.94A RCW; adding a new section to chapter 13.06 RCW; adding
6 a new section to chapter 28A.310 RCW; adding a new section to chapter
7 28A.405 RCW; adding a new section to chapter 28A.600 RCW; adding a new
8 section to chapter 13.16 RCW; adding a new section to chapter 72.02
9 RCW; adding a new section to chapter 28A.650 RCW; adding a new section
10 to chapter 43.19 RCW; adding a new section to chapter 43.33A RCW;
11 adding a new section to chapter 44.28 RCW; adding a new chapter to
12 Title 19 RCW; creating new sections; recodifying RCW 9.41.160;
13 repealing RCW 70.190.900, 9.41.030, 9.41.093, 9.41.100, 9.41.130,
14 9.41.200, 9.41.210, 9.41.230, and 82.64.900; prescribing penalties;
15 providing an effective date; providing contingent effective dates;
16 providing for submission of certain sections of this act to a vote of
17 the people; and declaring an emergency."

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