
SUBSTITUTE HOUSE BILL 2322

State of Washington

57th Legislature

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By House Committee on Judiciary (originally sponsored by Representatives Lantz, Kagi, Dickerson, Cox, Quall, Kessler, Kenney, Edwards, Fromhold and Conway)

Read first time 01/25/2002. Referred to Committee on .

1 AN ACT Relating to nonparent visitation; amending RCW 26.09.240 and
2 26.10.160; adding a new section to chapter 26.10 RCW; creating a new
3 section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature affirms that parents have a
6 paramount right to raise their minor children. The legislature also
7 recognizes that the paramount right must be considered in conjunction
8 with a minor child's interest in maintaining significant relationships
9 with nonparents. Therefore, the legislature intends to establish
10 internally consistent and rigorous standards that must be met for a
11 nonparent to obtain visitation with a minor child.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.10 RCW
13 to read as follows:

14 (1) A person who is not a parent of the child may petition the
15 court for visitation with the child if the petitioner can demonstrate
16 by a preponderance of the evidence that:

17 (a) There is a substantial and beneficial relationship between the
18 petitioner and the child;

1 (b) The petitioner has been unreasonably denied visitation with the
2 child by a parent, custodian, or other person with primary decision-
3 making authority over the child; and

4 (c) There has been a significant change in circumstances with
5 either the child, the petitioner, or the parent, custodian, or other
6 person having primary decision-making authority over the child that
7 substantially threatens the relationship between the child and the
8 petitioner. The change in circumstances could include, but is not
9 limited to, a dissolution, legal separation, informal physical
10 separation, death of a parent, or other significant change in the
11 family structure.

12 (2)(a) If the court dismisses a petition for visitation brought
13 under this section because the petitioner failed to demonstrate the
14 requirements in subsection (1) of this section, the court may order the
15 petitioner to pay reasonable attorneys' fees and costs to the party
16 responding to the petition. Nothing in this subsection precludes a
17 court from ordering attorneys' fees and costs under RCW 26.10.080.

18 (b) Petitions that are not dismissed by the court must be submitted
19 to mediation or other alternative dispute resolution before proceeding
20 to trial. Upon petition of any party that mediation or other
21 alternative dispute resolution is not appropriate or available, the
22 court may order or the mediator or alternative dispute resolution
23 facilitator may determine that the case is not appropriate for
24 mediation or other alternative dispute resolution. Mediation or other
25 alternative dispute resolution shall be pursuant to procedures
26 established by local or state court rules for family law cases.

27 (3)(a) Except as provided in (b) of this subsection, a petition for
28 visitation brought under this section must be filed in the county in
29 which the child resides.

30 (b) If a dissolution, legal separation, modification of parenting
31 plan, or other custody proceeding is pending involving the child, the
32 petition for visitation under this section shall be filed in the county
33 in which the proceeding is pending.

34 (c) Visitation granted pursuant to this section shall be
35 incorporated into the parenting plan for the child.

36 (4) The court may order visitation between the petitioner and the
37 child if the petitioner shows and the court finds by a preponderance of
38 the evidence that visitation is in the child's best interest and:

1 (a) Denial of court-ordered visitation would result in a likelihood
2 of substantial harm to the child's physical, psychological, or
3 emotional well-being;

4 (b) The likelihood of harm is beyond the normal short-term distress
5 a child suffers due to a change in circumstances;

6 (c) Continuation of the relationship between the child and the
7 petitioner would likely have substantial benefits to the child;

8 (d) Visitation would not substantially interfere with the
9 relationship between the child and the parent, custodian, or other
10 person with primary decision-making authority over the child; and

11 (e) If there is a residential schedule for the child, visitation is
12 reasonable based on the residential time-sharing arrangements between
13 the parents, custodian, or other person with primary decision-making
14 authority over the child.

15 (5) In determining the nature and extent of visitation, the court
16 must consider the wishes of a child who is sufficiently mature to
17 express reasoned and independent preferences as to visitation issues.

18 (6) The restrictions of RCW 26.10.160 that apply to parents shall
19 apply to the petitioner under this section.

20 **Sec. 3.** RCW 26.09.240 and 1996 c 177 s 1 are each amended to read
21 as follows:

22 (1) Under section 1 of this act, a person other than a parent may
23 petition the court for visitation with a child ((at any time)) or may
24 intervene in a pending dissolution, legal separation, or modification
25 of parenting plan proceeding. ((A person other than a parent may not
26 petition for visitation under this section unless the child's parent or
27 parents have commenced an action under this chapter.

28 ~~(2) A petition for visitation with a child by a person other than~~
29 ~~a parent must be filed in the county in which the child resides.~~

30 ~~(3) A petition for visitation or a motion to intervene pursuant to~~
31 ~~this section shall be dismissed unless the petitioner or intervenor can~~
32 ~~demonstrate by clear and convincing evidence that a significant~~
33 ~~relationship exists with the child with whom visitation is sought. If~~
34 ~~the petition or motion is dismissed for failure to establish the~~
35 ~~existence of a significant relationship, the petitioner or intervenor~~
36 ~~shall be ordered to pay reasonable attorney's fees and costs to the~~
37 ~~parent, parents, other custodian, or representative of the child who~~
38 ~~responds to this petition or motion.~~

1 ~~(4) The court may order visitation between the petitioner or~~
2 ~~intervenor and the child between whom a significant relationship exists~~
3 ~~upon a finding supported by the evidence that the visitation is in the~~
4 ~~child's best interests.~~

5 ~~(5)(a) Visitation with a grandparent shall be presumed to be in the~~
6 ~~child's best interests when a significant relationship has been shown~~
7 ~~to exist. This presumption may be rebutted by a preponderance of~~
8 ~~evidence showing that visitation would endanger the child's physical,~~
9 ~~mental, or emotional health.~~

10 ~~(b) If the court finds that reasonable visitation by a grandparent~~
11 ~~would be in the child's best interest except for hostilities that exist~~
12 ~~between the grandparent and one or both of the parents or person with~~
13 ~~whom the child lives, the court may set the matter for mediation under~~
14 ~~RCW 26.09.015.~~

15 ~~(6) The court may consider the following factors when making a~~
16 ~~determination of the child's best interests:~~

17 ~~(a) The strength of the relationship between the child and the~~
18 ~~petitioner;~~

19 ~~(b) The relationship between each of the child's parents or the~~
20 ~~person with whom the child is residing and the petitioner;~~

21 ~~(c) The nature and reason for either parent's objection to granting~~
22 ~~the petitioner visitation;~~

23 ~~(d) The effect that granting visitation will have on the~~
24 ~~relationship between the child and the child's parents or the person~~
25 ~~with whom the child is residing;~~

26 ~~(e) The residential time sharing arrangements between the parents;~~

27 ~~(f) The good faith of the petitioner;~~

28 ~~(g) Any criminal history or history of physical, emotional, or~~
29 ~~sexual abuse or neglect by the petitioner; and~~

30 ~~(h) Any other factor relevant to the child's best interest.~~

31 ~~(7) The restrictions of RCW 26.09.191 that apply to parents shall~~
32 ~~be applied to a petitioner or intervenor who is not a parent. The~~
33 ~~nature and extent of visitation, subject to these restrictions, is in~~
34 ~~the discretion of the court.~~

35 ~~(8) The court may order an investigation and report concerning the~~
36 ~~proposed visitation or may appoint a guardian ad litem as provided in~~
37 ~~RCW 26.09.220.~~

38 ~~(9) Visitation granted pursuant to this section shall be~~
39 ~~incorporated into the parenting plan for the child.~~

1 ~~(10) The court may modify or terminate visitation rights granted~~
2 ~~pursuant to this section in any subsequent modification action upon a~~
3 ~~showing that the visitation is no longer in the best interest of the~~
4 ~~child.)~~)

5 **Sec. 4.** RCW 26.10.160 and 1996 c 303 s 2 are each amended to read
6 as follows:

7 (1) A parent not granted custody of the child is entitled to
8 reasonable visitation rights except as provided in subsection (2) of
9 this section.

10 (2)(a) Visitation with the child shall be limited if it is found
11 that the parent seeking visitation has engaged in any of the following
12 conduct: (i) Willful abandonment that continues for an extended period
13 of time or substantial refusal to perform parenting functions; (ii)
14 physical, sexual, or a pattern of emotional abuse of a child; (iii) a
15 history of acts of domestic violence as defined in RCW 26.50.010(1) or
16 an assault or sexual assault which causes grievous bodily harm or the
17 fear of such harm; or (iv) the parent has been convicted as an adult of
18 a sex offense under:

19 (A) RCW 9A.44.076 if, because of the difference in age between the
20 offender and the victim, no rebuttable presumption exists under (d) of
21 this subsection;

22 (B) RCW 9A.44.079 if, because of the difference in age between the
23 offender and the victim, no rebuttable presumption exists under (d) of
24 this subsection;

25 (C) RCW 9A.44.086 if, because of the difference in age between the
26 offender and the victim, no rebuttable presumption exists under (d) of
27 this subsection;

28 (D) RCW 9A.44.089;

29 (E) RCW 9A.44.093;

30 (F) RCW 9A.44.096;

31 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
32 between the offender and the victim, no rebuttable presumption exists
33 under (d) of this subsection;

34 (H) Chapter 9.68A RCW;

35 (I) Any predecessor or antecedent statute for the offenses listed
36 in (a)(iv)(A) through (H) of this subsection;

1 (J) Any statute from any other jurisdiction that describes an
2 offense analogous to the offenses listed in (a)(iv)(A) through (H) of
3 this subsection.

4 This subsection (2)(a) shall not apply when (c) or (d) of this
5 subsection applies.

6 (b) The parent's visitation with the child shall be limited if it
7 is found that the parent resides with a person who has engaged in any
8 of the following conduct: (i) Physical, sexual, or a pattern of
9 emotional abuse of a child; (ii) a history of acts of domestic violence
10 as defined in RCW 26.50.010(1) or an assault or sexual assault that
11 causes grievous bodily harm or the fear of such harm; or (iii) the
12 person has been convicted as an adult or as a juvenile has been
13 adjudicated of a sex offense under:

14 (A) RCW 9A.44.076 if, because of the difference in age between the
15 offender and the victim, no rebuttable presumption exists under (e) of
16 this subsection;

17 (B) RCW 9A.44.079 if, because of the difference in age between the
18 offender and the victim, no rebuttable presumption exists under (e) of
19 this subsection;

20 (C) RCW 9A.44.086 if, because of the difference in age between the
21 offender and the victim, no rebuttable presumption exists under (e) of
22 this subsection;

23 (D) RCW 9A.44.089;

24 (E) RCW 9A.44.093;

25 (F) RCW 9A.44.096;

26 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
27 between the offender and the victim, no rebuttable presumption exists
28 under (e) of this subsection;

29 (H) Chapter 9.68A RCW;

30 (I) Any predecessor or antecedent statute for the offenses listed
31 in (b)(iii)(A) through (H) of this subsection;

32 (J) Any statute from any other jurisdiction that describes an
33 offense analogous to the offenses listed in (b)(iii)(A) through (H) of
34 this subsection.

35 This subsection (2)(b) shall not apply when (c) or (e) of this
36 subsection applies.

37 (c) If a parent has been found to be a sexual predator under
38 chapter 71.09 RCW or under an analogous statute of any other
39 jurisdiction, the court shall restrain the parent from contact with a

1 child that would otherwise be allowed under this chapter. If a parent
2 resides with an adult or a juvenile who has been found to be a sexual
3 predator under chapter 71.09 RCW or under an analogous statute of any
4 other jurisdiction, the court shall restrain the parent from contact
5 with the parent's child except contact that occurs outside that
6 person's presence.

7 (d) There is a rebuttable presumption that a parent who has been
8 convicted as an adult of a sex offense listed in (d)(i) through (ix) of
9 this subsection poses a present danger to a child. Unless the parent
10 rebuts this presumption, the court shall restrain the parent from
11 contact with a child that would otherwise be allowed under this
12 chapter:

13 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
14 was at least five years older than the other person;

15 (ii) RCW 9A.44.073;

16 (iii) RCW 9A.44.076, provided that the person convicted was at
17 least eight years older than the victim;

18 (iv) RCW 9A.44.079, provided that the person convicted was at least
19 eight years older than the victim;

20 (v) RCW 9A.44.083;

21 (vi) RCW 9A.44.086, provided that the person convicted was at least
22 eight years older than the victim;

23 (vii) RCW 9A.44.100;

24 (viii) Any predecessor or antecedent statute for the offenses
25 listed in (d)(i) through (vii) of this subsection;

26 (ix) Any statute from any other jurisdiction that describes an
27 offense analogous to the offenses listed in (d)(i) through (vii) of
28 this subsection.

29 (e) There is a rebuttable presumption that a parent who resides
30 with a person who, as an adult, has been convicted, or as a juvenile
31 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)
32 of this subsection places a child at risk of abuse or harm when that
33 parent exercises visitation in the presence of the convicted or
34 adjudicated person. Unless the parent rebuts the presumption, the
35 court shall restrain the parent from contact with the parent's child
36 except for contact that occurs outside of the convicted or adjudicated
37 person's presence:

38 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
39 was at least five years older than the other person;

1 (ii) RCW 9A.44.073;

2 (iii) RCW 9A.44.076, provided that the person convicted was at
3 least eight years older than the victim;

4 (iv) RCW 9A.44.079, provided that the person convicted was at least
5 eight years older than the victim;

6 (v) RCW 9A.44.083;

7 (vi) RCW 9A.44.086, provided that the person convicted was at least
8 eight years older than the victim;

9 (vii) RCW 9A.44.100;

10 (viii) Any predecessor or antecedent statute for the offenses
11 listed in (e)(i) through (vii) of this subsection;

12 (ix) Any statute from any other jurisdiction that describes an
13 offense analogous to the offenses listed in (e)(i) through (vii) of
14 this subsection.

15 (f) The presumption established in (d) of this subsection may be
16 rebutted only after a written finding that:

17 (i) If the child was not the victim of the sex offense committed by
18 the parent requesting visitation, (A) contact between the child and the
19 offending parent is appropriate and poses minimal risk to the child,
20 and (B) the offending parent has successfully engaged in treatment for
21 sex offenders or is engaged in and making progress in such treatment,
22 if any was ordered by a court, and the treatment provider believes such
23 contact is appropriate and poses minimal risk to the child; or

24 (ii) If the child was the victim of the sex offense committed by
25 the parent requesting visitation, (A) contact between the child and the
26 offending parent is appropriate and poses minimal risk to the child,
27 (B) if the child is in or has been in therapy for victims of sexual
28 abuse, the child's counselor believes such contact between the child
29 and the offending parent is in the child's best interest, and (C) the
30 offending parent has successfully engaged in treatment for sex
31 offenders or is engaged in and making progress in such treatment, if
32 any was ordered by a court, and the treatment provider believes such
33 contact is appropriate and poses minimal risk to the child.

34 (g) The presumption established in (e) of this subsection may be
35 rebutted only after a written finding that:

36 (i) If the child was not the victim of the sex offense committed by
37 the person who is residing with the parent requesting visitation, (A)
38 contact between the child and the parent residing with the convicted or
39 adjudicated person is appropriate and that parent is able to protect

1 the child in the presence of the convicted or adjudicated person, and
2 (B) the convicted or adjudicated person has successfully engaged in
3 treatment for sex offenders or is engaged in and making progress in
4 such treatment, if any was ordered by a court, and the treatment
5 provider believes such contact is appropriate and poses minimal risk to
6 the child; or

7 (ii) If the child was the victim of the sex offense committed by
8 the person who is residing with the parent requesting visitation, (A)
9 contact between the child and the parent in the presence of the
10 convicted or adjudicated person is appropriate and poses minimal risk
11 to the child, (B) if the child is in or has been in therapy for victims
12 of sexual abuse, the child's counselor believes such contact between
13 the child and the parent residing with the convicted or adjudicated
14 person in the presence of the convicted or adjudicated person is in the
15 child's best interest, and (C) the convicted or adjudicated person has
16 successfully engaged in treatment for sex offenders or is engaged in
17 and making progress in such treatment, if any was ordered by a court,
18 and the treatment provider believes contact between the parent and
19 child in the presence of the convicted or adjudicated person is
20 appropriate and poses minimal risk to the child.

21 (h) If the court finds that the parent has met the burden of
22 rebutting the presumption under (f) of this subsection, the court may
23 allow a parent who has been convicted as an adult of a sex offense
24 listed in (d)(i) through (ix) of this subsection to have visitation
25 with the child supervised by a neutral and independent adult and
26 pursuant to an adequate plan for supervision of such visitation. The
27 court shall not approve of a supervisor for contact between the child
28 and the parent unless the court finds, based on the evidence, that the
29 supervisor is willing and capable of protecting the child from harm.
30 The court shall revoke court approval of the supervisor upon finding,
31 based on the evidence, that the supervisor has failed to protect the
32 child or is no longer willing or capable of protecting the child.

33 (i) If the court finds that the parent has met the burden of
34 rebutting the presumption under (g) of this subsection, the court may
35 allow a parent residing with a person who has been adjudicated as a
36 juvenile of a sex offense listed in (e)(i) through (ix) of this
37 subsection to have visitation with the child in the presence of the
38 person adjudicated as a juvenile, supervised by a neutral and
39 independent adult and pursuant to an adequate plan for supervision of

1 such visitation. The court shall not approve of a supervisor for
2 contact between the child and the parent unless the court finds, based
3 on the evidence, that the supervisor is willing and capable of
4 protecting the child from harm. The court shall revoke court approval
5 of the supervisor upon finding, based on the evidence, that the
6 supervisor has failed to protect the child or is no longer willing or
7 capable of protecting the child.

8 (j) If the court finds that the parent has met the burden of
9 rebutting the presumption under (g) of this subsection, the court may
10 allow a parent residing with a person who, as an adult, has been
11 convicted of a sex offense listed in (e)(i) through (ix) of this
12 subsection to have visitation with the child in the presence of the
13 convicted person supervised by a neutral and independent adult and
14 pursuant to an adequate plan for supervision of such visitation. The
15 court shall not approve of a supervisor for contact between the child
16 and the parent unless the court finds, based on the evidence, that the
17 supervisor is willing and capable of protecting the child from harm.
18 The court shall revoke court approval of the supervisor upon finding,
19 based on the evidence, that the supervisor has failed to protect the
20 child or is no longer willing or capable of protecting the child.

21 (k) A court shall not order unsupervised contact between the
22 offending parent and a child of the offending parent who was sexually
23 abused by that parent. A court may order unsupervised contact between
24 the offending parent and a child who was not sexually abused by the
25 parent after the presumption under (d) of this subsection has been
26 rebutted and supervised visitation has occurred for at least two years
27 with no further arrests or convictions of sex offenses involving
28 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW
29 and (i) the sex offense of the offending parent was not committed
30 against a child of the offending parent, and (ii) the court finds that
31 unsupervised contact between the child and the offending parent is
32 appropriate and poses minimal risk to the child, after consideration of
33 the testimony of a state-certified therapist, mental health counselor,
34 or social worker with expertise in treating child sexual abuse victims
35 who has supervised at least one period of visitation between the parent
36 and the child, and after consideration of evidence of the offending
37 parent's compliance with community supervision requirements, if any.
38 If the offending parent was not ordered by a court to participate in
39 treatment for sex offenders, then the parent shall obtain a

1 psychosexual evaluation conducted by a state-certified sex offender
2 treatment provider indicating that the offender has the lowest
3 likelihood of risk to reoffend before the court grants unsupervised
4 contact between the parent and a child.

5 (l) A court may order unsupervised contact between the parent and
6 a child which may occur in the presence of a juvenile adjudicated of a
7 sex offense listed in (e)(i) through (ix) of this subsection who
8 resides with the parent after the presumption under (e) of this
9 subsection has been rebutted and supervised visitation has occurred for
10 at least two years during which time the adjudicated juvenile has had
11 no further arrests, adjudications, or convictions of sex offenses
12 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter
13 9.68A RCW, and (i) the court finds that unsupervised contact between
14 the child and the parent that may occur in the presence of the
15 adjudicated juvenile is appropriate and poses minimal risk to the
16 child, after consideration of the testimony of a state-certified
17 therapist, mental health counselor, or social worker with expertise in
18 treatment of child sexual abuse victims who has supervised at least one
19 period of visitation between the parent and the child in the presence
20 of the adjudicated juvenile, and after consideration of evidence of the
21 adjudicated juvenile's compliance with community supervision or parole
22 requirements, if any. If the adjudicated juvenile was not ordered by
23 a court to participate in treatment for sex offenders, then the
24 adjudicated juvenile shall obtain a psychosexual evaluation conducted
25 by a state-certified sex offender treatment provider indicating that
26 the adjudicated juvenile has the lowest likelihood of risk to reoffend
27 before the court grants unsupervised contact between the parent and a
28 child which may occur in the presence of the adjudicated juvenile who
29 is residing with the parent.

30 (m)(i) The limitations imposed by the court under (a) or (b) of
31 this subsection shall be reasonably calculated to protect the child
32 from the physical, sexual, or emotional abuse or harm that could result
33 if the child has contact with the parent requesting visitation. If the
34 court expressly finds based on the evidence that limitations on
35 visitation with the child will not adequately protect the child from
36 the harm or abuse that could result if the child has contact with the
37 parent requesting visitation, the court shall restrain the person
38 seeking visitation from all contact with the child.

1 (ii) The court shall not enter an order under (a) of this
2 subsection allowing a parent to have contact with a child if the parent
3 has been found by clear and convincing evidence in a civil action or by
4 a preponderance of the evidence in a dependency action to have sexually
5 abused the child, except upon recommendation by an evaluator or
6 therapist for the child that the child is ready for contact with the
7 parent and will not be harmed by the contact. The court shall not
8 enter an order allowing a parent to have contact with the child in the
9 offender's presence if the parent resides with a person who has been
10 found by clear and convincing evidence in a civil action or by a
11 preponderance of the evidence in a dependency action to have sexually
12 abused a child, unless the court finds that the parent accepts that the
13 person engaged in the harmful conduct and the parent is willing to and
14 capable of protecting the child from harm from the person.

15 (iii) If the court limits visitation under (a) or (b) of this
16 subsection to require supervised contact between the child and the
17 parent, the court shall not approve of a supervisor for contact between
18 a child and a parent who has engaged in physical, sexual, or a pattern
19 of emotional abuse of the child unless the court finds based upon the
20 evidence that the supervisor accepts that the harmful conduct occurred
21 and is willing to and capable of protecting the child from harm. The
22 court shall revoke court approval of the supervisor upon finding, based
23 on the evidence, that the supervisor has failed to protect the child or
24 is no longer willing to or capable of protecting the child.

25 (n) If the court expressly finds based on the evidence that
26 contact between the parent and the child will not cause physical,
27 sexual, or emotional abuse or harm to the child and that the
28 probability that the parent's or other person's harmful or abusive
29 conduct will recur is so remote that it would not be in the child's
30 best interests to apply the limitations of (a), (b), and (m)(i) and
31 (iii) of this subsection, or if the court expressly finds that the
32 parent's conduct did not have an impact on the child, then the court
33 need not apply the limitations of (a), (b), and (m)(i) and (iii) of
34 this subsection. The weight given to the existence of a protection
35 order issued under chapter 26.50 RCW as to domestic violence is within
36 the discretion of the court. This subsection shall not apply when (c),
37 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this
38 subsection apply.

1 (3) (~~Any person may petition the court for visitation rights at~~
2 ~~any time including, but not limited to, custody proceedings. The court~~
3 ~~may order visitation rights for any person when visitation may serve~~
4 ~~the best interest of the child whether or not there has been any change~~
5 ~~of circumstances.~~

6 (4)) The court may modify an order granting or denying visitation
7 rights whenever modification would serve the best interests of the
8 child. Modification of a parent's visitation rights shall be subject
9 to the requirements of subsection (2) of this section.

10 (~~(5)~~) (4) For the purposes of this section, a parent's child
11 means that parent's natural child, adopted child, or stepchild.

12 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

--- END ---