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HOUSE BILL 2472

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Campbell and Hunt

Prefiled 1/6/2006.      Read first time 01/09/2006.      Referred to  
Committee on State Government Operations & Accountability.

1            AN ACT Relating to the department of public safety; amending RCW  
2 41.06.070, 41.06.167, 41.56.473, 41.56.475, 42.17.2401, 42.56.230,  
3 43.17.010, 43.43.020, 43.43.030, 43.43.050, 43.43.060, 43.43.070,  
4 43.43.080, 43.43.090, 43.43.100, 43.43.110, 43.43.115, 43.43.952,  
5 43.43.970, 43.43.971, 43.43.972, 43.43.973, 43.43.974, 43.43.975,  
6 43.43.500, 43.43.540, 43.43.560, 43.43.570, 43.43.670, 43.43.680,  
7 43.43.700, 43.43.705, 43.43.710, 43.43.715, 43.43.725, 43.43.740,  
8 43.43.742, 43.43.745, 43.43.750, 43.43.752, 43.43.753, 43.43.7532,  
9 43.43.754, 43.43.7541, 43.43.756, 43.43.758, 43.43.759, 43.43.760,  
10 43.43.765, 43.43.815, 43.43.820, 43.43.830, 43.43.832, 43.43.8321,  
11 43.43.834, 43.43.836, 43.43.838, 43.43.839, 43.43.842, 43.43.854,  
12 43.43.856, 43.43.858, 43.43.862, 43.43.864, 43.43.880, 43.43.930,  
13 43.43.934, 43.43.936, 43.43.938, 43.43.940, 43.43.942, 43.43.944,  
14 43.43.946, 43.43.948, 43.43.960, 43.43.961, 43.43.962, 43.43.963,  
15 43.43.964, 43.43.035, 43.43.111, 43.43.112, 43.43.340, 43.43.040,  
16 43.43.120, 43.43.130, 43.43.139, 43.43.165, 43.43.220, 43.43.260,  
17 43.43.270, 43.43.290, 43.43.310, 41.26.030, 41.26.030, 41.37.010,  
18 41.37.015, 4.24.350, 4.24.400, 5.60.060, 7.68.360, 9.35.040, 9.40.100,  
19 9.41.045, 9.41.070, 9.41.090, 9.41.098, 9.41.170, 9.46.130, 9.92.066,  
20 9.94A.612, 9.95.240, 9.96.060, 9A.44.130, 9A.44.135, 9A.44.145,  
21 10.73.170, 10.77.163, 10.93.020, 10.93.140, 10.97.040, 10.97.045,

1 10.97.080, 10.97.090, 10.98.030, 10.98.040, 10.98.110, 10.98.210,  
2 13.50.050, 13.60.010, 13.60.030, 13.60.100, 13.60.110, 13.60.120,  
3 18.20.130, 18.46.110, 18.51.140, 18.51.145, 18.165.070, 18.170.130,  
4 18.185.040, 18.185.250, 19.27A.110, 19.220.010, 26.10.135, 26.33.190,  
5 26.44.020, 28A.195.080, 28A.400.303, 28A.400.306, 28A.410.010,  
6 29A.08.651, 34.12.035, 34.12.060, 35A.21.161, 36.27.110, 36.28A.070,  
7 38.52.040, 43.06.270, 43.79.445, 43.79.470, 43.89.010, 43.89.030,  
8 43.101.030, 43.101.380, 43.103.020, 43.103.030, 43.103.040, 43.105.330,  
9 46.04.040, 46.08.065, 46.12.047, 46.52.065, 46.72A.090, 46.82.325,  
10 48.05.320, 48.06.040, 48.15.070, 48.17.090, 48.48.030, 48.48.040,  
11 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090,  
12 48.48.110, 48.48.140, 48.48.150, 48.48.160, 48.50.020, 48.50.040,  
13 48.53.020, 48.53.060, 48.56.030, 48.102.015, 48.125.050, 63.35.010,  
14 63.35.020, 63.35.060, 66.08.030, 66.24.010, 66.24.025, 66.32.090,  
15 68.50.310, 68.50.320, 68.50.330, 69.43.170, 69.43.180, 70.41.080,  
16 70.74.191, 70.74.360, 70.75.020, 70.75.030, 70.75.040, 70.77.170,  
17 70.77.236, 70.77.250, 70.77.252, 70.77.270, 70.77.305, 70.77.315,  
18 70.77.325, 70.77.330, 70.77.343, 70.77.355, 70.77.360, 70.77.365,  
19 70.77.415, 70.77.430, 70.77.435, 70.77.440, 70.77.450, 70.77.455,  
20 70.77.460, 70.77.548, 70.77.575, 70.77.580, 70.97.210, 70.108.040,  
21 70.160.060, 71.09.115, 71.09.140, 71.12.485, 74.15.030, 74.15.050,  
22 74.15.080, 74.18.123, 82.14.310, 82.14.320, 82.14.330, 82.36.060,  
23 82.38.110, and 82.42.040; reenacting and amending RCW 43.17.020,  
24 43.43.845, 43.08.250, 43.103.090, 68.50.107, 70.77.375, and 79A.05.030;  
25 adding a new section to chapter 41.06 RCW; adding a new section to  
26 chapter 43.20A RCW; adding a new chapter to Title 43 RCW; adding a new  
27 chapter to Title 41 RCW; creating new sections; recodifying RCW  
28 43.43.020, 43.43.030, 43.43.050, 43.43.060, 43.43.070, 43.43.080,  
29 43.43.090, 43.43.100, 43.43.110, 43.43.115, 43.43.550, 43.43.952,  
30 43.43.960, 43.43.961, 43.43.962, 43.43.963, 43.43.964, 43.43.970,  
31 43.43.971, 43.43.972, 43.43.973, 43.43.974, 43.43.975, 43.43.930,  
32 43.43.932, 43.43.934, 43.43.936, 43.43.938, 43.43.940, 43.43.942,  
33 43.43.944, 43.43.946, 43.43.948, 43.43.500, 43.43.510, 43.43.530,  
34 43.43.540, 43.43.560, 43.43.565, 43.43.570, 43.43.670, 43.43.680,  
35 43.43.690, 43.43.700, 43.43.705, 43.43.710, 43.43.715, 43.43.720,  
36 43.43.725, 43.43.730, 43.43.735, 43.43.740, 43.43.742, 43.43.745,  
37 43.43.750, 43.43.752, 43.43.753, 43.43.7532, 43.43.754, 43.43.7541,  
38 43.43.756, 43.43.758, 43.43.759, 43.43.760, 43.43.765, 43.43.770,

1 43.43.810, 43.43.815, 43.43.820, 43.43.830, 43.43.832, 43.43.8321,  
2 43.43.833, 43.43.834, 43.43.836, 43.43.838, 43.43.839, 43.43.840,  
3 43.43.845, 43.43.854, 43.43.856, 43.43.858, 43.43.860, 43.43.862,  
4 43.43.864, 43.43.866, 43.43.880, 43.43.015, 43.43.035, 43.43.111,  
5 43.43.112, 43.43.330, 43.43.340, 43.43.350, 43.43.360, 43.43.370,  
6 43.43.390, 43.43.400, 43.43.480, 43.43.490, 43.43.900, 43.43.910,  
7 43.43.911, 43.43.040, 43.43.120, 43.43.130, 43.43.135, 43.43.137,  
8 43.43.138, 43.43.139, 43.43.165, 43.43.220, 43.43.230, 43.43.235,  
9 43.43.250, 43.43.260, 43.43.263, 43.43.264, 43.43.270, 43.43.271,  
10 43.43.274, 43.43.278, 43.43.280, 43.43.285, 43.43.290, 43.43.295,  
11 43.43.310, 43.43.320, and 43.43.842; decodifying RCW 43.43.142,  
12 43.43.775, 43.43.780, 43.43.785, 43.43.800, 43.43.852, 43.43.870,  
13 43.89.040, and 43.89.050; repealing RCW 41.06.093, 43.43.010,  
14 43.43.037, 43.43.380, 43.43.600, 43.43.610, 43.43.620, 43.43.630,  
15 43.43.640, 43.43.650, 43.43.655, and 43.43.850; providing effective  
16 dates; and providing an expiration date.

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

18 NEW SECTION. **Sec. 1.** It is the purpose of this act to create a  
19 new department of public safety to provide integrated, efficient, and  
20 appropriate public safety services to the citizens of the state. To  
21 effectuate this purpose, all powers, duties, and functions provided by  
22 the Washington state patrol will be administered through the department  
23 of public safety, which will consist of the Washington state patrol,  
24 the bureau of fire protection, and the newly formed Washington bureau  
25 of investigation. The Washington state patrol will be restructured to  
26 have as its core mission public safety on the state's roadways through  
27 enforcement of the traffic laws, commercial vehicle laws, vehicle  
28 collision investigations, and motorist assistance. The bureau of fire  
29 protection will perform its functions under the department of public  
30 safety rather than under the state patrol. The Washington bureau of  
31 investigation will be created as a division of the department of public  
32 safety to serve as a comprehensive state investigative agency with  
33 jurisdiction to investigate crimes relating to organized crime  
34 activities, drug law violations, and identity theft, and to assist  
35 local jurisdictions, at their request, in the investigation of any

1 crime. In addition, the Washington bureau of investigation will  
2 maintain and operate the state's forensic laboratory services and  
3 criminal justice information services.

4 **PART 1**

5 **DEPARTMENT OF PUBLIC SAFETY CREATED**

6 NEW SECTION. **Sec. 101.** Unless the context clearly requires  
7 otherwise, the definitions in this section apply throughout this  
8 chapter.

9 (1) "Agent" means an agent of the Washington bureau of  
10 investigation.

11 (2) "Chief" means the head of the bureau named the Washington state  
12 patrol.

13 (3) "Department" means the department of public safety.

14 (4) "Director" means the director of public safety.

15 (5) "Director of fire protection" means the head of the bureau of  
16 fire protection.

17 (6) "Director of investigation" means the head of the Washington  
18 bureau of investigation.

19 (7) "Officer" means an officer of the Washington state patrol.

20 (8) "Organized crime" means those activities that are conducted and  
21 carried on by members of an organized, disciplined association, engaged  
22 in supplying illegal goods and services and/or engaged in criminal  
23 activities in contravention of the laws of this state or of the United  
24 States.

25 (9) "Patrol," "state patrol," and "Washington state patrol" mean  
26 the bureau named the Washington state patrol.

27 NEW SECTION. **Sec. 102.** There is created a department of state  
28 government to be known as the department of public safety. The  
29 department is vested with all powers and duties transferred to it under  
30 this chapter and such other powers and duties as may be authorized by  
31 law.

32 NEW SECTION. **Sec. 103.** The executive head and appointing  
33 authority of the department is the director. The director shall be  
34 appointed by the governor, with the consent of the senate, and shall

1 serve at the pleasure of the governor. The director shall be paid a  
2 salary to be fixed by the governor in accordance with RCW 43.03.040.  
3 If a vacancy occurs in the position while the senate is not in session,  
4 the governor shall make a temporary appointment until the next meeting  
5 of the senate.

6 NEW SECTION. **Sec. 104.** It is the intent of the legislature  
7 wherever possible to place the internal affairs of the department under  
8 the control of the director in order that the director may institute  
9 therein the flexible, alert, and intelligent management of its business  
10 that changing contemporary circumstances require. Therefore, whenever  
11 the director's authority is not specifically limited by law, the  
12 director has complete charge and supervisory powers over the  
13 department. The director may create such administrative structures as  
14 the director considers appropriate, except as otherwise specified by  
15 law. The director may employ such assistants and personnel as  
16 necessary for the general administration of the department. This  
17 employment shall be in accordance with the state civil service law,  
18 chapter 41.06 RCW, except as otherwise provided. The functions of  
19 audit and inspection, government and media, labor and risk management,  
20 management services, and departmental psychologist shall reside within  
21 the office of the director.

22 NEW SECTION. **Sec. 105.** The department shall be subdivided into  
23 three bureaus: The Washington state patrol; the Washington bureau of  
24 investigation; and the bureau of fire protection. Except as otherwise  
25 specified or as federal requirements may differently require, these  
26 bureaus shall be established and organized in accordance with this  
27 chapter and plans to be prepared by the director and approved by the  
28 governor. In preparing such plans, the director shall endeavor to  
29 promote efficient public management, to improve programs, and to take  
30 full advantage of the economies, both fiscal and administrative, to be  
31 gained from the consolidation of functions and agencies under this  
32 chapter.

33 NEW SECTION. **Sec. 106.** The director shall appoint a deputy  
34 director, a department personnel director, and such bureau directors  
35 and assistant directors as may be needed to administer the department.

1 The appointments of the chief and the director of investigation are  
2 subject to consent of the senate, as provided in sections 110 and 111  
3 of this act. The deputy director shall have charge and general  
4 supervision of the department in the absence or disability of the  
5 director and, in case of a vacancy in the office of director, shall  
6 continue in charge of the department until a successor is appointed and  
7 qualified, or until the governor appoints an acting director.

8 NEW SECTION. **Sec. 107.** Any power or duty vested in or transferred  
9 to the director by law or executive order may be delegated by the  
10 director to the deputy director or to any other assistant or  
11 subordinate; but the director shall be responsible for the official  
12 acts of the officers and employees of the department.

13 NEW SECTION. **Sec. 108.** The director may appoint such advisory  
14 committees or councils as may be required by any federal legislation as  
15 a condition to the receipt of federal funds by the department. The  
16 director may also appoint statewide committees or councils on such  
17 subject matters as are or come within the department's  
18 responsibilities. The statewide committees and councils shall have  
19 representation from both major political parties and shall have  
20 substantial consumer representation. The committees or councils shall  
21 be constituted as required by federal law or as the director may  
22 determine. The members of the committees or councils shall hold office  
23 as follows: One-third to serve one year; one-third to serve two years;  
24 and one-third to serve three years. Upon expiration of the original  
25 terms, subsequent appointments shall be for three years except in the  
26 case of a vacancy, in which event appointment shall be only for the  
27 remainder of the unexpired term for which the vacancy occurs. No  
28 member may serve more than two consecutive terms.

29 Members of such state advisory committees or councils may be paid  
30 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

31 NEW SECTION. **Sec. 109.** In furtherance of the policy of the state  
32 to cooperate with the federal government in all of the programs under  
33 the jurisdiction of the department, such rules as may become necessary  
34 to entitle the state to participate in federal funds may be adopted,  
35 unless expressly prohibited by law. Any internal reorganization

1 carried out under the terms of this chapter shall meet federal  
2 requirements that are a necessary condition to state receipt of federal  
3 funds. Any section or provision of law dealing with the department  
4 that may be susceptible to more than one construction shall be  
5 interpreted in favor of the construction most likely to comply with  
6 federal laws entitling this state to receive federal funds for the  
7 various programs of the department. If any law dealing with the  
8 department is ruled to be in conflict with federal requirements that  
9 are a prescribed condition of the allocation of federal funds to the  
10 state, or to any departments or agencies thereof, the conflicting part  
11 is declared to be inoperative solely to the extent of the conflict.

12 NEW SECTION. **Sec. 110.** The Washington state patrol shall be  
13 headed by the chief of the Washington state patrol. The chief shall be  
14 appointed by the director with the consent of the senate. Members of  
15 the Washington state patrol shall be known as Washington state patrol  
16 officers. The core functions of this bureau are providing traffic law  
17 enforcement, collision investigation, and motorist assists on state and  
18 interstate highways; enforcing commercial motor vehicle rules; and  
19 providing protection for executive branch officers.

20 NEW SECTION. **Sec. 111.** (1) The Washington bureau of investigation  
21 shall be headed by the director of investigation. The director of  
22 investigation shall be appointed by the director with the consent of  
23 the senate. Members of the investigative divisions of the Washington  
24 bureau of investigation shall be known as Washington bureau of  
25 investigation agents.

26 (2) The Washington bureau of investigation has four core functions:

27 (a) Assisting local law enforcement agencies, at their request,  
28 with investigations of crimes;

29 (b) Investigating crimes relating to organized crime activities,  
30 drug law violations, public misconduct and corruption cases, and  
31 identity theft;

32 (c) Providing forensic science services to law enforcement agencies  
33 throughout the state; and

34 (d) Maintaining the state's criminal justice information system.

35 (3) The Washington bureau of investigation shall consist of four  
36 divisions as provided for in this subsection.

1 (a) The criminal investigations division, which:

2 (i) May, only upon the request of a local law enforcement agency,  
3 aid local jurisdictions in the investigation of any crime; and

4 (ii) Has jurisdiction to investigate any crime relating to  
5 organized crime activities, public corruption and misconduct, and  
6 identity theft;

7 (b) The narcotics investigation division, which:

8 (i) Has jurisdiction to investigate all drug crimes;

9 (ii) Provides investigative assistance to law enforcement agencies  
10 for the purpose of enforcement of drug laws, including coordinating  
11 local, state, and federal interjurisdictional narcotics investigations,  
12 and providing training to local undercover narcotics agents; and

13 (iii) Participates in and/or may supervise local and  
14 multijurisdictional narcotics task forces;

15 (c) The forensic laboratory services division, which shall continue  
16 the functions of the forensic laboratory services bureau of the  
17 Washington state patrol before the effective date of this section, by  
18 performing forensic laboratory services, including the crime lab and  
19 the toxicology lab; and

20 (d) The criminal justice information division, which shall continue  
21 the functions of the criminal records division of the Washington state  
22 patrol before the effective date of this section, including:

23 (i) Identification and criminal history, including criminal history  
24 record information and the automated fingerprint identification system;  
25 and

26 (ii) Criminal telecommunications such as ACCESS, the national law  
27 enforcement telecommunications system, and the national crime  
28 information center systems.

29 NEW SECTION. **Sec. 112.** (1) The public safety commission is  
30 created. The purpose of the public safety commission is to provide  
31 effective communication between the department and the public and to  
32 establish and maintain accountability and credibility of the department  
33 with the public.

34 (2) The public safety commission has the following powers:

35 (a) To hear any complaint against the department, any of the  
36 divisions within the department, and any officer or agent of the  
37 department. The commission shall establish procedures for the filing

1 and hearing of complaints. The commission shall have access to  
2 relevant information, personnel or investigative files, or other  
3 records of the department relating to the complaint being investigated.  
4 The commission shall maintain the confidentiality of all such records  
5 or files that are confidential and not subject to public disclosure.  
6 A hearing on a complaint must be conducted in executive session and not  
7 be open to the public. Any evidence or information received in  
8 connection with a hearing is confidential and not subject to public  
9 disclosure;

10 (b) To make recommendations to the director of needed disciplinary  
11 action as a result of an investigation conducted pursuant to the  
12 commission's complaint process;

13 (c) To review and make findings regarding completed internal or  
14 disciplinary investigations conducted by the department; and

15 (d) To study and make recommendations to the director regarding  
16 department policies and practices relating to hiring, training, and  
17 disciplinary processes, and other policies and practices that impact  
18 the department's relationship with and accountability to the community.

19 (3) The commission consists of seven members who are appointed by  
20 the governor and confirmed by the senate. Four members of the  
21 commission shall represent the lay citizenry, one member shall be a  
22 prosecuting attorney, one member shall be a sheriff, and one member  
23 shall be a chief of police.

24 (4) The term of office of each commission member is four years,  
25 except that for the first appointments, the following terms apply: One  
26 member for a term of one year; two members for a term of two years; two  
27 members for a term of three years; and two members for a term of four  
28 years. A member may serve more than one term on the commission. Each  
29 member shall continue to serve so long as the member is qualified until  
30 a successor is appointed and confirmed by the senate. A vacancy  
31 occurring during a term shall be filled for the unexpired portion of  
32 the term by the same procedure used to make regular appointments.

33 (5) The commission shall annually elect a chair and vice-chair from  
34 among its members. The commission shall adopt rules of procedure for  
35 the performance of its functions.

36 (6) Members of the commission shall serve without salary but may be  
37 reimbursed for travel and other expenses in performing their duties in  
38 accordance with RCW 43.03.050 and 43.03.060.

1        NEW SECTION.    **Sec. 113.** The bureau of fire protection shall  
2 continue the programs that were performed by the fire protection bureau  
3 of the Washington state patrol before the effective date of this  
4 section. The bureau is responsible for maintaining a comprehensive  
5 state policy regarding fire protection services and advising the  
6 director on matters relating to the duties of the department under  
7 state law.

8        NEW SECTION.    **Sec. 114.** A new section is added to chapter 41.06  
9 RCW to read as follows:

10        In addition to the exemptions under RCW 41.06.070, the provisions  
11 of this chapter shall not apply in the department of public safety to  
12 the director, the director's personal secretary, the deputy director,  
13 all bureau directors and assistant directors, and one confidential  
14 secretary for each of these officers.

15        **Sec. 115.** RCW 41.06.070 and 2002 c 354 s 209 are each amended to  
16 read as follows:

17        (1) The provisions of this chapter do not apply to:

18        (a) The members of the legislature or to any employee of, or  
19 position in, the legislative branch of the state government including  
20 members, officers, and employees of the legislative council, joint  
21 legislative audit and review committee, statute law committee, and any  
22 interim committee of the legislature;

23        (b) The justices of the supreme court, judges of the court of  
24 appeals, judges of the superior courts or of the inferior courts, or to  
25 any employee of, or position in the judicial branch of state  
26 government;

27        (c) Officers, academic personnel, and employees of technical  
28 colleges;

29        (d) The officers of the Washington state patrol and agents of the  
30 Washington bureau of investigation;

31        (e) Elective officers of the state;

32        (f) The chief executive officer of each agency;

33        (g) In the departments of employment security and social and health  
34 services, the director and the director's confidential secretary; in  
35 all other departments, the executive head of which is an individual

1 appointed by the governor, the director, his or her confidential  
2 secretary, and his or her statutory assistant directors;

3 (h) In the case of a multimember board, commission, or committee,  
4 whether the members thereof are elected, appointed by the governor or  
5 other authority, serve ex officio, or are otherwise chosen:

6 (i) All members of such boards, commissions, or committees;

7 (ii) If the members of the board, commission, or committee serve on  
8 a part-time basis and there is a statutory executive officer: The  
9 secretary of the board, commission, or committee; the chief executive  
10 officer of the board, commission, or committee; and the confidential  
11 secretary of the chief executive officer of the board, commission, or  
12 committee;

13 (iii) If the members of the board, commission, or committee serve  
14 on a full-time basis: The chief executive officer or administrative  
15 officer as designated by the board, commission, or committee; and a  
16 confidential secretary to the chair of the board, commission, or  
17 committee;

18 (iv) If all members of the board, commission, or committee serve ex  
19 officio: The chief executive officer; and the confidential secretary  
20 of such chief executive officer;

21 (i) The confidential secretaries and administrative assistants in  
22 the immediate offices of the elective officers of the state;

23 (j) Assistant attorneys general;

24 (k) Commissioned and enlisted personnel in the military service of  
25 the state;

26 (l) Inmate, student, part-time, or temporary employees, and part-  
27 time professional consultants, as defined by the Washington personnel  
28 resources board;

29 (m) The public printer or to any employees of or positions in the  
30 state printing plant;

31 (n) Officers and employees of the Washington state fruit  
32 commission;

33 (o) Officers and employees of the Washington ((state)) apple  
34 ((advertising)) commission;

35 (p) Officers and employees of the Washington state dairy products  
36 commission;

37 (q) Officers and employees of the Washington tree fruit research  
38 commission;

1 (r) Officers and employees of the Washington state beef commission;  
2 (s) Officers and employees of any commission formed under chapter  
3 15.66 RCW;  
4 (t) Officers and employees of agricultural commissions formed under  
5 chapter 15.65 RCW;  
6 (u) Officers and employees of the nonprofit corporation formed  
7 under chapter 67.40 RCW;  
8 (v) Executive assistants for personnel administration and labor  
9 relations in all state agencies employing such executive assistants  
10 including but not limited to all departments, offices, commissions,  
11 committees, boards, or other bodies subject to the provisions of this  
12 chapter and this subsection shall prevail over any provision of law  
13 inconsistent herewith unless specific exception is made in such law;  
14 (w) In each agency with fifty or more employees: Deputy agency  
15 heads, assistant directors or division directors, and not more than  
16 three principal policy assistants who report directly to the agency  
17 head or deputy agency heads;  
18 (x) All employees of the marine employees' commission;  
19 (y) Staff employed by the department of community, trade, and  
20 economic development to administer energy policy functions and manage  
21 energy site evaluation council activities under RCW 43.21F.045(2)(m);  
22 (z) Staff employed by Washington State University to administer  
23 energy education, applied research, and technology transfer programs  
24 under RCW 43.21F.045 as provided in RCW 28B.30.900(5).  
25 (2) The following classifications, positions, and employees of  
26 institutions of higher education and related boards are hereby exempted  
27 from coverage of this chapter:  
28 (a) Members of the governing board of each institution of higher  
29 education and related boards, all presidents, vice-presidents, and  
30 their confidential secretaries, administrative, and personal  
31 assistants; deans, directors, and chairs; academic personnel; and  
32 executive heads of major administrative or academic divisions employed  
33 by institutions of higher education; principal assistants to executive  
34 heads of major administrative or academic divisions; other managerial  
35 or professional employees in an institution or related board having  
36 substantial responsibility for directing or controlling program  
37 operations and accountable for allocation of resources and program  
38 results, or for the formulation of institutional policy, or for

1 carrying out personnel administration or labor relations functions,  
2 legislative relations, public information, development, senior computer  
3 systems and network programming, or internal audits and investigations;  
4 and any employee of a community college district whose place of work is  
5 one which is physically located outside the state of Washington and who  
6 is employed pursuant to RCW 28B.50.092 and assigned to an educational  
7 program operating outside of the state of Washington;

8 (b) The governing board of each institution, and related boards,  
9 may also exempt from this chapter classifications involving research  
10 activities, counseling of students, extension or continuing education  
11 activities, graphic arts or publications activities requiring  
12 prescribed academic preparation or special training as determined by  
13 the board: PROVIDED, That no nonacademic employee engaged in office,  
14 clerical, maintenance, or food and trade services may be exempted by  
15 the board under this provision;

16 (c) Printing craft employees in the department of printing at the  
17 University of Washington.

18 (3) In addition to the exemptions specifically provided by this  
19 chapter, the director of personnel may provide for further exemptions  
20 pursuant to the following procedures. The governor or other  
21 appropriate elected official may submit requests for exemption to the  
22 director of personnel stating the reasons for requesting such  
23 exemptions. The director of personnel shall hold a public hearing,  
24 after proper notice, on requests submitted pursuant to this subsection.  
25 If the director determines that the position for which exemption is  
26 requested is one involving substantial responsibility for the  
27 formulation of basic agency or executive policy or one involving  
28 directing and controlling program operations of an agency or a major  
29 administrative division thereof, the director of personnel shall grant  
30 the request and such determination shall be final as to any decision  
31 made before July 1, 1993. The total number of additional exemptions  
32 permitted under this subsection shall not exceed one percent of the  
33 number of employees in the classified service not including employees  
34 of institutions of higher education and related boards for those  
35 agencies not directly under the authority of any elected public  
36 official other than the governor, and shall not exceed a total of  
37 twenty-five for all agencies under the authority of elected public  
38 officials other than the governor.

1 The salary and fringe benefits of all positions presently or  
2 hereafter exempted except for the chief executive officer of each  
3 agency, full-time members of boards and commissions, administrative  
4 assistants and confidential secretaries in the immediate office of an  
5 elected state official, and the personnel listed in subsections (1)(j)  
6 through (u) and (x) and (2) of this section, shall be determined by the  
7 director of personnel. Changes to the classification plan affecting  
8 exempt salaries must meet the same provisions for classified salary  
9 increases resulting from adjustments to the classification plan as  
10 outlined in RCW 41.06.152.

11 Any person holding a classified position subject to the provisions  
12 of this chapter shall, when and if such position is subsequently  
13 exempted from the application of this chapter, be afforded the  
14 following rights: If such person previously held permanent status in  
15 another classified position, such person shall have a right of  
16 reversion to the highest class of position previously held, or to a  
17 position of similar nature and salary.

18 Any classified employee having civil service status in a classified  
19 position who accepts an appointment in an exempt position shall have  
20 the right of reversion to the highest class of position previously  
21 held, or to a position of similar nature and salary.

22 A person occupying an exempt position who is terminated from the  
23 position for gross misconduct or malfeasance does not have the right of  
24 reversion to a classified position as provided for in this section.

25 **Sec. 116.** RCW 41.06.167 and 2005 c 274 s 279 are each amended to  
26 read as follows:

27 The department of personnel shall undertake comprehensive  
28 compensation surveys for officers and entry-level officer candidates of  
29 the Washington state patrol and agents and entry-level agent candidates  
30 of the Washington bureau of investigation, with such surveys to be  
31 conducted in the year prior to the convening of every other one hundred  
32 five day regular session of the state legislature. Salary and fringe  
33 benefit survey information collected from private employers which  
34 identifies a specific employer with the salary and fringe benefit rates  
35 which that employer pays to its employees shall not be subject to  
36 public disclosure under chapter 42.56 RCW.

1       **Sec. 117.** RCW 41.56.473 and 2005 c 438 s 1 are each amended to  
2 read as follows:

3       (1) In addition to the entities listed in RCW 41.56.020, this  
4 chapter applies to the state with respect to the officers of the  
5 Washington state patrol and agents of the Washington bureau of  
6 investigation appointed under RCW 43.43.020 (as recodified by this  
7 act), except that the state is prohibited from negotiating any matters  
8 relating to retirement benefits or health care benefits or other  
9 employee insurance benefits.

10       (2) For the purposes of negotiating wages, wage-related matters,  
11 and nonwage matters, the state shall be represented by the governor or  
12 the governor's designee who is appointed under chapter 41.80 RCW, and  
13 costs of the negotiations under this section shall be reimbursed as  
14 provided in RCW 41.80.140.

15       (3) The governor or the governor's designee shall consult with the  
16 ~~((chief of the Washington state patrol))~~ director of the department of  
17 public safety regarding collective bargaining.

18       (4) The negotiation of provisions pertaining to wages and wage-  
19 related matters in a collective bargaining agreement between the state  
20 and the Washington state patrol officers and agents of the Washington  
21 bureau of investigation is subject to the following:

22       (a) The state's bargaining representative must periodically consult  
23 with a subcommittee of the joint committee on employment relations  
24 created in RCW 41.80.010(5) which shall consist of the four members  
25 appointed to the joint committee with leadership positions in the  
26 senate and the house of representatives, and the chairs and ranking  
27 minority members of the senate transportation committee and the house  
28 transportation committee, or their successor committees. The  
29 subcommittee must be consulted regarding the appropriations necessary  
30 to implement these provisions in a collective bargaining agreement and,  
31 on completion of negotiations, must be advised on the elements of these  
32 provisions.

33       (b) Provisions that are entered into before the legislature  
34 approves the funds necessary to implement the provisions must be  
35 conditioned upon the legislature's subsequent approval of the funds.

36       (5) The governor shall submit a request for funds necessary to  
37 implement the wage and wage-related matters in the collective  
38 bargaining agreement or for legislation necessary to implement the

1 agreement. Requests for funds necessary to implement the provisions of  
2 bargaining agreements may not be submitted to the legislature by the  
3 governor unless such requests:

4 (a) Have been submitted to the director of financial management by  
5 October 1st before the legislative session at which the requests are to  
6 be considered; and

7 (b) Have been certified by the director of financial management as  
8 being feasible financially for the state or reflects the decision of an  
9 arbitration panel reached under RCW 41.56.475.

10 **Sec. 118.** RCW 41.56.475 and 2005 c 438 s 2 are each amended to  
11 read as follows:

12 In addition to the classes of employees listed in RCW 41.56.030(7),  
13 the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470,  
14 41.56.480, and 41.56.490 also apply to Washington state patrol officers  
15 and Washington bureau of investigation agents appointed under RCW  
16 43.43.020 (as recodified by this act) as provided in this section,  
17 subject to the following:

18 (1) The mediator or arbitration panel may consider only matters  
19 that are subject to bargaining under RCW 41.56.473.

20 (2) The decision of an arbitration panel is not binding on the  
21 legislature and, if the legislature does not approve the funds  
22 necessary to implement provisions pertaining to wages and wage-related  
23 matters of an arbitrated collective bargaining agreement, is not  
24 binding on the state or the (~~Washington state patrol~~) department of  
25 public safety.

26 (3) In making its determination, the arbitration panel shall be  
27 mindful of the legislative purpose enumerated in RCW 41.56.430 and, as  
28 additional standards or guidelines to aid it in reaching a decision,  
29 shall take into consideration the following factors:

30 (a) The constitutional and statutory authority of the employer;

31 (b) Stipulations of the parties;

32 (c) Comparison of the hours and conditions of employment of  
33 personnel involved in the proceedings with the hours and conditions of  
34 employment of like personnel of like employers of similar size on the  
35 west coast of the United States;

36 (d) Changes in any of the foregoing circumstances during the  
37 pendency of the proceedings; and

1 (e) Such other factors, not confined to the foregoing, which are  
2 normally or traditionally taken into consideration in the determination  
3 of matters that are subject to bargaining under RCW 41.56.473.

4 **Sec. 119.** RCW 42.17.2401 and 2005 c 424 s 17 are each amended to  
5 read as follows:

6 For the purposes of RCW 42.17.240, the term "executive state  
7 officer" includes:

8 (1) The chief administrative law judge, the director of  
9 agriculture, the administrator of the Washington basic health plan, the  
10 director of the department of services for the blind, the director of  
11 the state system of community and technical colleges, the director of  
12 community, trade, and economic development, the secretary of  
13 corrections, the director of ecology, the commissioner of employment  
14 security, the chair of the energy facility site evaluation council, the  
15 secretary of the state finance committee, the director of financial  
16 management, the director of fish and wildlife, the executive secretary  
17 of the forest practices appeals board, the director of the gambling  
18 commission, the director of general administration, the secretary of  
19 health, the administrator of the Washington state health care  
20 authority, the executive secretary of the health care facilities  
21 authority, the executive secretary of the higher education facilities  
22 authority, the executive secretary of the horse racing commission, the  
23 executive secretary of the human rights commission, the executive  
24 secretary of the indeterminate sentence review board, the director of  
25 the department of information services, the director of the interagency  
26 committee for outdoor recreation, the executive director of the state  
27 investment board, the director of labor and industries, the director of  
28 licensing, the director of the lottery commission, the director of the  
29 office of minority and women's business enterprises, the director of  
30 parks and recreation, the director of personnel, the executive director  
31 of the public disclosure commission, the director of retirement  
32 systems, the director of revenue, the secretary of social and health  
33 services, the ~~((chief of the Washington state patrol))~~ director of  
34 public safety, the executive secretary of the board of tax appeals, the  
35 secretary of transportation, the secretary of the utilities and  
36 transportation commission, the director of veterans affairs, the

1 president of each of the regional and state universities and the  
2 president of The Evergreen State College, each district and each campus  
3 president of each state community college;

4 (2) Each professional staff member of the office of the governor;

5 (3) Each professional staff member of the legislature; and

6 (4) Central Washington University board of trustees, board of  
7 trustees of each community college, each member of the state board for  
8 community and technical colleges, state convention and trade center  
9 board of directors, committee for deferred compensation, Eastern  
10 Washington University board of trustees, Washington economic  
11 development finance authority, The Evergreen State College board of  
12 trustees, executive ethics board, forest practices appeals board,  
13 forest practices board, gambling commission, life sciences discovery  
14 fund authority board of trustees, Washington health care facilities  
15 authority, each member of the Washington health services commission,  
16 higher education coordinating board, higher education facilities  
17 authority, horse racing commission, state housing finance commission,  
18 human rights commission, indeterminate sentence review board, board of  
19 industrial insurance appeals, information services board, interagency  
20 committee for outdoor recreation, state investment board, commission on  
21 judicial conduct, legislative ethics board, liquor control board,  
22 lottery commission, marine oversight board, Pacific Northwest electric  
23 power and conservation planning council, parks and recreation  
24 commission, (~~personnel appeals board,~~) board of pilotage  
25 commissioners, pollution control hearings board, public disclosure  
26 commission, public pension commission, shorelines hearing board, public  
27 employees' benefits board, salmon recovery funding board, board of tax  
28 appeals, transportation commission, University of Washington board of  
29 regents, utilities and transportation commission, Washington state  
30 maritime commission, Washington personnel resources board, Washington  
31 public power supply system executive board, Washington State University  
32 board of regents, Western Washington University board of trustees, and  
33 fish and wildlife commission.

34 **Sec. 120.** RCW 42.56.230 and 2005 c 274 s 403 are each amended to  
35 read as follows:

36 The following personal information is exempt from public inspection  
37 and copying under this chapter:

1 (1) Personal information in any files maintained for students in  
2 public schools, patients or clients of public institutions or public  
3 health agencies, or welfare recipients;

4 (2) Personal information in files maintained for employees,  
5 appointees, or elected officials of any public agency to the extent  
6 that disclosure would violate their right to privacy;

7 (3) Information or evidence received in connection with hearings  
8 conducted by the public safety commission under section 112 of this  
9 act;

10 (4) Information required of any taxpayer in connection with the  
11 assessment or collection of any tax if the disclosure of the  
12 information to other persons would (a) be prohibited to such persons by  
13 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (b) violate the  
14 taxpayer's right to privacy or result in unfair competitive  
15 disadvantage to the taxpayer; and

16 (~~(4)~~) (5) Credit card numbers, debit card numbers, electronic  
17 check numbers, card expiration dates, or bank or other financial  
18 account numbers, except when disclosure is expressly required by or  
19 governed by other law.

20 **Sec. 121.** RCW 43.17.010 and 2005 c 333 s 10 are each amended to  
21 read as follows:

22 There shall be departments of the state government which shall be  
23 known as (1) the department of social and health services, (2) the  
24 department of ecology, (3) the department of labor and industries, (4)  
25 the department of agriculture, (5) the department of fish and wildlife,  
26 (6) the department of transportation, (7) the department of licensing,  
27 (8) the department of general administration, (9) the department of  
28 community, trade, and economic development, (10) the department of  
29 veterans affairs, (11) the department of revenue, (12) the department  
30 of retirement systems, (13) the department of corrections, (14) the  
31 department of health, (15) the department of financial institutions,  
32 (~~and~~) (16) the department of archaeology and historic preservation,  
33 and (17) the department of public safety, which shall be charged with  
34 the execution, enforcement, and administration of such laws, and  
35 invested with such powers and required to perform such duties, as the  
36 legislature may provide.

1       **Sec. 122.** RCW 43.17.020 and 2005 c 333 s 11 and 2005 c 319 s 2 are  
2 each reenacted and amended to read as follows:

3       There shall be a chief executive officer of each department to be  
4 known as: (1) The secretary of social and health services, (2) the  
5 director of ecology, (3) the director of labor and industries, (4) the  
6 director of agriculture, (5) the director of fish and wildlife, (6) the  
7 secretary of transportation, (7) the director of licensing, (8) the  
8 director of general administration, (9) the director of community,  
9 trade, and economic development, (10) the director of veterans affairs,  
10 (11) the director of revenue, (12) the director of retirement systems,  
11 (13) the secretary of corrections, (14) the secretary of health, (15)  
12 the director of financial institutions, (~~and~~) (16) the director of  
13 the department of archaeology and historic preservation, and (17) the  
14 director of public safety.

15       Such officers, except the director of fish and wildlife, shall be  
16 appointed by the governor, with the consent of the senate, and hold  
17 office at the pleasure of the governor. The director of fish and  
18 wildlife shall be appointed by the fish and wildlife commission as  
19 prescribed by RCW 77.04.055.

20       NEW SECTION. **Sec. 123.** (1) The powers, duties, and functions of  
21 the Washington state patrol are hereby transferred to the department of  
22 public safety. Except when referring to the bureau named the  
23 Washington state patrol or the person in charge of that bureau,  
24 references to the chief or the Washington state patrol in the Revised  
25 Code of Washington shall be construed to mean the director or the  
26 department of public safety. Any references to the authority of the  
27 chief or the chief of the Washington state patrol in the Revised Code  
28 of Washington to adopt rules or standards shall be construed to mean  
29 the director.

30       (2)(a) All reports, documents, surveys, books, records, files,  
31 papers, or written material in the possession of the Washington state  
32 patrol shall be delivered to the custody of the department of public  
33 safety. All cabinets, furniture, office equipment, motor vehicles, and  
34 other tangible property employed by the Washington state patrol shall  
35 be made available to the department of public safety. All funds,  
36 credits, or other assets held by the Washington state patrol shall be  
37 assigned to the department of public safety.

1 (b) Any appropriations made to the Washington state patrol shall,  
2 on the effective date of this section, be transferred and credited to  
3 the department of public safety.

4 (c) If any question arises as to the transfer of any personnel,  
5 funds, books, documents, records, papers, files, equipment, or other  
6 tangible property used or held in the exercise of the powers and the  
7 performance of the duties and functions transferred, the director of  
8 financial management shall make a determination as to the proper  
9 allocation and certify the same to the state agencies concerned.

10 (3) All employees of the Washington state patrol are transferred to  
11 the jurisdiction of the department of public safety. All employees  
12 classified under chapter 41.06 RCW, the state civil service law, are  
13 assigned to the department of public safety to perform their usual  
14 duties upon the same terms as formerly, without any loss of rights,  
15 subject to any action that may be appropriate thereafter in accordance  
16 with the laws and rules governing state civil service.

17 (4) All rules and all pending business before the Washington state  
18 patrol shall be continued and acted upon by the department of public  
19 safety. All existing contracts and obligations shall remain in full  
20 force and shall be performed by the department of public safety.

21 (5) The transfer of the powers, duties, functions, and personnel of  
22 the Washington state patrol shall not affect the validity of any act  
23 performed before the effective date of this section.

24 (6) If apportionments of budgeted funds are required because of the  
25 transfers directed by this section, the director of financial  
26 management shall certify the apportionments to the agencies affected,  
27 the state auditor, and the state treasurer. Each of these shall make  
28 the appropriate transfer and adjustments in funds and appropriation  
29 accounts and equipment records in accordance with the certification.

30 (7) Nothing contained in this section may be construed to alter any  
31 existing collective bargaining unit or the provisions of any existing  
32 collective bargaining agreement until the agreement has expired or  
33 until the bargaining unit has been modified by action of the personnel  
34 resources board as provided by law.

35 **PART 2**

36 **GENERAL PROVISIONS**

1           **Sec. 201.** RCW 43.43.020 and 2005 c 434 s 4 are each amended to  
2 read as follows:

3           ~~((The governor, with the advice and consent of the senate, shall  
4 appoint the chief of the Washington state patrol, determine his  
5 compensation, and may remove him at will.))~~

6           The ~~((chief))~~ director shall appoint a sufficient number of  
7 competent persons to act as Washington state patrol officers and bureau  
8 of investigation agents, may remove them for cause, as provided in this  
9 chapter, and shall make promotional appointments, determine their  
10 compensation, and define their rank and duties, as ~~((hereinafter))~~  
11 provided in this chapter. Before a person may be appointed to act as  
12 ~~((a Washington state patrol))~~ an officer or an agent, the person shall  
13 meet the minimum standards for employment with the ~~((Washington state~~  
14 ~~patrol))~~ department, including successful completion of a psychological  
15 examination and polygraph examination or similar assessment procedure  
16 administered by the ~~((chief))~~ director or his or her designee in  
17 accordance with the requirements of RCW 43.101.095(2). Agents must  
18 complete the on-the-job training required for Washington state patrol  
19 officers at the state patrol academy.

20           The ~~((chief))~~ director may appoint employees of the Washington  
21 state patrol or Washington bureau of investigation to serve as special  
22 deputies, with such restricted police authority as the ~~((chief))~~  
23 director shall designate as being necessary and consistent with their  
24 assignment to duty. Such appointment and conferral of authority shall  
25 not qualify said employees for membership in the Washington state  
26 patrol retirement system, nor shall it grant tenure of office as a  
27 regular officer of the Washington state patrol.

28           The ~~((chief))~~ director may personally appoint, with the consent of  
29 the state treasurer, employees of the office of the state treasurer who  
30 are qualified under the standards of the criminal justice training  
31 commission, or who have comparable training and experience, to serve as  
32 special deputies. The law enforcement powers of any special deputies  
33 appointed in the office of the state treasurer shall be designated by  
34 the ~~((chief))~~ director and shall be restricted to those powers  
35 necessary to provide for statewide security of the holdings or property  
36 of or under the custody of the office of the state treasurer. These  
37 appointments may be revoked by the ~~((chief))~~ director at any time and  
38 shall be revoked upon the written request of the state treasurer or by

1 operation of law upon termination of the special deputy's employment  
2 with the office of the state treasurer or thirty days after the  
3 ((chief)) director who made the appointment leaves office. The  
4 ((chief)) director shall be civilly immune for the acts of such special  
5 deputies. Such appointment and conferral of authority ((shall)) does  
6 not qualify such employees for membership in the ((Washington)) state  
7 patrol retirement system, nor ((shall)) does it grant tenure of office  
8 as a regular officer ((of the Washington state patrol)) or an agent.

9 **Sec. 202.** RCW 43.43.030 and 1965 c 8 s 43.43.030 are each amended  
10 to read as follows:

11 The director of investigation and agents of the Washington bureau  
12 of investigation, and the chief and other officers of the Washington  
13 state patrol shall have and exercise, throughout the state, such police  
14 powers and duties as are vested in sheriffs and peace officers  
15 generally, and such other powers and duties as are prescribed by law.

16 **Sec. 203.** RCW 43.43.050 and 1965 c 8 s 43.43.050 are each amended  
17 to read as follows:

18 ((Washington state patrol)) Officers and agents shall be entitled  
19 to retain their ranks and positions until death or resignation, or  
20 until suspended, demoted, or discharged in the manner hereinafter  
21 provided.

22 **Sec. 204.** RCW 43.43.060 and 1984 c 141 s 1 are each amended to  
23 read as follows:

24 The ((chief of the Washington state patrol)) director may suspend  
25 or demote any officer or agent with probationary status, without  
26 preferring charges against the officer or agent, and without a hearing.

27 **Sec. 205.** RCW 43.43.070 and 1984 c 141 s 2 are each amended to  
28 read as follows:

29 Discharge of any officer or agent with probationary status and  
30 discharge, demotion, or suspension of any officer or agent with  
31 nonprobationary status shall be only for cause, which shall be clearly  
32 stated in a written complaint, sworn to by the person preferring the  
33 charges, and served upon the officer or agent complained of.

1           Upon being so served, any (~~such~~) officer (~~shall be~~) is entitled  
2 to a public hearing before a trial board consisting of two (~~Washington~~  
3 ~~state patrol~~) officers of the rank of captain, and one officer of  
4 equal rank with the officer complained of, who shall be selected by the  
5 (~~chief of the Washington state patrol~~) director by lot from the  
6 roster of the patrol. An agent is entitled to a hearing before a trial  
7 board consisting of three agents, who shall be selected by the director  
8 by lot from a roster of agents. In the case of complaint by an officer  
9 or agent, such officer or agent shall not be a member of the trial  
10 board.

11           **Sec. 206.** RCW 43.43.080 and 1989 c 28 s 1 are each amended to read  
12 as follows:

13           When the complaint served upon an officer or agent is of a criminal  
14 nature calling for the discharge of the officer or agent, the (~~chief~~  
15 ~~of the patrol~~) director may immediately suspend the officer or agent  
16 without pay pending a trial board hearing. The board shall be convened  
17 no later than forty-five days from the date of suspension. However,  
18 this does not preclude the granting of a mutually agreed upon  
19 extension; in such cases the officer or agent shall remain on  
20 suspension without pay.

21           An officer or agent complained of may waive a hearing and accept  
22 the proposed discipline by written notice to the (~~chief of the~~  
23 ~~patrol~~) director.

24           **Sec. 207.** RCW 43.43.090 and 1989 c 28 s 2 are each amended to read  
25 as follows:

26           At the hearing, an administrative law judge appointed under chapter  
27 34.12 RCW shall be the presiding officer, and shall make all necessary  
28 rulings in the course of the hearing, but shall not be entitled to  
29 vote.

30           The complainant and the officer or agent complained of may submit  
31 evidence, and be represented by counsel, and a full and complete record  
32 of the proceedings, and all testimony, shall be taken down by a  
33 stenographer.

34           After hearing, the findings of the trial board shall be submitted  
35 to the (~~chief~~) director. Such findings shall be final if the charges  
36 are not sustained. In the event the charges are sustained the

1 ((chief)) director may determine the proper disciplinary action and  
2 declare it by written order served upon the officer or agent complained  
3 of.

4 **Sec. 208.** RCW 43.43.100 and 1984 c 141 s 4 are each amended to  
5 read as follows:

6 Any officer or agent subjected to disciplinary action may, within  
7 ten days after the service of the order upon the officer or agent,  
8 apply to the superior court of Thurston county for a writ of review to  
9 have the reasonableness and lawfulness of the order inquired into and  
10 determined.

11 The superior court shall review the determination of the ((~~chief of~~  
12 ~~the Washington state patrol~~)) director in a summary manner, based upon  
13 the record of the hearing before the trial board, and shall render its  
14 decision within ninety days, either affirming or reversing the order of  
15 the ((chief)) director, or remanding the matter to the ((chief))  
16 director for further action. A transcript of the trial board hearing  
17 shall be provided to the court by the ((~~state patrol~~)) department after  
18 being paid for by the officer or agent subjected to disciplinary  
19 action. However, if the officer or agent prevails before the court,  
20 the ((~~state patrol~~)) department shall reimburse the officer or agent  
21 for the cost of the transcript.

22 **Sec. 209.** RCW 43.43.110 and 1965 c 8 s 43.43.110 are each amended  
23 to read as follows:

24 If as a result of any trial board hearing, or review proceeding, an  
25 officer or agent complained of is found not guilty of the charges  
26 against him or her, he or she shall be immediately reinstated to his or  
27 her former position, and be reimbursed for any loss of salary suffered  
28 by reason of the previous disciplinary action.

29 **Sec. 210.** RCW 43.43.115 and 1993 c 438 s 1 are each amended to  
30 read as follows:

31 Whenever real property owned by the state of Washington and under  
32 the jurisdiction of the ((~~Washington state patrol~~)) department is no  
33 longer required, it may be sold at fair market value. All proceeds  
34 received from the sale of real property, less any real estate broker  
35 commissions, shall be deposited into the state patrol highway account:

1 PROVIDED, That if accounts or funds other than the state patrol highway  
2 account have contributed to the purchase or improvement of the real  
3 property, the office of financial management shall determine the  
4 proportional equity of each account or fund in the property and  
5 improvements, and shall direct the proceeds to be deposited  
6 proportionally therein.

7 **Sec. 211.** RCW 43.43.952 and 1995 c 369 s 64 are each amended to  
8 read as follows:

9 (1) The legislature finds that provisions for information systems  
10 relating to statistics and reporting for fire prevention, suppression,  
11 and damage control do not adequately address the needs of ongoing  
12 investigations of fire incidents where the cause is suspected or  
13 determined to be the result of negligence or otherwise suggestive of  
14 some criminal activity, particularly that of arson. It is the intent  
15 of the legislature to establish an information and reporting system  
16 designed specifically to assist state and local officers in conducting  
17 such investigations and, where substantiated, to undertake prosecution  
18 of individuals suspected of such activities.

19 (2)(a) In addition to the information provided by local officials  
20 about the cause, origin, and extent of loss in fires under chapter  
21 48.48 RCW, there is hereby created the state arson investigation  
22 information system in the (~~Washington state patrol~~) department.

23 (b) The (~~chief of the Washington state patrol~~) director shall  
24 develop the arson investigation information system in consultation with  
25 representatives of the various state and local officials charged with  
26 investigating fires resulting from suspicious or criminal activities  
27 under chapter 48.48 RCW and of the insurance industry.

28 (c) The arson investigation information system shall be designed to  
29 include at least the following attributes: (i) The information  
30 gathered and reported shall meet the diverse needs of state and local  
31 investigating agencies; (ii) the forms and reports are drafted in  
32 understandable terms of common usage; and (iii) the results shall be  
33 adaptable to the varying levels of available resources, maintained in  
34 a manner to foster data sharing and mutual aid activities, and made  
35 available to other law enforcement agencies responsible for criminal  
36 investigations.

1 (d) All insurers required to report claim information under the  
2 provisions of chapter 48.50 RCW shall cooperate fully with any requests  
3 from the (~~chief of the Washington state patrol~~) director in  
4 developing and maintaining the arson investigation information system.  
5 The confidentiality provisions of that chapter shall be fully enforced.

6 **Sec. 212.** RCW 43.43.970 and 2003 c 405 s 6 are each amended to  
7 read as follows:

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

10 (1) "Agency" means any general purpose law enforcement agency as  
11 defined in RCW 10.93.020.

12 (2) "Board" means the state law enforcement mobilization policy  
13 board.

14 (~~("Chief" means the chief of the Washington state patrol.~~  
15 ~~(4))~~) "Chief law enforcement officer" means the chief of police or  
16 sheriff responsible for law enforcement services in the jurisdiction in  
17 which the emergency is occurring.

18 (~~(5)~~) (4) "General authority Washington peace officer" means a  
19 general authority Washington peace officer as defined in RCW 10.93.020.

20 (~~(6)~~) (5) "Host agency" means the law enforcement agency that  
21 requests statewide mobilization under RCW 43.43.970 through 43.43.975  
22 (as recodified by this act).

23 (~~(7)~~) (6) "Mobilization" means a redistribution of regional and  
24 statewide law enforcement resources in response to an emergency or  
25 disaster situation.

26 (~~(8)~~) (7) "Mutual aid" means emergency interagency assistance  
27 provided without compensation pursuant to an agreement under chapter  
28 39.34 RCW.

29 (~~(9)~~) (8) "Resource coordination" means the effort to locate and  
30 arrange for the delivery of resources needed by chief law enforcement  
31 officers.

32 (~~(10)~~) (9) "State law enforcement resource coordinator" means a  
33 designated individual or agency selected by the (~~chief~~) director to  
34 perform the responsibilities of that position.

35 **Sec. 213.** RCW 43.43.971 and 2003 c 405 s 7 are each amended to  
36 read as follows:

1 (1) The state law enforcement mobilization policy board shall be  
2 established by the ((chief)) director and shall have representatives  
3 from each of the regions established in RCW 43.43.974 (as recodified by  
4 this act). In carrying out its duty, the board shall consult with and  
5 solicit recommendations from representatives of the state and local law  
6 enforcement and emergency management organizations, and regional law  
7 enforcement mobilization committees.

8 (2) The board shall establish and make recommendations to the  
9 ((chief)) director on the refinement and maintenance of the Washington  
10 state law enforcement mobilization plan, including the procedures to be  
11 used during an emergency or disaster response requiring coordination of  
12 local, regional, and state law enforcement resources.

13 (3) The ((chief)) director shall review the Washington state law  
14 enforcement mobilization plan, as submitted by the board, recommend  
15 changes as necessary, and may approve the plan. The plan shall be  
16 consistent with the Washington state comprehensive emergency management  
17 plan. The ((chief)) director may recommend the plan for inclusion  
18 within the state comprehensive emergency management plan established  
19 under chapter 38.52 RCW.

20 **Sec. 214.** RCW 43.43.972 and 2003 c 405 s 8 are each amended to  
21 read as follows:

22 (1) Local law enforcement may request mobilization only in response  
23 to an emergency or disaster exceeding the capabilities of available  
24 local resources and those available through existing mutual aid  
25 agreements. Upon finding that the local jurisdiction has exhausted all  
26 available resources, it is the responsibility of the ((chief)) director  
27 to determine whether mobilization is the appropriate response to the  
28 emergency or disaster and, if so, to mobilize jurisdictions under the  
29 Washington state law enforcement mobilization plan.

30 (2) Upon mobilization, the ((chief)) director shall appoint a state  
31 law enforcement resource coordinator, and an alternate, who shall serve  
32 jointly with the chief law enforcement officer from the host agency to  
33 command the mobilization effort consistent with incident command system  
34 procedures.

35 (3) Upon mobilization, all law enforcement resources including  
36 those of the host agency and those that responded earlier under an  
37 existing mutual aid or other agreement shall be mobilized.

1 Mobilization may include the redistribution of regional or statewide  
2 law enforcement resources to either direct emergency incident  
3 assignments or to assignments in communities where law enforcement  
4 resources are needed.

5 (4) For the duration of the mobilization:

6 (a) Host agency resources shall become state law enforcement  
7 mobilization resources, under the command of the state law enforcement  
8 resource coordinator and the chief law enforcement officer from the  
9 host agency, consistent with the state law enforcement mobilization  
10 plan and incident command system procedures; and

11 (b) All law enforcement authorities providing resources in response  
12 to a mobilization declaration shall be eligible for expense  
13 reimbursement as provided by this chapter.

14 (5) The ((chief)) director, in consultation with the regional law  
15 enforcement resource coordinator, shall determine when mobilization is  
16 no longer required and shall then declare the end to the mobilization.

17 **Sec. 215.** RCW 43.43.973 and 2003 c 405 s 9 are each amended to  
18 read as follows:

19 (1) The state law enforcement resource coordinator, or alternate,  
20 shall serve in that capacity for the duration of the mobilization.

21 (2) The duties of the coordinator are to:

22 (a) Coordinate the mobilization of law enforcement and other  
23 support resources within a region;

24 (b) Be primarily responsible for the coordination of resources in  
25 conjunction with the regional law enforcement mobilization committees,  
26 in the case of incidents involving more than one region or when  
27 resources from more than one region must be mobilized; and

28 (c) Advise and consult with the ((chief)) director regarding what  
29 resources are required in response to the emergency or disaster and in  
30 regard to when the mobilization should end.

31 **Sec. 216.** RCW 43.43.974 and 2003 c 405 s 10 are each amended to  
32 read as follows:

33 (1) Regions within the state are initially established as follows  
34 and may be adjusted as necessary by the state law enforcement policy  
35 board, but should remain consistent with the Washington state fire  
36 defense regions:

1 (a) Central region - Grays Harbor, Thurston, Pacific, and Lewis  
2 counties;

3 (b) Lower Columbia region - Kittitas, Yakima, and Klickitat  
4 counties;

5 (c) Mid-Columbia region - Chelan, Douglas, and Grant counties;

6 (d) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille,  
7 Spokane, Adams, and Lincoln counties;

8 (e) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and  
9 Island counties;

10 (f) Olympic region - Clallam and Jefferson counties;

11 (g) South Puget Sound region - Kitsap, Mason, King, and Pierce  
12 counties;

13 (h) Southeast region - Benton, Franklin, Walla Walla, Columbia,  
14 Whitman, Garfield, and Asotin counties;

15 (i) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania  
16 counties.

17 (2) Within each of the regions there is created a regional law  
18 enforcement mobilization committee. The committees shall consist of  
19 the sheriff of each county in the region, (~~the district commander of~~  
20 ~~the Washington state patrol from the region~~) a regional representative  
21 of the department, a number of police chiefs within the region  
22 equivalent to the number of counties within the region plus one, and  
23 the director of the counties' emergency management office. The police  
24 chief members of each regional committee must include the chiefs of  
25 police of each city of ninety-five thousand or more population, and the  
26 number of members of the committee shall be increased if necessary to  
27 accommodate such chiefs. Members of each regional mobilization  
28 committee shall select a chair, who shall have authority to implement  
29 the regional plan, and a secretary as officers. Members serving on the  
30 regional mobilization committees shall not be eligible for  
31 reimbursement for meeting-related expenses from the state.

32 (3) The regional mobilization committees shall work with the  
33 relevant local government entities to facilitate development of  
34 intergovernmental agreements if any such agreements are required to  
35 implement a regional law enforcement mobilization plan.

36 (4) Regional mobilization committees shall develop regional law  
37 enforcement mobilization plans that include provisions for organized  
38 law enforcement agencies to respond across municipal, county, or

1 regional boundaries. Each regional mobilization plan shall be  
2 consistent with the incident command system, the Washington state law  
3 enforcement mobilization plan, and regional response plans adopted  
4 prior to July 27, 2003.

5 (5) Each regional plan adopted under subsection (4) of this section  
6 shall be approved by the state law enforcement mobilization policy  
7 board before implementation.

8 **Sec. 217.** RCW 43.43.975 and 2003 c 405 s 11 are each amended to  
9 read as follows:

10 The (~~state patrol~~) department in consultation with the Washington  
11 association of sheriffs and police chiefs and the office of financial  
12 management shall develop procedures to facilitate reimbursement to  
13 jurisdictions from funds appropriated specifically for this purpose  
14 when jurisdictions are mobilized under the Washington state law  
15 enforcement mobilization plan.

16 Nothing in this chapter shall be construed or interpreted to limit  
17 the eligibility of any nonhost law enforcement authority for  
18 reimbursement of expenses incurred in providing law enforcement  
19 resources for mobilization.

20 **PART 3**

21 **WASHINGTON BUREAU OF INVESTIGATION**

22 **Sec. 301.** RCW 43.43.500 and 1998 c 67 s 1 are each amended to read  
23 as follows:

24 There is established the Washington state crime information center  
25 to be located in the (~~records~~) criminal justice information division  
26 of the Washington (~~state patrol~~) bureau of investigation and to  
27 function under the direction of the (~~chief of the Washington state~~  
28 ~~patrol~~) director of investigation. The center shall serve to  
29 coordinate crime information, by means of data processing, for all law  
30 enforcement agencies in the state. It shall make such use of the  
31 facilities of the law enforcement teletype system as is practical. It  
32 shall provide access to the national crime information center, to motor  
33 vehicle and driver license information, to the sex offender central  
34 registry, and to such other public records as may be accessed by data  
35 processing and which are pertinent to law enforcement.

1       **Sec. 302.** RCW 43.43.540 and 2002 c 118 s 2 are each amended to  
2 read as follows:

3       The county sheriff shall (1) forward the information, photographs,  
4 and fingerprints obtained pursuant to RCW 9A.44.130, including any  
5 notice of change of address, to the Washington (~~state patrol~~) bureau  
6 of investigation within five working days; and (2) upon implementation  
7 of RCW 4.24.550(5)(a), forward any information obtained pursuant to RCW  
8 9A.44.130 that is necessary to operate the registered sex offender web  
9 site described in RCW 4.24.550(5)(a) to the Washington association of  
10 sheriffs and police chiefs within five working days of receiving the  
11 information, including any notice of change of address or change in  
12 risk level notification. The (~~state patrol~~) bureau of investigation  
13 shall maintain a central registry of sex offenders and kidnapping  
14 offenders required to register under RCW 9A.44.130 and shall adopt  
15 rules consistent with chapters 10.97(~~7~~) and 10.98(~~7~~) RCW and  
16 (~~43.43 RCW~~) this chapter as are necessary to carry out the purposes  
17 of RCW 9A.44.130, 9A.44.140, 10.01.200, 43.43.540 (as recodified by  
18 this act), 46.20.187, 70.48.470, and 72.09.330. The Washington (~~state~~  
19 ~~patrol~~) bureau of investigation shall reimburse the counties for the  
20 costs of processing the offender registration, including taking the  
21 fingerprints and the photographs.

22       **Sec. 303.** RCW 43.43.560 and 1986 c 196 s 1 are each amended to  
23 read as follows:

24       (~~1~~) To support criminal justice services in the local  
25 communities throughout this state, the (~~state patrol~~) bureau of  
26 investigation shall (~~develop a plan for and implement an~~) administer  
27 the automatic fingerprint information system. In (~~implementing~~)  
28 administering the automatic fingerprint information system, the (~~state~~  
29 ~~patrol~~) bureau of investigation shall either purchase or lease the  
30 appropriate computer systems. If the (~~state patrol~~) bureau of  
31 investigation leases a system, the lease agreement shall include  
32 purchase options. The (~~state patrol~~) bureau of investigation shall  
33 procure the most efficient system available.

34       (~~2~~) ~~The state patrol shall report on the automatic fingerprint~~  
35 ~~information system to the legislature no later than January 1, 1987.~~  
36 ~~The report shall include a time line for implementing each stage, a~~  
37 ~~local agency financial participation analysis, a system analysis, a~~

1 full cost/purchase analysis, a vendor bid evaluation, and a space  
2 location analysis that includes a site determination. The state patrol  
3 shall coordinate the preparation of this report with the office of  
4 financial management.))

5 **Sec. 304.** RCW 43.43.570 and 2005 c 373 s 2 are each amended to  
6 read as follows:

7 (1) No local law enforcement agency may establish or operate an  
8 automatic fingerprint identification system unless both the hardware  
9 and software of the local system use an interface compatible with the  
10 state system under RCW 43.43.560 (as recodified by this act). The  
11 local law enforcement agency shall be able to transmit a tenprint  
12 record to the state system through any available protocol which meets  
13 accepted industry standards, and the state system must be able to  
14 accept tenprint records which comply with those requirements. When  
15 industry transmission protocols change, the Washington (~~state patrol~~)  
16 bureau of investigation shall incorporate these new standards as  
17 funding and reasonable system engineering practices permit. The  
18 tenprint transmission from any local law enforcement agency must be in  
19 accordance with the current version of the state electronic fingerprint  
20 transmission specification.

21 (2) No later than January 1, 2007, the Washington (~~state~~  
22 ~~patrol's~~) bureau of investigation's automatic fingerprint  
23 identification system shall be capable of instantly accepting  
24 electronic latent search records from any Washington state local law  
25 enforcement agency. If specific funding for the purposes of this  
26 subsection is not provided by June 30, 2006, in the omnibus  
27 appropriations act, or if funding is not obtained from another source  
28 by June 30, 2006, this subsection is null and void.

29 (3) A local law enforcement agency operating an automatic  
30 fingerprint identification system shall transmit data on fingerprint  
31 entries to the Washington (~~state patrol~~) bureau of investigation  
32 electronically. This requirement shall be in addition to those under  
33 RCW 10.98.050 and 43.43.740 (as recodified by this act).

34 (4) Any personnel functions necessary to prepare fingerprints for  
35 searches under this section shall be the responsibility of the  
36 submitting agency.

1 (5) The (~~Washington state patrol~~) department shall adopt rules to  
2 implement this section.

3 **Sec. 305.** RCW 43.43.670 and 1999 c 40 s 6 are each amended to read  
4 as follows:

5 (1) (~~There is created in~~) The Washington (~~state patrol a~~)  
6 bureau of investigation forensic laboratory services (~~system which~~)  
7 division is authorized to:

8 (a) Provide laboratory services for the purpose of analyzing and  
9 scientifically handling any physical evidence relating to any crime.

10 (b) Provide training assistance for local law enforcement  
11 personnel.

12 (c) Provide all necessary toxicology services requested by all  
13 coroners, medical examiners, and prosecuting attorneys.

14 (2) The (~~bureau of~~) forensic laboratory services division shall  
15 assign priority to a request for services with due regard to whether  
16 the case involves criminal activity against persons. The Washington  
17 state forensic investigations council shall assist the (~~bureau of~~)  
18 forensic laboratory services division in devising policies to promote  
19 the most efficient use of laboratory services consistent with this  
20 section. The forensic investigations council shall be actively  
21 involved in the preparation of the bureau of forensic laboratory  
22 services budget and shall approve the bureau of forensic laboratory  
23 services budget prior to its formal submission by the (~~state patrol~~)  
24 director to the office of financial management pursuant to RCW  
25 43.88.030.

26 **Sec. 306.** RCW 43.43.680 and 1994 c 271 s 501 are each amended to  
27 read as follows:

28 (1) In all prosecutions involving the analysis of a controlled  
29 substance or a sample of a controlled substance by the crime laboratory  
30 system of the (~~state patrol~~) bureau of investigation, a certified  
31 copy of the analytical report signed by the supervisor of the (~~state  
32 patrol's~~) bureau of investigation's crime laboratory or the forensic  
33 scientist conducting the analysis is prima facie evidence of the  
34 results of the analytical findings.

35 (2) The defendant or a prosecutor may subpoena the forensic

1 scientist who conducted the analysis of the substance to testify at the  
2 preliminary hearing and trial of the issue at no cost to the defendant,  
3 if the subpoena is issued at least ten days prior to the trial date.

4 (3) In all prosecutions involving the analysis of a certified  
5 simulator solution by the Washington state toxicology laboratory of the  
6 University of Washington, a certified copy of the analytical report  
7 signed by the state toxicologist or the toxicologist conducting the  
8 analysis is prima facie evidence of the results of the analytical  
9 findings, and of certification of the simulator solution used in the  
10 BAC verifier datamaster or any other alcohol/breath-testing equipment  
11 subsequently adopted by rule.

12 (4) The defendant of a prosecution may subpoena the toxicologist  
13 who conducted the analysis of the simulator solution to testify at the  
14 preliminary hearing and trial of the issue at no cost to the defendant,  
15 if thirty days prior to issuing the subpoena the defendant gives the  
16 state toxicologist notice of the defendant's intention to require the  
17 toxicologist's appearance.

18 **Sec. 307.** RCW 43.43.700 and 1998 c 141 s 2 are each amended to  
19 read as follows:

20 (~~There is hereby established within~~) The Washington ((state  
21 patrol)) bureau of investigation's criminal justice information  
22 division shall operate a section on identification, child abuse,  
23 vulnerable adult abuse, and criminal history (~~hereafter~~), referred to  
24 in RCW 43.43.700 through 43.43.770 (as recodified by this act) as the  
25 section.

26 In order to aid the administration of justice the section shall  
27 install systems for the identification of individuals, including the  
28 fingerprint system and such other systems as the chief deems necessary.  
29 The section shall keep a complete record and index of all information  
30 received in convenient form for consultation and comparison.

31 The section shall obtain from whatever source available and file  
32 for record the fingerprints, palmprints, photographs, or such other  
33 identification data as it deems necessary, of persons who have been or  
34 shall hereafter be lawfully arrested and charged with, or convicted of  
35 any criminal offense. The section may obtain like information  
36 concerning persons arrested for or convicted of crimes under the laws  
37 of another state or government.

1       The section shall also contain like information concerning persons,  
2 over the age of eighteen years, who have been found to have physically  
3 abused or sexually abused or exploited a child pursuant to a dependency  
4 proceeding under chapter 13.34 RCW, or to have abused or financially  
5 exploited a vulnerable adult pursuant to a protection proceeding under  
6 chapter 74.34 RCW.

7       **Sec. 308.** RCW 43.43.705 and 1999 c 151 s 1101 are each amended to  
8 read as follows:

9       Upon the receipt of identification data from criminal justice  
10 agencies within this state, the section shall immediately cause the  
11 files to be examined and upon request shall promptly return to the  
12 contributor of such data a transcript of the record of previous arrests  
13 and dispositions of the persons described in the data submitted.

14       Upon application, the section shall furnish to criminal justice  
15 agencies, or to the department of social and health services,  
16 (~~hereinafter~~) referred to in RCW 43.43.700 through 43.43.770 (as  
17 recodified by this act) as the "department", a transcript of the  
18 criminal offender record information, dependency record information, or  
19 protection proceeding record information available pertaining to any  
20 person of whom the section has a record.

21       For the purposes of RCW 43.43.700 through 43.43.785 (as recodified  
22 by this act) the following words and phrases shall have the following  
23 meanings:

24       "Criminal offender record information" includes, and shall be  
25 restricted to identifying data and public record information recorded  
26 as the result of an arrest or other initiation of criminal proceedings  
27 and the consequent proceedings related thereto. "Criminal offender  
28 record information" shall not include intelligence, analytical, or  
29 investigative reports and files.

30       "Criminal justice agencies" are those public agencies within or  
31 outside the state which perform, as a principal function, activities  
32 directly relating to the apprehension, prosecution, adjudication or  
33 rehabilitation of criminal offenders.

34       "Dependency record information" includes and shall be restricted to  
35 identifying data regarding a person, over the age of eighteen, who was  
36 a party to a dependency proceeding brought under chapter 13.34 RCW and

1 who has been found, pursuant to such dependency proceeding, to have  
2 sexually abused or exploited or physically abused a child.

3 "Protection proceeding record information" includes and shall be  
4 restricted to identifying data regarding a person, over eighteen, who  
5 was a respondent to a protection proceeding brought under chapter 74.34  
6 RCW and who has been found pursuant to such a proceeding to have abused  
7 or financially exploited a vulnerable adult.

8 The section may refuse to furnish any information pertaining to the  
9 identification or history of any person or persons of whom it has a  
10 record, or other information in its files and records, to any applicant  
11 if the ((chief)) director of investigation determines that the  
12 applicant has previously misused information furnished to such  
13 applicant by the section or the ((chief)) director of investigation  
14 believes that the applicant will not use the information requested  
15 solely for the purpose of due administration of the criminal laws or  
16 for the purposes enumerated in RCW 43.43.760((+3)) (4) (as recodified  
17 by this act). The applicant may appeal such determination by notifying  
18 the ((chief)) director of investigation in writing within thirty days.  
19 The hearing shall be before an administrative law judge appointed under  
20 chapter 34.12 RCW and in accordance with procedures for adjudicative  
21 proceedings under chapter 34.05 RCW.

22 **Sec. 309.** RCW 43.43.710 and 1995 c 369 s 13 are each amended to  
23 read as follows:

24 Information contained in the files and records of the section  
25 relative to the commission of any crime by any person shall be  
26 considered privileged and shall not be made public or disclosed for any  
27 personal purpose or in any civil court proceedings except upon a  
28 written order of the judge of a court wherein such civil proceedings  
29 are had. All information contained in the files of the section  
30 relative to criminal records and personal histories of persons arrested  
31 for the commission of a crime shall be available to all criminal  
32 justice agencies upon the filing of an application as provided in RCW  
33 43.43.705 (as recodified by this act).

34 Although no application for information has been made to the  
35 section as provided in RCW 43.43.705 (as recodified by this act), the  
36 section may transmit such information in the ((chief's)) director of

1 investigation's discretion, to such agencies as are authorized by RCW  
2 43.43.705 (as recodified by this act) to make application for it.

3 **Sec. 310.** RCW 43.43.715 and 1989 c 334 s 8 are each amended to  
4 read as follows:

5 The section shall, consistent with the procedures set forth in  
6 chapter 152, Laws of 1972 ex. sess., cooperate with all other criminal  
7 justice agencies, and the department of social and health services,  
8 within or without the state, in an exchange of information regarding  
9 convicted criminals and those suspected of or wanted for the commission  
10 of crimes, and persons who are the subject of dependency record  
11 information or protection proceeding record information, to the end  
12 that proper identification may rapidly be made and the ends of justice  
13 served.

14 **Sec. 311.** RCW 43.43.725 and 1985 c 201 s 11 are each amended to  
15 read as follows:

16 Any copy of a criminal offender record, photograph, fingerprint, or  
17 other paper or document in the files of the section, including  
18 dependency record information, certified by the (~~chief~~) director of  
19 investigation or his or her designee to be a true and complete copy of  
20 the original or of information on file with the section, shall be  
21 admissible in evidence in any court of this state pursuant to the  
22 provisions of RCW 5.44.040.

23 **Sec. 312.** RCW 43.43.740 and 1989 c 334 s 10 are each amended to  
24 read as follows:

25 (1) It shall be the duty of the sheriff or director of public  
26 safety of every county, and the chief of police of every city or town,  
27 and of every chief officer of other law enforcement agencies duly  
28 operating within this state to furnish within seventy-two hours from  
29 the time of arrest to the section the required sets of fingerprints  
30 together with other identifying data as may be prescribed by the  
31 (~~chief~~) director of investigation, of any person lawfully arrested,  
32 fingerprinted, and photographed pursuant to RCW 43.43.735 (as  
33 recodified by this act).

34 (2) Law enforcement agencies may retain and file copies of the  
35 fingerprints, photographs, and other identifying data and information

1 obtained pursuant to RCW 43.43.735 (as recodified by this act). Said  
2 records shall remain in the possession of the law enforcement agency as  
3 part of the identification record and are not returnable to the  
4 subjects thereof.

5 (3) It shall be the duty of the court having jurisdiction over the  
6 dependency action to furnish dependency record information, obtained  
7 pursuant to RCW 43.43.735 (as recodified by this act), to the section  
8 within seven days, excluding Saturdays, Sundays, and holidays, from the  
9 date that the court enters a finding, pursuant to a dependency action  
10 brought under chapter 13.34 RCW, that a person over the age of  
11 eighteen, who is a party to the dependency action, has sexually abused  
12 or exploited or physically abused a child.

13 (4) The court having jurisdiction over the dependency or protection  
14 proceeding action may retain and file copies of the fingerprints,  
15 photographs, and other identifying data and information obtained  
16 pursuant to RCW 43.43.735 (as recodified by this act). These records  
17 shall remain in the possession of the court as part of the  
18 identification record and are not returnable to the subjects thereof.

19 (5) It shall be the duty of a court having jurisdiction over the  
20 protection proceeding to furnish protection proceeding record  
21 information, obtained under RCW 43.43.735 (as recodified by this act)  
22 to the section within seven days, excluding Saturdays, Sundays, and  
23 holidays, from the date that the court enters a final order pursuant to  
24 a protection proceeding brought under chapter 74.34 RCW, that a person  
25 over the age of eighteen, who is the respondent to the protection  
26 proceeding, has abused or financially exploited a vulnerable adult as  
27 that term is defined in RCW 43.43.830 (as recodified by this act).

28 (6) The section shall administer periodic compliance audits for the  
29 department of licensing and each court having jurisdiction over  
30 dependency and protection proceeding actions as defined in chapters  
31 13.34 and 74.34 RCW, respectively. Such audits shall ensure that all  
32 dependency record information regarding persons over the age of  
33 eighteen years has been furnished to the section as required in  
34 subsection (3) of this section.

35 **Sec. 313.** RCW 43.43.742 and 1987 c 450 s 4 are each amended to  
36 read as follows:

37 The (~~Washington state patrol~~) department shall adopt rules

1 concerning submission of fingerprints taken by local agencies after  
2 July 26, 1987, from persons for license application or other  
3 noncriminal purposes. The ((~~Washington state patrol~~)) department may  
4 charge fees for submission of fingerprints which will cover as nearly  
5 as practicable the direct and indirect costs to the ((~~Washington state~~  
6 ~~patrol~~)) department of processing such submission.

7 **Sec. 314.** RCW 43.43.745 and 1994 c 129 s 7 are each amended to  
8 read as follows:

9 (1) It shall be the duty of the sheriff or director of public  
10 safety of every county, of the chief of police of each city or town, or  
11 of every chief officer of other law enforcement agencies operating  
12 within this state, to record the fingerprints of all persons held in or  
13 remanded to their custody when convicted of any crime as provided for  
14 in RCW 43.43.735 (as recodified by this act) for which the penalty of  
15 imprisonment might be imposed and to disseminate and file such  
16 fingerprints in the same manner as those recorded upon arrest pursuant  
17 to RCW 43.43.735 and 43.43.740 (as recodified by this act).

18 (2) Every time the secretary authorizes a furlough as provided for  
19 in RCW 72.66.012 the department of corrections shall notify, thirty  
20 days prior to the beginning of such furlough, the sheriff or director  
21 of public safety of the county to which the prisoner is being  
22 furloughed, the nearest Washington ((~~state patrol~~)) bureau of  
23 investigation district facility in the county wherein the furloughed  
24 prisoner is to be residing, and other similar criminal justice agencies  
25 that the named prisoner has been granted a furlough, the place to which  
26 furloughed, and the dates and times during which the prisoner will be  
27 on furlough status. In the case of an emergency furlough the thirty-  
28 day time period shall not be required but notification shall be made as  
29 promptly as possible and before the prisoner is released on furlough.

30 (3) Disposition of the charge for which the arrest was made shall  
31 be reported to the section at whatever stage in the proceedings a final  
32 disposition occurs by the arresting law enforcement agency, county  
33 prosecutor, city attorney, or court having jurisdiction over the  
34 offense: PROVIDED, That the ((~~chief~~)) director shall ((~~promulgate~~))  
35 adopt rules pursuant to chapter 34.05 RCW to carry out the provisions  
36 of this subsection.

1 (4) Whenever a person serving a sentence for a term of confinement  
2 in a state correctional facility for convicted felons, pursuant to  
3 court commitment, is released on an order of the state indeterminate  
4 sentence review board, or is discharged from custody on expiration of  
5 sentence, the department of corrections shall promptly notify the  
6 sheriff or director of public safety, the nearest Washington (~~state~~  
7 ~~patrol~~) bureau of investigation district facility, and other similar  
8 criminal justice agencies that the named person has been released or  
9 discharged, the place to which such person has been released or  
10 discharged, and the conditions of his or her release or discharge.

11 Local law enforcement agencies shall require persons convicted of  
12 sex offenses to register pursuant to RCW 9A.44.130. In addition,  
13 nothing in this section shall be construed to prevent any local law  
14 enforcement authority from recording the residency and other  
15 information concerning any convicted felon or other person convicted of  
16 a criminal offense when such information is obtained from a source  
17 other than from registration pursuant to RCW 9A.44.130 which source may  
18 include any officer or other agency or subdivision of the state.

19 (5) The existence of the notice requirement in subsection (2) of  
20 this section will not require any extension of the release date in the  
21 event the release plan changes after notification.

22 **Sec. 315.** RCW 43.43.750 and 1972 ex.s. c 152 s 11 are each amended  
23 to read as follows:

24 In exercising their duties and authority under RCW 43.43.735 and  
25 43.43.740 (as recodified by this act), the sheriffs, directors of  
26 public safety, chiefs of police, and other chief law enforcement  
27 officers, may, consistent with constitutional and legal requirements,  
28 use such reasonable force as is necessary to compel an unwilling person  
29 to submit to being photographed, or fingerprinted, or to submit to any  
30 other identification procedure, except interrogation, which will result  
31 in obtaining physical evidence serving to identify such person. No one  
32 having the custody of any person subject to the identification  
33 procedures provided for in chapter 152, Laws of 1972 ex. sess., and no  
34 one acting in his aid or under his direction, and no one concerned in  
35 such publication as is provided for in RCW 43.43.740 (as recodified by  
36 this act), shall incur any liability, civil or criminal, for anything

1 lawfully done in the exercise of the provisions of chapter 152, Laws of  
2 1972 ex. sess.

3 **Sec. 316.** RCW 43.43.752 and 1989 c 350 s 2 are each amended to  
4 read as follows:

5 (1) To support criminal justice services in the local communities  
6 throughout this state, the (~~state patrol~~) bureau of investigation in  
7 consultation with the University of Washington school of medicine shall  
8 develop a plan for and establish a DNA identification system. In  
9 implementing the plan, the (~~state patrol~~) bureau of investigation  
10 shall purchase the appropriate equipment and supplies. The (~~state~~  
11 ~~patrol~~) bureau of investigation shall procure the most efficient  
12 equipment available.

13 (2) The DNA identification system as established shall be  
14 compatible with that (~~utilized~~) used by the federal bureau of  
15 investigation.

16 (~~((3) The state patrol and the University of Washington school of~~  
17 ~~medicine shall report on the DNA identification system to the~~  
18 ~~legislature no later than November 1, 1989. The report shall include~~  
19 ~~a timeline for implementing each stage, a local agency financial~~  
20 ~~participation analysis, a system analysis, a full cost/purchase~~  
21 ~~analysis, a vendor bid evaluation, and a space location analysis that~~  
22 ~~includes a site determination. The state patrol shall coordinate the~~  
23 ~~preparation of this report with the office of financial management.))~~)

24 **Sec. 317.** RCW 43.43.753 and 2002 c 289 s 1 are each amended to  
25 read as follows:

26 The legislature finds that recent developments in molecular biology  
27 and genetics have important applications for forensic science. It has  
28 been scientifically established that there is a unique pattern to the  
29 chemical structure of the deoxyribonucleic acid (DNA) contained in each  
30 cell of the human body. The process for identifying this pattern is  
31 called "DNA identification."

32 The legislature further finds that DNA data bases are important  
33 tools in criminal investigations, in the exclusion of individuals who  
34 are the subject of investigations or prosecutions, and in detecting  
35 recidivist acts. It is the policy of this state to assist federal,  
36 state, and local criminal justice and law enforcement agencies in both

1 the identification and detection of individuals in criminal  
2 investigations and the identification and location of missing and  
3 unidentified persons. Therefore, it is in the best interest of the  
4 state to establish a DNA data base and DNA data bank containing DNA  
5 samples submitted by persons convicted of felony offenses and DNA  
6 samples necessary for the identification of missing persons and  
7 unidentified human remains.

8 The legislature further finds that the DNA identification system  
9 used by the federal bureau of investigation and the Washington (~~state~~  
10 ~~patrol~~) bureau of investigation has no ability to predict genetic  
11 disease or predisposal to illness. Nonetheless, the legislature  
12 intends that biological samples collected under RCW 43.43.754 (as  
13 recodified by this act), and DNA identification data obtained from the  
14 samples, be used only for purposes related to criminal investigation,  
15 identification of human remains or missing persons, or improving the  
16 operation of the system authorized under RCW 43.43.752 through  
17 43.43.758 (as recodified by this act).

18 **Sec. 318.** RCW 43.43.7532 and 2002 c 289 s 5 are each amended to  
19 read as follows:

20 The state DNA data base account is created in the custody of the  
21 state treasurer. All receipts under RCW 43.43.7541 (as recodified by  
22 this act) must be deposited into the account. Expenditures from the  
23 account may be used only for creation, operation, and maintenance of  
24 the DNA data base under RCW 43.43.754 (as recodified by this act).  
25 Only the (~~chief of the Washington state patrol~~) director or the  
26 (~~chief's~~) director's designee may authorize expenditures from the  
27 account. The account is subject to allotment procedures under chapter  
28 43.88 RCW, but an appropriation is not required for expenditures.

29 **Sec. 319.** RCW 43.43.754 and 2002 c 289 s 2 are each amended to  
30 read as follows:

31 (1) Every adult or juvenile individual convicted of a felony,  
32 stalking under RCW 9A.46.110, harassment under RCW 9A.46.020,  
33 communicating with a minor for immoral purposes under RCW 9.68A.090, or  
34 adjudicated guilty of an equivalent juvenile offense must have a  
35 biological sample collected for purposes of DNA identification analysis  
36 in the following manner:

1 (a) For persons convicted of such offenses or adjudicated guilty of  
2 an equivalent juvenile offense who do not serve a term of confinement  
3 in a department of corrections facility, and do serve a term of  
4 confinement in a city or county jail facility, the city or county shall  
5 be responsible for obtaining the biological samples either as part of  
6 the intake process into the city or county jail or detention facility  
7 for those persons convicted on or after July 1, 2002, or within a  
8 reasonable time after July 1, 2002, for those persons incarcerated  
9 before July 1, 2002, who have not yet had a biological sample  
10 collected, beginning with those persons who will be released the  
11 soonest.

12 (b) For persons convicted of such offenses or adjudicated guilty of  
13 an equivalent juvenile offense who do not serve a term of confinement  
14 in a department of corrections facility, and do not serve a term of  
15 confinement in a city or county jail facility, the local police  
16 department or sheriff's office is responsible for obtaining the  
17 biological samples after sentencing on or after July 1, 2002.

18 (c) For persons convicted of such offenses or adjudicated guilty of  
19 an equivalent juvenile offense, who are serving or who are to serve a  
20 term of confinement in a department of corrections facility or a  
21 department of social and health services facility, the facility holding  
22 the person shall be responsible for obtaining the biological samples  
23 either as part of the intake process into such facility for those  
24 persons convicted on or after July 1, 2002, or within a reasonable time  
25 after July 1, 2002, for those persons incarcerated before July 1, 2002,  
26 who have not yet had a biological sample collected, beginning with  
27 those persons who will be released the soonest.

28 (2) Any biological sample taken pursuant to RCW 43.43.752 through  
29 43.43.758 (as recodified by this act) may be retained by the forensic  
30 laboratory services (~~((bureau))~~) division, and shall be used solely for  
31 the purpose of providing DNA or other tests for identification analysis  
32 and prosecution of a criminal offense or for the identification of  
33 human remains or missing persons. Nothing in this section prohibits  
34 the submission of results derived from the biological samples to the  
35 federal bureau of investigation combined DNA index system.

36 (3) The (~~((director of the))~~) forensic laboratory services (~~((bureau))~~)  
37 division of the Washington (~~((state patrol))~~) bureau of investigation  
38 shall perform testing on all biological samples collected under

1 subsection (1) of this section, to the extent allowed by funding  
2 available for this purpose. The (~~director~~) forensic laboratory  
3 services division shall give priority to testing on samples collected  
4 from those adults or juveniles convicted of a felony or adjudicated  
5 guilty of an equivalent juvenile offense that is defined as a sex  
6 offense or a violent offense in RCW 9.94A.030.

7 (4) This section applies to all adults who are convicted of a sex  
8 or violent offense after July 1, 1990; and to all adults who were  
9 convicted of a sex or violent offense on or prior to July 1, 1990, and  
10 who are still incarcerated on or after July 25, 1999. This section  
11 applies to all juveniles who are adjudicated guilty of a sex or violent  
12 offense after July 1, 1994; and to all juveniles who were adjudicated  
13 guilty of a sex or violent offense on or prior to July 1, 1994, and who  
14 are still incarcerated on or after July 25, 1999. This section applies  
15 to all adults and juveniles who are convicted of a felony other than a  
16 sex or violent offense, stalking under RCW 9A.46.110, harassment under  
17 RCW 9A.46.020, or communicating with a minor for immoral purposes under  
18 RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense,  
19 on or after July 1, 2002; and to all adults and juveniles who were  
20 convicted or adjudicated guilty of such an offense before July 1, 2002,  
21 and are still incarcerated on or after July 1, 2002.

22 (5) This section creates no rights in a third person. No cause of  
23 action may be brought based upon the noncollection or nonanalysis or  
24 the delayed collection or analysis of a biological sample authorized to  
25 be taken under RCW 43.43.752 through 43.43.758 (as recodified by this  
26 act).

27 (6) The detention, arrest, or conviction of a person based upon a  
28 data base match or data base information is not invalidated if it is  
29 determined that the sample was obtained or placed in the data base by  
30 mistake, or if the conviction or juvenile adjudication that resulted in  
31 the collection of the biological sample was subsequently vacated or  
32 otherwise altered in any future proceeding including but not limited to  
33 posttrial or postfact-finding motions, appeals, or collateral attacks.

34 **Sec. 320.** RCW 43.43.7541 and 2002 c 289 s 4 are each amended to  
35 read as follows:

36 Every sentence imposed under chapter 9.94A RCW, for a felony  
37 specified in RCW 43.43.754 (as recodified by this act) that is

1 committed on or after July 1, 2002, must include a fee of one hundred  
2 dollars for collection of a biological sample as required under RCW  
3 43.43.754 (as recodified by this act), unless the court finds that  
4 imposing the fee would result in undue hardship on the offender. The  
5 fee is a court-ordered legal financial obligation as defined in RCW  
6 9.94A.030, payable by the offender after payment of all other legal  
7 financial obligations included in the sentence has been completed. The  
8 clerk of the court shall transmit fees collected to the state treasurer  
9 for deposit in the state DNA data base account created under RCW  
10 43.43.7532 (as recodified by this act).

11 **Sec. 321.** RCW 43.43.756 and 1989 c 350 s 5 are each amended to  
12 read as follows:

13 The (~~state patrol~~) bureau of investigation in consultation with  
14 the University of Washington school of medicine may:

15 (1) Provide DNA analysis services to law enforcement agencies  
16 throughout the state after July 1, 1990;

17 (2) Provide assistance to law enforcement officials and prosecutors  
18 in the preparation and utilization of DNA evidence for presentation in  
19 court; and

20 (3) Provide expert testimony in court on DNA evidentiary issues.

21 **Sec. 322.** RCW 43.43.758 and 1990 c 230 s 2 are each amended to  
22 read as follows:

23 (1) Except as provided in subsection (2) of this section, no local  
24 law enforcement agency may establish or operate a DNA identification  
25 system before July 1, 1990, and unless:

26 (a) The equipment of the local system is compatible with that of  
27 the state system under RCW 43.43.752 (as recodified by this act);

28 (b) The local system is equipped to receive and answer inquiries  
29 from the Washington (~~state patrol~~) bureau of investigation DNA  
30 identification system and transmit data to the Washington (~~state  
31 patrol~~) bureau of investigation DNA identification system; and

32 (c) The procedure and rules for the collection, analysis, storage,  
33 expungement, and use of DNA identification data do not conflict with  
34 procedures and rules applicable to the (~~state patrol~~) bureau of  
35 investigation DNA identification system.

1 (2) Nothing in this section shall prohibit a local law enforcement  
2 agency from performing DNA identification analysis in individual cases  
3 to assist law enforcement officials and prosecutors in the preparation  
4 and use of DNA evidence for presentation in court.

5 **Sec. 323.** RCW 43.43.759 and 2002 c 289 s 3 are each amended to  
6 read as follows:

7 The (~~Washington state patrol~~) director shall consult with the  
8 forensic investigations council and adopt rules to implement RCW  
9 43.43.752 through 43.43.758 (as recodified by this act). The rules  
10 shall prohibit the use of DNA identification data for any research or  
11 other purpose that is not related to a criminal investigation, to the  
12 identification of human remains or missing persons, or to improving the  
13 operation of the system authorized by RCW 43.43.752 through 43.43.758  
14 (as recodified by this act). The rules must also identify appropriate  
15 sources and collection methods for biological samples needed for  
16 purposes of DNA identification analysis.

17 **Sec. 324.** RCW 43.43.760 and 2002 c 115 s 5 are each amended to  
18 read as follows:

19 (1) Whenever a resident of this state appears before any law  
20 enforcement agency and requests an impression of his or her  
21 fingerprints to be made, such agency may comply with his or her request  
22 and make the required copies of the impressions on forms marked  
23 "Personal Identification". The required copies shall be forwarded to  
24 the section and marked "for personal identification only".

25 The section shall accept and file such fingerprints submitted  
26 voluntarily by such resident, for the purpose of securing a more  
27 certain and easy identification in case of death, injury, loss of  
28 memory, or other similar circumstances. Upon the request of such  
29 person, the section shall return his or her identification data.

30 (2) Whenever a person claiming to be a victim of identity theft  
31 appears before any law enforcement agency and requests an impression of  
32 his or her fingerprints to be made, such agency may comply with this  
33 request and make the required copies of the impressions on forms marked  
34 "Personal Identification." The required copies shall be forwarded to  
35 the section and marked "for personal identification only."

1 The section shall accept and file such fingerprints submitted by  
2 such resident, for the purpose of securing a more certain and easy  
3 identification in cases of identity theft. The section shall provide  
4 a statement showing that the victim's impression of fingerprints has  
5 been accepted and filed with the section.

6 The statement provided to the victim shall state clearly in twelve-  
7 point print:

8 "The person holding this statement has claimed to be a victim of  
9 identity theft. Pursuant to chapter 9.35 RCW, a business is required  
10 by law to provide this victim with copies of all relevant application  
11 and transaction information related to the transaction being alleged as  
12 a potential or actual identity theft. A business must provide this  
13 information once the victim makes a request in writing, shows this  
14 statement, any government issued photo identification card, and a copy  
15 of a police report."

16 Upon the request of such person, the section shall return his or  
17 her identification data.

18 (3) Whenever any person is an applicant for appointment to any  
19 position or is an applicant for employment or is an applicant for a  
20 license to be issued by any governmental agency, and the law or a  
21 regulation of such governmental agency requires that the applicant be  
22 of good moral character or not have been convicted of a crime, or is an  
23 applicant for appointment to or employment with a criminal justice  
24 agency, or the department of social and health services, or is an  
25 applicant for the services of an international matchmaking  
26 organization, the applicant may request any law enforcement agency to  
27 make an impression of his or her fingerprints to be submitted to the  
28 section. The law enforcement agency may comply with such request and  
29 make copies of the impressions on forms marked "applicant", and submit  
30 such copies to the section.

31 The section shall accept such fingerprints and shall cause its  
32 files to be examined and shall promptly send to the appointing  
33 authority, employer, licensing authority, or international matchmaking  
34 organization indicated on the form of application, a transcript of the  
35 record of previous crimes committed by the person described on the data  
36 submitted, or a transcript of the dependency record information  
37 regarding the person described on the data submitted, or if there is no

1 record of his or her commission of any crimes, or if there is no  
2 dependency record information, a statement to that effect.

3 (4) The (~~Washington state patrol~~) department shall charge fees  
4 for processing of noncriminal justice system requests for criminal  
5 history record information pursuant to this section which will cover,  
6 as nearly as practicable, the direct and indirect costs to the  
7 (~~patrol~~) department of processing such requests.

8 Any law enforcement agency may charge a fee not to exceed five  
9 dollars for the purpose of taking fingerprint impressions or searching  
10 its files of identification for noncriminal purposes.

11 **Sec. 325.** RCW 43.43.765 and 1990 c 3 s 131 are each amended to  
12 read as follows:

13 The principal officers of the jails, correctional institutions,  
14 state mental institutions and all places of detention to which a person  
15 is committed under chapter 10.77 RCW, chapter 71.06 RCW, or chapter  
16 71.09 RCW for treatment or under a sentence of imprisonment for any  
17 crime as provided for in RCW 43.43.735 (as recodified by this act)  
18 shall within seventy-two hours, report to the section, any  
19 interinstitutional transfer, release or change of release status of any  
20 person held in custody pursuant to the rules promulgated by the chief.

21 The principal officers of all state mental institutions to which a  
22 person has been committed under chapter 10.77 RCW, chapter 71.06 RCW,  
23 or chapter 71.09 RCW shall keep a record of the photographs,  
24 description, fingerprints, and other identification data as may be  
25 obtainable from the appropriate criminal justice agency.

26 **Sec. 326.** RCW 43.43.815 and 1995 c 169 s 1 are each amended to  
27 read as follows:

28 (1) Notwithstanding any provision of RCW 43.43.700 through  
29 43.43.810 (as recodified by this act) to the contrary, the Washington  
30 (~~state patrol~~) bureau of investigation shall furnish a conviction  
31 record, as defined in RCW 10.97.030, pertaining to any person of whom  
32 the Washington (~~state patrol~~) bureau of investigation has a record  
33 upon the written or electronic request of any employer for the purpose  
34 of:

- 35 (a) Securing a bond required for any employment;

1 (b) Conducting preemployment and postemployment evaluations of  
2 employees and prospective employees who, in the course of employment,  
3 may have access to information affecting national security, trade  
4 secrets, confidential or proprietary business information, money, or  
5 items of value; or

6 (c) Assisting an investigation of suspected employee misconduct  
7 where such misconduct may also constitute a penal offense under the  
8 laws of the United States or any state.

9 (2) When an employer has received a conviction record under  
10 subsection (1) of this section, the employer shall notify the subject  
11 of the record of such receipt within thirty days after receipt of the  
12 record, or upon completion of an investigation under subsection (1)(c)  
13 of this section. The employer shall make the record available for  
14 examination by its subject and shall notify the subject of such  
15 availability.

16 (3) The (~~Washington state patrol~~) department shall charge fees  
17 for disseminating records pursuant to this section which will cover, as  
18 nearly as practicable, the direct and indirect costs to the  
19 (~~Washington state patrol~~) department of disseminating such records.

20 (4) Information disseminated pursuant to this section or RCW  
21 43.43.760 (as recodified by this act) shall be available only to  
22 persons involved in the hiring, background investigation, or job  
23 assignment of the person whose record is disseminated and shall be used  
24 only as necessary for those purposes enumerated in subsection (1) of  
25 this section.

26 (5) Any person may maintain an action to enjoin a continuance of  
27 any act or acts in violation of any of the provisions of this section,  
28 and if injured thereby, for the recovery of damages and for the  
29 recovery of reasonable attorneys' fees. If, in such action, the court  
30 finds that the defendant is violating or has violated any of the  
31 provisions of this section, it shall enjoin the defendant from a  
32 continuance thereof, and it shall not be necessary that actual damages  
33 to the plaintiff be alleged or proved. In addition to such injunctive  
34 relief, the plaintiff in the action is entitled to recover from the  
35 defendant the amount of the actual damages, if any, sustained by him if  
36 actual damages to the plaintiff are alleged and proved. In any suit  
37 brought to enjoin a violation of this chapter, the prevailing party may  
38 be awarded reasonable attorneys' fees, including fees incurred upon

1 appeal. Commencement, pendency, or conclusion of a civil action for  
2 injunction or damages shall not affect the liability of a person or  
3 agency to criminal prosecution for a violation of chapter 10.97 RCW.

4 (6) Neither the section, its employees, nor any other agency or  
5 employee of the state is liable for defamation, invasion of privacy,  
6 negligence, or any other claim in connection with any dissemination of  
7 information pursuant to this section or RCW 43.43.760 (as recodified by  
8 this act).

9 (7) The (~~Washington state patrol~~) department may adopt rules and  
10 forms to implement this section and to provide for security and privacy  
11 of information disseminated pursuant hereto, giving first priority to  
12 the criminal justice requirements of chapter (~~43.43~~) 43.--- RCW (the  
13 new chapter created in section 906 of this act). Such rules may  
14 include requirements for users, audits of users, and other procedures  
15 to prevent use of criminal history record information inconsistent with  
16 this section.

17 (8) Nothing in this section shall authorize an employer to make an  
18 inquiry not otherwise authorized by law, or be construed to affect the  
19 policy of the state declared in RCW 9.96A.010, encouraging the  
20 employment of ex-offenders.

21 **Sec. 327.** RCW 43.43.820 and 1972 ex.s. c 152 s 25 are each amended  
22 to read as follows:

23 Stale records shall be destroyed in a manner to be prescribed by  
24 the (~~chief~~) director.

25 **Sec. 328.** RCW 43.43.830 and 2005 c 421 s 1 are each amended to  
26 read as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout RCW 43.43.830 through 43.43.845 (as  
29 recodified by this act).

30 (1) "Applicant" means:

31 (a) Any prospective employee who will or may have unsupervised  
32 access to children under sixteen years of age or developmentally  
33 disabled persons or vulnerable adults during the course of his or her  
34 employment or involvement with the business or organization;

35 (b) Any prospective volunteer who will have regularly scheduled  
36 unsupervised access to children under sixteen years of age,

1 developmentally disabled persons, or vulnerable adults during the  
2 course of his or her employment or involvement with the business or  
3 organization under circumstances where such access will or may involve  
4 groups of (i) five or fewer children under twelve years of age, (ii)  
5 three or fewer children between twelve and sixteen years of age, (iii)  
6 developmentally disabled persons, or (iv) vulnerable adults;

7 (c) Any prospective adoptive parent, as defined in RCW 26.33.020;  
8 or

9 (d) Any prospective custodian in a nonparental custody proceeding  
10 under chapter 26.10 RCW.

11 (2) "Business or organization" means a business or organization  
12 licensed in this state, any agency of the state, or other governmental  
13 entity, that educates, trains, treats, supervises, houses, or provides  
14 recreation to developmentally disabled persons, vulnerable adults, or  
15 children under sixteen years of age, including but not limited to  
16 public housing authorities, school districts, and educational service  
17 districts.

18 (3) "Civil adjudication proceeding" is a judicial or administrative  
19 adjudicative proceeding that results in a finding of, or upholds an  
20 agency finding of, domestic violence, abuse, sexual abuse, neglect, or  
21 exploitation or financial exploitation of a child or vulnerable adult  
22 under chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under  
23 chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also  
24 includes judicial or administrative orders that become final due to the  
25 failure of the alleged perpetrator to timely exercise a right afforded  
26 to him or her to administratively challenge findings made by the  
27 department of social and health services or the department of health  
28 under chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under  
29 chapters 18.51 and 74.42 RCW.

30 (4) "Conviction record" means "conviction record" information as  
31 defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by  
32 either an adult or a juvenile. It does not include a conviction for an  
33 offense that has been the subject of an expungement, pardon, annulment,  
34 certificate of rehabilitation, or other equivalent procedure based on  
35 a finding of the rehabilitation of the person convicted, or a  
36 conviction that has been the subject of a pardon, annulment, or other  
37 equivalent procedure based on a finding of innocence. It does include

1 convictions for offenses for which the defendant received a deferred or  
2 suspended sentence, unless the record has been expunged according to  
3 law.

4 (5) "Crime against children or other persons" means a conviction of  
5 any of the following offenses: Aggravated murder; first or second  
6 degree murder; first or second degree kidnaping; first, second, or  
7 third degree assault; first, second, or third degree assault of a  
8 child; first, second, or third degree rape; first, second, or third  
9 degree rape of a child; first or second degree robbery; first degree  
10 arson; first degree burglary; first or second degree manslaughter;  
11 first or second degree extortion; indecent liberties; incest; vehicular  
12 homicide; first degree promoting prostitution; communication with a  
13 minor; unlawful imprisonment; simple assault; sexual exploitation of  
14 minors; first or second degree criminal mistreatment; endangerment with  
15 a controlled substance; ((child)) abuse or neglect as defined in RCW  
16 26.44.020; first or second degree custodial interference; first or  
17 second degree custodial sexual misconduct; malicious harassment; first,  
18 second, or third degree child molestation; first or second degree  
19 sexual misconduct with a minor; patronizing a juvenile prostitute;  
20 child abandonment; promoting pornography; selling or distributing  
21 erotic material to a minor; custodial assault; violation of child abuse  
22 restraining order; child buying or selling; prostitution; felony  
23 indecent exposure; criminal abandonment; or any of these crimes as they  
24 may be renamed in the future.

25 (6) "Crimes relating to drugs" means a conviction of a crime to  
26 manufacture, delivery, or possession with intent to manufacture or  
27 deliver a controlled substance.

28 (7) "Crimes relating to financial exploitation" means a conviction  
29 for first, second, or third degree extortion; first, second, or third  
30 degree theft; first or second degree robbery; forgery; or any of these  
31 crimes as they may be renamed in the future.

32 (8) "Unsupervised" means not in the presence of:

33 (a) Another employee or volunteer from the same business or  
34 organization as the applicant; or

35 (b) Any relative or guardian of any of the children or  
36 developmentally disabled persons or vulnerable adults to which the  
37 applicant has access during the course of his or her employment or  
38 involvement with the business or organization.

1 (9) "Vulnerable adult" means "vulnerable adult" as defined in  
2 chapter 74.34 RCW, except that for the purposes of requesting and  
3 receiving background checks pursuant to RCW 43.43.832 (as recodified by  
4 this act), it shall also include adults of any age who lack the  
5 functional, mental, or physical ability to care for themselves.

6 (10) "Financial exploitation" means "financial exploitation" as  
7 defined in RCW 74.34.020.

8 (11) "Agency" means any person, firm, partnership, association,  
9 corporation, or facility which receives, provides services to, houses  
10 or otherwise cares for vulnerable adults.

11 **Sec. 329.** RCW 43.43.832 and 2005 c 421 s 2 are each amended to  
12 read as follows:

13 (1) The legislature finds that businesses and organizations  
14 providing services to children, developmentally disabled persons, and  
15 vulnerable adults need adequate information to determine which  
16 employees or licensees to hire or engage. The legislature further  
17 finds that many developmentally disabled individuals and vulnerable  
18 adults desire to hire their own employees directly and also need  
19 adequate information to determine which employees or licensees to hire  
20 or engage. Therefore, the Washington (~~state patrol~~) bureau of  
21 investigation identification and criminal history section shall  
22 disclose, upon the request of a business or organization as defined in  
23 RCW 43.43.830 (as recodified by this act), a developmentally disabled  
24 person, or a vulnerable adult as defined in RCW 43.43.830 (as  
25 recodified by this act) or his or her guardian, an applicant's record  
26 for convictions as defined in chapter 10.97 RCW.

27 (2) The legislature also finds that the state board of education  
28 may request of the Washington (~~state patrol~~) bureau of investigation  
29 criminal identification system information regarding a certificate  
30 applicant's record for convictions under subsection (1) of this  
31 section.

32 (3) The legislature also finds that law enforcement agencies, the  
33 office of the attorney general, prosecuting authorities, and the  
34 department of social and health services may request this same  
35 information to aid in the investigation and prosecution of child,  
36 developmentally disabled person, and vulnerable adult abuse cases and  
37 to protect children and adults from further incidents of abuse.

1 (4) The legislature further finds that the secretary of the  
2 department of social and health services must establish rules and set  
3 standards to require specific action when considering the information  
4 listed in subsection (1) of this section, and when considering  
5 additional information including but not limited to civil adjudication  
6 proceedings as defined in RCW 43.43.830 (as recodified by this act) and  
7 any out-of-state equivalent, in the following circumstances:

8 (a) When considering persons for state employment in positions  
9 directly responsible for the supervision, care, or treatment of  
10 children, vulnerable adults, or individuals with mental illness or  
11 developmental disabilities;

12 (b) When considering persons for state positions involving  
13 unsupervised access to vulnerable adults to conduct comprehensive  
14 assessments, financial eligibility determinations, licensing and  
15 certification activities, investigations, surveys, or case management;  
16 or for state positions otherwise required by federal law to meet  
17 employment standards;

18 (c) When licensing agencies or facilities with individuals in  
19 positions directly responsible for the care, supervision, or treatment  
20 of children, developmentally disabled persons, or vulnerable adults,  
21 including but not limited to agencies or facilities licensed under  
22 chapter 74.15 or 18.51 RCW;

23 (d) When contracting with individuals or businesses or  
24 organizations for the care, supervision, case management, or treatment  
25 of children, developmentally disabled persons, or vulnerable adults,  
26 including but not limited to services contracted for under chapter  
27 18.20, (~~18.487~~) 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A  
28 RCW;

29 (e) When individual providers are paid by the state or providers  
30 are paid by home care agencies to provide in-home services involving  
31 unsupervised access to persons with physical, mental, or developmental  
32 disabilities or mental illness, or to vulnerable adults as defined in  
33 chapter 74.34 RCW, including but not limited to services provided under  
34 chapter 74.39 or 74.39A RCW.

35 (5) Whenever a state conviction record check is required by state  
36 law, persons may be employed or engaged as volunteers or independent  
37 contractors on a conditional basis pending completion of the state  
38 background investigation. Whenever a national criminal record check

1 through the federal bureau of investigation is required by state law,  
2 a person may be employed or engaged as a volunteer or independent  
3 contractor on a conditional basis pending completion of the national  
4 check. The Washington personnel resources board shall adopt rules to  
5 accomplish the purposes of this subsection as it applies to state  
6 employees.

7 (6)(a) For purposes of facilitating timely access to criminal  
8 background information and to reasonably minimize the number of  
9 requests made under this section, recognizing that certain health care  
10 providers change employment frequently, health care facilities may,  
11 upon request from another health care facility, share copies of  
12 completed criminal background inquiry information.

13 (b) Completed criminal background inquiry information may be shared  
14 by a willing health care facility only if the following conditions are  
15 satisfied: The licensed health care facility sharing the criminal  
16 background inquiry information is reasonably known to be the person's  
17 most recent employer, no more than twelve months has elapsed from the  
18 date the person was last employed at a licensed health care facility to  
19 the date of their current employment application, and the criminal  
20 background information is no more than two years old.

21 (c) If criminal background inquiry information is shared, the  
22 health care facility employing the subject of the inquiry must require  
23 the applicant to sign a disclosure statement indicating that there has  
24 been no conviction or finding as described in RCW 43.43.842 (as  
25 recodified by this act) since the completion date of the most recent  
26 criminal background inquiry.

27 (d) Any health care facility that knows or has reason to believe  
28 that an applicant has or may have a disqualifying conviction or finding  
29 as described in RCW 43.43.842 (as recodified by this act), subsequent  
30 to the completion date of their most recent criminal background  
31 inquiry, shall be prohibited from relying on the applicant's previous  
32 employer's criminal background inquiry information. A new criminal  
33 background inquiry shall be requested pursuant to RCW 43.43.830 through  
34 43.43.842 (as recodified by this act).

35 (e) Health care facilities that share criminal background inquiry  
36 information shall be immune from any claim of defamation, invasion of  
37 privacy, negligence, or any other claim in connection with any  
38 dissemination of this information in accordance with this subsection.

1 (f) Health care facilities shall transmit and receive the criminal  
2 background inquiry information in a manner that reasonably protects the  
3 subject's rights to privacy and confidentiality.

4 (g) For the purposes of this subsection, "health care facility"  
5 means a nursing home licensed under chapter 18.51 RCW, a boarding home  
6 licensed under chapter 18.20 RCW, or an adult family home licensed  
7 under chapter 70.128 RCW.

8 (7) If a federal bureau of investigation check is required in  
9 addition to the state background check by the department of social and  
10 health services, an applicant who is not disqualified based on the  
11 results of the state background check shall be eligible for a one  
12 hundred twenty day provisional approval to hire, pending the outcome of  
13 the federal bureau of investigation check. The department may extend  
14 the provisional approval until receipt of the federal bureau of  
15 investigation check. If the federal bureau of investigation check  
16 disqualifies an applicant, the department shall notify the requestor  
17 that the provisional approval to hire is withdrawn and the applicant  
18 may be terminated.

19 **Sec. 330.** RCW 43.43.8321 and 2005 c 421 s 10 are each amended to  
20 read as follows:

21 When the Washington (~~(state patrol)~~) bureau of investigation  
22 disseminates conviction record information in response to a request  
23 under RCW 43.43.832 (as recodified by this act), it shall clearly state  
24 that: (1) The conviction record data does not include information on  
25 civil adjudications, administrative findings, or disciplinary board  
26 final decisions and that all such information must be obtained from the  
27 courts and licensing agencies; (2) the conviction record that is being  
28 disseminated includes information for which a person is currently being  
29 processed by the criminal justice system relating to only crimes  
30 against a person as defined in RCW 9.94A.411 and that it does not  
31 include any other current or pending charge information for which a  
32 person could be in the current process of being processed by the  
33 criminal justice system; and (3) an arrest is not a conviction or a  
34 finding of guilt.

35 **Sec. 331.** RCW 43.43.834 and 2005 c 421 s 3 are each amended to  
36 read as follows:

1 (1) A business or organization shall not make an inquiry to the  
2 Washington (~~(state patrol)~~) bureau of investigation under RCW 43.43.832  
3 (as recodified by this act) or an equivalent inquiry to a federal law  
4 enforcement agency unless the business or organization has notified the  
5 applicant who may be offered a position as an employee or volunteer,  
6 that an inquiry may be made.

7 (2) A business or organization shall require each applicant to  
8 disclose to the business or organization whether the applicant:

9 (a) Has been convicted of a crime;

10 (b) Has had findings made against him or her in any civil  
11 (~~(adjudicative)~~) adjudication proceeding as defined in RCW 43.43.830  
12 (as recodified by this act); or

13 (c) Has both a conviction under (a) of this subsection and findings  
14 made against him or her under (b) of this subsection.

15 (3) The business or organization shall pay such reasonable fee for  
16 the records check as the state patrol may require under RCW 43.43.838  
17 (as recodified by this act).

18 (4) The business or organization shall notify the applicant of the  
19 state patrol's response within ten days after receipt by the business  
20 or organization. The employer shall provide a copy of the response to  
21 the applicant and shall notify the applicant of such availability.

22 (5) The business or organization shall use this record only in  
23 making the initial employment or engagement decision. Further  
24 dissemination or use of the record is prohibited, except as provided in  
25 RCW 28A.320.155. A business or organization violating this subsection  
26 is subject to a civil action for damages.

27 (6) An insurance company shall not require a business or  
28 organization to request background information on any employee before  
29 issuing a policy of insurance.

30 (7) The business and organization shall be immune from civil  
31 liability for failure to request background information on an applicant  
32 unless the failure to do so constitutes gross negligence.

33 **Sec. 332.** RCW 43.43.836 and 2005 c 421 s 4 are each amended to  
34 read as follows:

35 An individual may contact the (~~(state patrol)~~) Washington bureau of  
36 investigation to ascertain whether an individual has a conviction

1 record. The (~~state patrol~~) Washington bureau of investigation shall  
2 disclose such information, subject to the fee established under RCW  
3 43.43.838 (as recodified by this act).

4 **Sec. 333.** RCW 43.43.838 and 2005 c 421 s 5 are each amended to  
5 read as follows:

6 (1) After January 1, 1988, and notwithstanding any provision of RCW  
7 43.43.700 through 43.43.810 (as recodified by this act) to the  
8 contrary, the (~~state patrol~~) Washington bureau of investigation shall  
9 furnish a transcript of the conviction record pertaining to any person  
10 for whom the (~~state patrol~~) Washington bureau of investigation or the  
11 federal bureau of investigation has a record upon the written request  
12 of:

13 (a) The subject of the inquiry;

14 (b) Any business or organization for the purpose of conducting  
15 evaluations under RCW 43.43.832 (as recodified by this act);

16 (c) The department of social and health services;

17 (d) Any law enforcement agency, prosecuting authority, or the  
18 office of the attorney general; or

19 (e) The department of social and health services for the purpose of  
20 meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or  
21 72.23 RCW, or any later-enacted statute which purpose is to regulate or  
22 license a facility which handles vulnerable adults. However, access to  
23 conviction records pursuant to this subsection (1)(e) does not limit or  
24 restrict the ability of the department to obtain additional information  
25 regarding conviction records and pending charges as set forth in RCW  
26 74.15.030(2)(b).

27 (2) The (~~state patrol~~) department shall by rule establish fees  
28 for disseminating records under this section to recipients identified  
29 in subsection (1)(a) and (b) of this section. The (~~state patrol~~)  
30 department shall also by rule establish fees for disseminating records  
31 in the custody of the national crime information center. The revenue  
32 from the fees shall cover, as nearly as practicable, the direct and  
33 indirect costs to the (~~state patrol~~) department of disseminating the  
34 records. No fee shall be charged to a nonprofit organization for the  
35 records check. In the case of record checks using fingerprints  
36 requested by school districts and educational service districts, the  
37 (~~state patrol~~) department shall charge only for the incremental costs

1 associated with checking fingerprints in addition to name and date of  
2 birth. Record checks requested by school districts and educational  
3 service districts using only name and date of birth shall continue to  
4 be provided free of charge.

5 (3) No employee of the state, employee of a business or  
6 organization, or the business or organization is liable for defamation,  
7 invasion of privacy, negligence, or any other claim in connection with  
8 any lawful dissemination of information under RCW 43.43.830 through  
9 43.43.840 or 43.43.760 (as recodified by this act).

10 (4) ~~((Before July 26, 1987,))~~ The ~~((state patrol))~~ department shall  
11 adopt rules and forms to implement this section and to provide for  
12 security and privacy of information disseminated under this section,  
13 giving first priority to the criminal justice requirements of this  
14 chapter. The rules may include requirements for users, audits of  
15 users, and other procedures to prevent use of civil adjudication record  
16 information or criminal history record information inconsistent with  
17 this chapter.

18 (5) Nothing in RCW 43.43.830 through 43.43.840 (as recodified by  
19 this act) shall authorize an employer to make an inquiry not  
20 specifically authorized by this chapter, or be construed to affect the  
21 policy of the state declared in chapter 9.96A RCW.

22 **Sec. 334.** RCW 43.43.839 and 1995 c 169 s 2 are each amended to  
23 read as follows:

24 The fingerprint identification account is created in the custody of  
25 the state treasurer. All receipts from incremental charges of  
26 fingerprint checks requested for noncriminal justice purposes and  
27 electronic background requests shall be deposited in the account.  
28 Receipts for fingerprint checks by the federal bureau of investigation  
29 may also be deposited in the account. Expenditures from the account  
30 may be used only for the cost of record checks. Only the ~~((chief of~~  
31 ~~the state patrol))~~ director or the ~~((chief's))~~ director's designee may  
32 authorize expenditures from the account. The account is subject to  
33 allotment procedures under chapter 43.88 RCW. No appropriation is  
34 required for expenditures prior to July 1, 1997. After June 30, 1997,  
35 the account shall be subject to appropriation.

1       **Sec. 335.** RCW 43.43.842 and 1998 c 10 s 4 are each amended to read  
2 as follows:

3       (1)(a) The secretary of social and health services and the  
4 secretary of health shall adopt additional requirements for the  
5 licensure or relicensure of agencies, facilities, and licensed  
6 individuals who provide care and treatment to vulnerable adults,  
7 including nursing pools registered under chapter 18.52C RCW. These  
8 additional requirements shall ensure that any person associated with a  
9 licensed agency or facility having unsupervised access with a  
10 vulnerable adult shall not have been: (i) Convicted of a crime against  
11 persons as defined in RCW 43.43.830 (as recodified by this act), except  
12 as provided in this section; (ii) convicted of crimes relating to  
13 financial exploitation as defined in RCW 43.43.830 (as recodified by  
14 this act), except as provided in this section; (iii) found in any  
15 disciplinary board final decision to have abused a vulnerable adult  
16 under RCW 43.43.830 (as recodified by this act); or (iv) the subject in  
17 a protective proceeding under chapter 74.34 RCW.

18       (b) A person associated with a licensed agency or facility who has  
19 unsupervised access with a vulnerable adult shall make the disclosures  
20 specified in RCW 43.43.834(2) (as recodified by this act). The person  
21 shall make the disclosures in writing, sign, and swear to the contents  
22 under penalty of perjury. The person shall, in the disclosures,  
23 specify all crimes against children or other persons, all crimes  
24 relating to financial exploitation, and all crimes relating to drugs as  
25 defined in RCW 43.43.830 (as recodified by this act), committed by the  
26 person.

27       (2) The rules adopted under this section shall permit the licensee  
28 to consider the criminal history of an applicant for employment in a  
29 licensed facility when the applicant has one or more convictions for a  
30 past offense and:

31       (a) The offense was simple assault, assault in the fourth degree,  
32 or the same offense as it may be renamed, and three or more years have  
33 passed between the most recent conviction and the date of application  
34 for employment;

35       (b) The offense was prostitution, or the same offense as it may be  
36 renamed, and three or more years have passed between the most recent  
37 conviction and the date of application for employment;

1 (c) The offense was theft in the third degree, or the same offense  
2 as it may be renamed, and three or more years have passed between the  
3 most recent conviction and the date of application for employment;

4 (d) The offense was theft in the second degree, or the same offense  
5 as it may be renamed, and five or more years have passed between the  
6 most recent conviction and the date of application for employment;

7 (e) The offense was forgery, or the same offense as it may be  
8 renamed, and five or more years have passed between the most recent  
9 conviction and the date of application for employment.

10 The offenses set forth in (a) through (e) of this subsection do not  
11 automatically disqualify an applicant from employment by a licensee.  
12 Nothing in this section may be construed to require the employment of  
13 any person against a licensee's judgment.

14 (3) In consultation with law enforcement personnel, the secretary  
15 of social and health services and the secretary of health shall  
16 investigate, or cause to be investigated, the conviction record and the  
17 protection proceeding record information under this chapter of the  
18 staff of each agency or facility under their respective jurisdictions  
19 seeking licensure or relicensure. An individual responding to a  
20 criminal background inquiry request from his or her employer or  
21 potential employer shall disclose the information about his or her  
22 criminal history under penalty of perjury. The secretaries shall use  
23 the information solely for the purpose of determining eligibility for  
24 licensure or relicensure. Criminal justice agencies shall provide the  
25 secretaries such information as they may have and that the secretaries  
26 may require for such purpose.

27 **Sec. 336.** RCW 43.43.845 and 2005 c 421 s 7 and 2005 c 237 s 1 are  
28 each reenacted and amended to read as follows:

29 (1) Upon a guilty plea or conviction of a person of any felony  
30 crime involving the physical neglect of a child under chapter 9A.42  
31 RCW, the physical injury or death of a child under chapter 9A.32 or  
32 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW),  
33 sexual exploitation of a child under chapter 9.68A RCW, sexual offenses  
34 under chapter 9A.44 RCW, promoting prostitution of a minor under  
35 chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW  
36 9A.64.030, the prosecuting attorney shall notify the (~~state patrol~~)  
37 Washington bureau of investigation of such guilty pleas or convictions.

1           (2) When the (~~state patrol~~) Washington bureau of investigation  
2 receives information that a person has pled guilty to or been convicted  
3 of one of the felony crimes under subsection (1) of this section, the  
4 (~~state patrol~~) Washington bureau of investigation shall transmit that  
5 information to the superintendent of public instruction. It shall be  
6 the duty of the superintendent of public instruction to identify  
7 whether the person holds a certificate or permit issued under chapters  
8 28A.405 and 28A.410 RCW or is employed by a school district, and  
9 provide this information to the state board of education and the school  
10 district employing the individual who pled guilty or was convicted of  
11 the crimes identified in subsection (1) of this section.

12           **Sec. 337.** RCW 43.43.854 and 1973 1st ex.s. c 202 s 3 are each  
13 amended to read as follows:

14           The Washington bureau of investigation's criminal investigation  
15 division shall include an organized crime intelligence unit. The  
16 organized crime intelligence unit shall collect, evaluate, collate, and  
17 analyze data and specific investigative information concerning the  
18 existence, structure, activities and operations of organized crime and  
19 the participants involved therein; coordinate such intelligence data  
20 into a centralized system of intelligence information; furnish and  
21 exchange pertinent intelligence data with law enforcement agencies and  
22 prosecutors with such security and confidentiality as the (~~chief of~~  
23 ~~the Washington state patrol~~) director of investigation may determine;  
24 develop intelligence data concerning the infiltration of organized  
25 crime into legitimate businesses within the state of Washington and  
26 furnish pertinent intelligence information thereon to law enforcement  
27 agencies and prosecutors in affected jurisdictions; and may assist law  
28 enforcement agencies and prosecutors in developing evidence for  
29 purposes of criminal prosecution of organized crime activities (~~upon~~  
30 ~~request~~)).

31           **Sec. 338.** RCW 43.43.856 and 2005 c 274 s 298 are each amended to  
32 read as follows:

33           (1)(a) On and after April 26, 1973, it shall be unlawful for any  
34 person to divulge specific investigative information pertaining to  
35 activities related to organized crime which he or she has obtained by

1 reason of public employment with the state of Washington or its  
2 political subdivisions unless such person is authorized or required to  
3 do so by operation of state or federal law.

4 (b) Any person violating (a) of this subsection is guilty of a  
5 class B felony punishable according to chapter 9A.20 RCW.

6 (2) Except as provided in RCW 43.43.854 (as recodified by this  
7 act), or pursuant to the rules of the supreme court of Washington, all  
8 of the information and data collected and processed by the organized  
9 crime intelligence unit shall be confidential and not subject to  
10 examination or publication pursuant to chapter 42.56 RCW.

11 (3) The (~~chief of the Washington state patrol~~) director or the  
12 director's designee shall prescribe such standards and procedures  
13 relating to the security of the records and files of the organized  
14 crime intelligence unit, as he or she deems to be in the public  
15 interest with the advice of the governor and the board.

16 **Sec. 339.** RCW 43.43.858 and 2000 c 38 s 1 are each amended to read  
17 as follows:

18 There is hereby created the organized crime advisory board of the  
19 state of Washington. The board shall consist of fourteen voting and  
20 two nonvoting members.

21 The lieutenant governor shall appoint four members of the senate to  
22 the board, no more than two of whom shall be from the same political  
23 party.

24 The governor shall appoint six members to the board. Two members  
25 shall be county prosecuting attorneys and shall be appointed from a  
26 list of four county prosecutors agreed upon and submitted to the  
27 governor by the elected county prosecutors. One member shall be a  
28 municipal police chief, and one member shall be a county sheriff, both  
29 of whom shall be appointed from a list of three police chiefs and three  
30 sheriffs agreed upon and submitted to the governor by the association  
31 of sheriffs and police chiefs (RCW 36.28A.010). One member shall be a  
32 retired judge of a court of record. One member shall be the secretary  
33 of corrections or the secretary's designee.

34 The United States attorneys for the western and eastern districts  
35 of Washington shall be requested to serve on the board as nonvoting  
36 members and shall not be eligible to serve as chairperson.

1 The speaker of the house shall appoint four members of the house of  
2 representatives to the board, no more than two of whom shall be from  
3 the same political party.

4 The members of the board shall be qualified on the basis of  
5 knowledge and experience in matters relating to crime prevention and  
6 security or with such other abilities as may be expected to contribute  
7 to the effective performance of the board's duties. The members of the  
8 board shall meet with the (~~chief of the Washington state patrol~~)  
9 director of investigation at least four times a year to perform the  
10 duties enumerated in RCW 43.43.862 (as recodified by this act) and to  
11 discuss any other matters related to organized crime. Additional  
12 meetings of the board may be convened at the call of the chairperson or  
13 by a majority of the members. The board shall elect its own  
14 chairperson from among its members. Legislative members shall receive  
15 reimbursement for travel expenses incurred in the performance of their  
16 duties in accordance with RCW 44.04.120, and the other members in  
17 accordance with RCW 43.03.050 and 43.03.060.

18 **Sec. 340.** RCW 43.43.862 and 1973 1st ex.s. c 202 s 7 are each  
19 amended to read as follows:

20 The board shall:

21 (1) Advise the governor on the objectives, conduct, management, and  
22 coordination of the various activities encompassing the overall  
23 statewide organized crime intelligence effort;

24 (2) Conduct a continuing review and assessment of organized crime  
25 and related activities in which the organized crime intelligence unit  
26 of the Washington (~~state patrol~~) bureau of investigation is engaged;

27 (3) Receive, consider and take appropriate action with respect to  
28 matters related to the board by the organized crime intelligence unit  
29 of the Washington (~~state patrol~~) bureau of investigation in which the  
30 support of the board will further the effectiveness of the statewide  
31 organized crime intelligence effort; and

32 (4) Report to the governor concerning the board's findings and  
33 appraisals, and make appropriate recommendations for actions to achieve  
34 increased effectiveness of the state's organized crime intelligence  
35 effort in meeting state and national organized crime intelligence  
36 needs.



1 is to enhance the capacity of all local jurisdictions to assure that  
2 their personnel with fire suppression, prevention, inspection, origin  
3 and cause, and arson investigation responsibilities are adequately  
4 trained to discharge their responsibilities. It is the intent of the  
5 legislature to consolidate fire protection services into a single state  
6 agency and to create a state board with the responsibility of (1)  
7 establishing a comprehensive state policy regarding fire protection  
8 services and (2) advising the (~~chief of the Washington state patrol~~)  
9 director and the director of fire protection on matters relating to  
10 their duties under state law. It is also the intent of the legislature  
11 that the fire protection services program created herein will assist  
12 local fire protection agencies in program development without  
13 encroaching upon their historic autonomy. It is the further intent of  
14 the legislature that the fire protection services program be  
15 implemented incrementally to assure a smooth transition, to build  
16 local, regional, and state capacity, and to avoid undue burdens on  
17 jurisdictions with limited resources.

18 **Sec. 402.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to  
19 read as follows:

20 Except for matters relating to the statutory duties of the (~~chief  
21 of the Washington state patrol~~) director that are to be carried out  
22 through the director of fire protection, the board shall have the  
23 responsibility of developing a comprehensive state policy regarding  
24 fire protection services. In carrying out its duties, the board shall:

25 (1)(a) Adopt a state fire training and education master plan that  
26 allows to the maximum feasible extent for negotiated agreements: (i)  
27 With the state board for community and technical colleges to provide  
28 academic, vocational, and field training programs for the fire service  
29 and (ii) with the higher education coordinating board and the state  
30 colleges and universities to provide instructional programs requiring  
31 advanced training, especially in command and management skills;

32 (b) Adopt minimum standards for each level of responsibility among  
33 personnel with fire suppression, prevention, inspection, and  
34 investigation responsibilities that assure continuing assessment of  
35 skills and are flexible enough to meet emerging technologies. With  
36 particular respect to training for fire investigations, the master plan

1 shall encourage cross training in appropriate law enforcement skills.  
2 To meet special local needs, fire agencies may adopt more stringent  
3 requirements than those adopted by the state;

4 (c) Cooperate with the common schools, technical and community  
5 colleges, institutions of higher education, and any department or  
6 division of the state, or of any county or municipal corporation in  
7 establishing and maintaining instruction in fire service training and  
8 education in accordance with any act of congress and legislation  
9 enacted by the legislature in pursuance thereof and in establishing,  
10 building, and operating training and education facilities.

11 Industrial fire departments and private fire investigators may  
12 participate in training and education programs under this chapter for  
13 a reasonable fee established by rule;

14 (d) Develop and adopt a master plan for constructing, equipping,  
15 maintaining, and operating necessary fire service training and  
16 education facilities subject to the provisions of chapter 43.19 RCW;

17 (e) Develop and adopt a master plan for the purchase, lease, or  
18 other acquisition of real estate necessary for fire service training  
19 and education facilities in a manner provided by law; and

20 (f) Develop and adopt a plan with a goal of providing fire fighter  
21 one and wildland training, as defined by the board, to all fire  
22 fighters in the state. Wildland training reimbursement will be  
23 provided if a fire protection district or a city fire department has  
24 and is fulfilling their interior attack policy or if they do not have  
25 an interior attack policy. The plan will include a reimbursement for  
26 fire protection districts and city fire departments of not less than  
27 three dollars for every hour of fire fighter one or wildland training.  
28 The (~~Washington state patrol~~) department shall not provide  
29 reimbursement for more than two hundred hours of fire fighter one or  
30 wildland training for each fire fighter trained.

31 (2) In addition to its responsibilities for fire service training,  
32 the board shall:

33 (a) Adopt a state fire protection master plan;

34 (b) Monitor fire protection in the state and develop objectives and  
35 priorities to improve fire protection for the state's citizens  
36 including: (i) The comprehensiveness of state and local inspections  
37 required by law for fire and life safety; (ii) the level of skills and

1 training of inspectors, as well as needs for additional training; and  
2 (iii) the efforts of local, regional, and state inspection agencies to  
3 improve coordination and reduce duplication among inspection efforts;

4 (c) Establish and promote state arson control programs and ensure  
5 development of local arson control programs;

6 (d) Provide representation for local fire protection services to  
7 the governor in state-level fire protection planning matters such as,  
8 but not limited to, hazardous materials control;

9 (e) Recommend to the adjutant general rules on minimum information  
10 requirements of automatic location identification for the purposes of  
11 enhanced 911 emergency service;

12 (f) Seek and solicit grants, gifts, bequests, devises, and matching  
13 funds for use in furthering the objectives and duties of the board, and  
14 establish procedures for administering them;

15 (g) Promote mutual aid and disaster planning for fire services in  
16 this state;

17 (h) Assure the dissemination of information concerning the amount  
18 of fire damage including that damage caused by arson, and its causes  
19 and prevention; and

20 (i) Implement any legislation enacted by the legislature to meet  
21 the requirements of any acts of congress that apply to this section.

22 (3) In carrying out its statutory duties, the board shall give  
23 particular consideration to the appropriate roles to be played by the  
24 state and by local jurisdictions with fire protection responsibilities.  
25 Any determinations on the division of responsibility shall be made in  
26 consultation with local fire officials and their representatives.

27 To the extent possible, the board shall encourage development of  
28 regional units along compatible geographic, population, economic, and  
29 fire risk dimensions. Such regional units may serve to: (a) Reinforce  
30 coordination among state and local activities in fire service training,  
31 reporting, inspections, and investigations; (b) identify areas of  
32 special need, particularly in smaller jurisdictions with inadequate  
33 resources; (c) assist the state in its oversight responsibilities; (d)  
34 identify funding needs and options at both the state and local levels;  
35 and (e) provide models for building local capacity in fire protection  
36 programs.

1           **Sec. 403.** RCW 43.43.936 and 1995 c 369 s 17 are each amended to  
2 read as follows:

3           In regards to the statutory duties of the (~~chief of the Washington~~  
4 ~~state patrol~~) director that are to be carried out through the director  
5 of fire protection, the board shall serve in an advisory capacity in  
6 order to enhance the continuity of state fire protection services. In  
7 this capacity, the board shall:

8           (1) Advise the (~~chief of the Washington state patrol~~) director  
9 and the director of fire protection on matters pertaining to their  
10 duties under law; and

11           (2) Advise the (~~chief of the Washington state patrol~~) director  
12 and the director of fire protection on all budgeting and fiscal matters  
13 pertaining to the duties of the director of fire protection and the  
14 board.

15           **Sec. 404.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to  
16 read as follows:

17           (1) Wherever the term state fire marshal appears in the Revised  
18 Code of Washington or the Washington Administrative Code it shall mean  
19 the director of fire protection.

20           (2) The (~~chief of the Washington state patrol~~) director shall  
21 appoint an officer who shall be known as the director of fire  
22 protection. The board, after consulting with the (~~chief of the~~  
23 ~~Washington state patrol~~) director, shall prescribe qualifications for  
24 the position of director of fire protection. The board shall submit to  
25 the (~~chief of the Washington state patrol~~) director a list containing  
26 the names of three persons whom the board believes meet its  
27 qualifications. If requested by the (~~chief of the Washington state~~  
28 ~~patrol~~) director, the board shall submit one additional list of three  
29 persons whom the board believes meet its qualifications. The  
30 appointment shall be from one of the lists of persons submitted by the  
31 board.

32           (3) The director of fire protection may designate one or more  
33 deputies and may delegate to those deputies his or her duties and  
34 authorities as deemed appropriate.

35           (4) The director of fire protection, in accordance with the  
36 policies, objectives, and priorities of the fire protection policy

1 board, shall prepare a biennial budget pertaining to fire protection  
2 services. Such biennial budget shall be submitted as part of the  
3 (~~Washington state patrol's~~) department's budget request.

4 (5) The director of fire protection, shall implement and  
5 administer, within constraints established by budgeted resources, the  
6 policies, objectives, and priorities of the board and all duties of the  
7 (~~chief of the Washington state patrol~~) director that are to be  
8 carried out through the director of fire protection. Such  
9 administration shall include negotiation of agreements with the state  
10 board for community and technical colleges, the higher education  
11 coordinating board, and the state colleges and universities as provided  
12 in RCW (~~43.63A.320~~) 43.43.934 (as recodified by this act). Programs  
13 covered by such agreements shall include, but not be limited to,  
14 planning curricula, developing and delivering instructional programs  
15 and materials, and using existing instructional personnel and  
16 facilities. Where appropriate, such contracts shall also include  
17 planning and conducting instructional programs at the state fire  
18 service training center.

19 (6) The (~~chief of the Washington state patrol~~) director, through  
20 the director of fire protection, shall seek the advice of the board in  
21 carrying out his or her duties under law.

22 **Sec. 405.** RCW 43.43.940 and 1995 c 369 s 19 are each amended to  
23 read as follows:

24 The (~~Washington state patrol~~) department may accept any and all  
25 donations, grants, bequests, and devises, conditional or otherwise, or  
26 money, property, service, or other things of value which may be  
27 received from the United States or any agency thereof, any governmental  
28 agency, any institution, person, firm, or corporation, public and  
29 private, to be held, used, or applied for the purposes of the fire  
30 service training program established in RCW 43.43.934 (as recodified by  
31 this act).

32 **Sec. 406.** RCW 43.43.942 and 1995 c 369 s 20 are each amended to  
33 read as follows:

34 The (~~Washington state patrol~~) department may: (1) Impose and  
35 collect fees for fire service training; and (2) establish and set fee  
36 schedules for fire service training.

1       **Sec. 407.** RCW 43.43.944 and 2005 c 518 s 929 are each amended to  
2 read as follows:

3       (1) The fire service training account is hereby established in the  
4 state treasury. The fund shall consist of:

5       (a) All fees received by the (~~Washington state patrol~~) department  
6 for fire service training;

7       (b) All grants and bequests accepted by the (~~Washington state~~  
8 ~~patrol~~) department under RCW 43.43.940 (as recodified by this act);  
9 and

10       (c) Twenty percent of all moneys received by the state on fire  
11 insurance premiums.

12       (2) Moneys in the account may be appropriated only for fire service  
13 training. During the 2005-2007 fiscal biennium, the legislature may  
14 appropriate funds from this account for school fire prevention  
15 activities within the (~~Washington state patrol~~) department.

16       **Sec. 408.** RCW 43.43.946 and 1991 c 135 s 2 are each amended to  
17 read as follows:

18       The fire services trust fund is created in the state treasury. All  
19 receipts designated by the legislature shall be deposited in the fund.  
20 Appropriations from the fund may be made exclusively for the purposes  
21 specified in RCW (~~43.63A.377~~) 43.43.948 (as recodified by this act).

22       **Sec. 409.** RCW 43.43.948 and 1995 c 369 s 22 are each amended to  
23 read as follows:

24       Money from the fire services trust fund may be expended for the  
25 following purposes:

26       (1) Training of fire service personnel, including both classroom  
27 and hands-on training at the state fire training center or other  
28 locations approved by the (~~chief of the Washington state patrol~~)  
29 director through the director of fire protection services;

30       (2) Maintenance and operation at the state's fire training center  
31 near North Bend. If in the future the state builds or leases other  
32 facilities as other fire training centers, a portion of these moneys  
33 may be used for the maintenance and operation at these centers;

34       (3) Lease or purchase of equipment for use in the provisions of  
35 training to fire service personnel;

1 (4) Grants or subsidies to local jurisdictions to allow them to  
2 perform their functions under this section;

3 (5) Costs of administering these programs under this section;

4 (6) Licensing and enforcement of state laws governing the sales of  
5 fireworks; and

6 (7) Development with the legal fireworks industry and funding of a  
7 statewide public education program for fireworks safety.

8 **Sec. 410.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to  
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this subchapter.

12 (1) (~~("Chief" means the chief of the Washington state patrol.~~  
13 ~~(2))~~) "State fire marshal" means the director of fire protection in  
14 the (~~(Washington state patrol)~~) department.

15 (~~(3)~~) (2) "Fire chief" includes the chief officer of a  
16 statutorily authorized fire agency, or the fire chief's authorized  
17 representative. Also included are the department of natural resources  
18 fire control chief, and the department of natural resources regional  
19 managers.

20 (~~(4)~~) (3) "Jurisdiction" means state, county, city, fire  
21 district, or port district fire fighting units, or other units covered  
22 by this chapter.

23 (~~(5)~~) (4) "Mobilization" means that fire fighting resources  
24 beyond those available through existing agreements will be requested  
25 and, when available, sent in response to an emergency or disaster  
26 situation that has exceeded the capabilities of available local  
27 resources. During a large scale emergency, mobilization includes the  
28 redistribution of regional or statewide fire fighting resources to  
29 either direct emergency incident assignments or to assignment in  
30 communities where fire fighting resources are needed.

31 When mobilization is declared and authorized as provided in this  
32 chapter, all fire fighting resources including those of the host fire  
33 protection authorities, i.e. incident jurisdiction, shall be deemed as  
34 mobilized under this chapter, including those that responded earlier  
35 under existing mutual aid or other agreement. All nonhost fire  
36 protection authorities providing fire fighting resources in response to

1 a mobilization declaration shall be eligible for expense reimbursement  
2 as provided by this chapter from the time of the mobilization  
3 declaration.

4 This chapter shall not reduce or suspend the authority or  
5 responsibility of the department of natural resources under chapter  
6 76.04 RCW.

7 ~~((6))~~ (5) "Mutual aid" means emergency interagency assistance  
8 provided without compensation under an agreement between jurisdictions  
9 under chapter 39.34 RCW.

10 **Sec. 411.** RCW 43.43.961 and 2003 c 405 s 2 are each amended to  
11 read as follows:

12 Because of the possibility of the occurrence of disastrous fires or  
13 other disasters of unprecedented size and destructiveness, the need to  
14 insure that the state is adequately prepared to respond to such a fire  
15 or disaster, the need to establish a mechanism and a procedure to  
16 provide for reimbursement to state agencies and local fire fighting  
17 agencies that respond to help others in time of need or to a host fire  
18 district that experiences expenses beyond the resources of the fire  
19 district, and generally to protect the public peace, health, safety,  
20 lives, and property of the people of Washington, it is hereby declared  
21 necessary to:

22 (1) Provide the policy and organizational structure for large scale  
23 mobilization of fire fighting resources in the state through creation  
24 of the Washington state fire services mobilization plan;

25 (2) Confer upon the ~~((chief))~~ director the powers provided  
26 ~~((herein))~~ in this chapter;

27 (3) Provide a means for reimbursement to state agencies and local  
28 fire jurisdictions that incur expenses when mobilized by the ~~((chief))~~  
29 director under the Washington state fire services mobilization plan;  
30 and

31 (4) Provide for reimbursement of the host fire department or fire  
32 protection district when it has: (a) Exhausted all of its resources;  
33 and (b) invoked its local mutual aid network and exhausted those  
34 resources. Upon implementation of state fire mobilization, the host  
35 district resources shall become state fire mobilization resources  
36 consistent with the fire mobilization plan.

1       It is the intent of the legislature that mutual aid and other  
2 interlocal agreements providing for enhanced emergency response be  
3 encouraged as essential to the public peace, safety, health, and  
4 welfare, and for the protection of the lives and property of the people  
5 of the state of Washington. If possible, mutual aid agreements should  
6 be without stated limitations as to resources available, time, or area.  
7 Nothing in this chapter shall be construed or interpreted to limit the  
8 eligibility of any nonhost fire protection authority for reimbursement  
9 of expenses incurred in providing fire fighting resources for  
10 mobilization.

11       **Sec. 412.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to  
12 read as follows:

13       The state fire protection policy board shall review and make  
14 recommendations to the ((chief)) director on the refinement and  
15 maintenance of the Washington state fire services mobilization plan,  
16 which shall include the procedures to be used during fire and other  
17 emergencies for coordinating local, regional, and state fire  
18 jurisdiction resources. In carrying out this duty, the fire protection  
19 policy board shall consult with and solicit recommendations from  
20 representatives of state and local fire and emergency management  
21 organizations, regional fire defense boards, and the department of  
22 natural resources. The Washington state fire services mobilization  
23 plan shall be consistent with, and made part of, the Washington state  
24 comprehensive emergency management plan. The ((chief)) director shall  
25 review the fire services mobilization plan as submitted by the fire  
26 protection policy board, recommend changes that may be necessary, and  
27 approve the fire services mobilization plan for inclusion within the  
28 state comprehensive emergency management plan.

29       It is the responsibility of the ((chief)) director to mobilize  
30 jurisdictions under the Washington state fire services mobilization  
31 plan. The ((state fire marshal)) director of fire protection shall  
32 serve as the state fire resources coordinator when the Washington state  
33 fire services mobilization plan is mobilized.

34       **Sec. 413.** RCW 43.43.963 and 1997 c 49 s 11 are each amended to  
35 read as follows:

1 Regions within the state are initially established as follows but  
2 may be adjusted as necessary by the (~~state fire marshal~~) director of  
3 fire protection:

4 (1) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and  
5 Island counties;

6 (2) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille,  
7 Spokane, and Lincoln counties;

8 (3) Olympic region - Clallam and Jefferson counties;

9 (4) South Puget Sound region - Kitsap, Mason, King, and Pierce  
10 counties;

11 (5) Southeast region - Chelan, Douglas, Kittitas, Grant, Adams,  
12 Whitman, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia,  
13 Garfield, and Asotin counties;

14 (6) Central region - Grays Harbor, Thurston, Pacific, and Lewis  
15 counties; and

16 (7) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania  
17 counties.

18 Within each of these regions there is created a regional fire  
19 defense board. The regional fire defense boards shall consist of two  
20 members from each county in the region. One member from each county  
21 shall be appointed by the county fire chiefs' association or, in the  
22 event there is no such county association, by the county's legislative  
23 authority. Each county's office of emergency management or, in the  
24 event there is no such office, the county's legislative authority shall  
25 select the second representative to the regional board. The department  
26 of natural resources fire control chief shall appoint a representative  
27 from each department of natural resources region to serve as a member  
28 of the appropriate regional fire defense board. Members of each  
29 regional board will select a chairperson and secretary as officers.  
30 Members serving on the regional boards do so in a voluntary capacity  
31 and are not eligible for reimbursement for meeting-related expenses  
32 from the state.

33 Regional defense boards shall develop regional fire service plans  
34 that include provisions for organized fire agencies to respond across  
35 municipal, county, or regional boundaries. Each regional plan shall be  
36 consistent with the incident command system, the Washington state fire  
37 services mobilization plan, and regional response plans already adopted  
38 and in use in the state. The regional boards shall work with the

1 relevant local government entities to facilitate development of  
2 intergovernmental agreements if any such agreements are required to  
3 implement a regional fire service plan. Each regional plan shall be  
4 approved by the fire protection policy board before implementation.

5 **Sec. 414.** RCW 43.43.964 and 2003 c 405 s 4 are each amended to  
6 read as follows:

7 The (~~Washington state patrol~~) department in consultation with the  
8 office of financial management and the Washington military department  
9 shall develop procedures to facilitate reimbursement to state agencies  
10 and jurisdictions from appropriate federal and state funds when state  
11 agencies and jurisdictions are mobilized by the (~~chief~~) director  
12 under the Washington state fire services mobilization plan. The  
13 (~~Washington state patrol~~) department shall ensure that these  
14 procedures provide reimbursement to the host district in as timely a  
15 manner as possible.

16 **PART 5**  
17 **WASHINGTON STATE PATROL**

18 **Sec. 501.** RCW 43.43.035 and 1991 c 63 s 1 are each amended to read  
19 as follows:

20 The chief of the Washington state patrol (~~is directed to~~) shall  
21 provide security and protection for the governor, the governor's  
22 family, and the lieutenant governor to the extent and in the manner the  
23 governor and the chief (~~of the Washington state patrol~~) deem adequate  
24 and appropriate.

25 In the same manner, the chief (~~of the Washington state patrol is~~  
26 ~~directed to~~) shall provide security and protection for the governor-  
27 elect from the time of the November election.

28 The chief of the Washington state patrol shall provide such  
29 security and protection for both houses of the legislative building  
30 while in session as in the opinion of the speaker of the house and the  
31 president of the senate may be necessary therefor upon the advice of  
32 the respective sergeant-at-arms of each legislative body.

33 **Sec. 502.** RCW 43.43.111 and 2005 c 27 s 2 are each amended to read  
34 as follows:

1 To ensure transparency, integrity, and credibility during  
2 Washington state patrol vehicle accident investigations, the ((agency))  
3 department will continue to review and reform the agency policies and  
4 procedures regarding ((Washington state patrol)) officers ((that)) who  
5 are involved in vehicle accidents. The ((agency)) department shall  
6 develop agency policies and include as part of the terms of ((their))  
7 its collective bargaining agreements a progressive corrective process  
8 addressing ((Washington state patrol)) officer vehicle accidents that  
9 may include retraining in vehicle handling, wage or benefit reductions,  
10 and termination of employment. The ((agency)) department shall develop  
11 a process for tracking accidents and an accident review process.  
12 Annually, a collision data report must be produced designating each  
13 accident during the year as minor or severe and any resulting  
14 disciplinary actions and be available for review by the legislature.  
15 The ((agency)) department shall implement communication procedures for  
16 the victims involved in the accidents from the time the accident occurs  
17 until the investigative process has been concluded. The policies must  
18 also provide for outside supervision of accident investigations by a  
19 qualified independent agency under certain circumstances.

20 ~~((Before the legislative committee assembly in September 2005, the  
21 Washington state patrol shall have an outside entity that has a  
22 reputation for and has proven experience in law enforcement management  
23 and reviewing law enforcement and criminal justice policies and  
24 procedures review the agency's proposed law enforcement vehicle  
25 accident policies and procedures where a law enforcement officer is  
26 involved. The agency will present the proposed policies and procedures  
27 to the legislature and finalize the policies and procedures based on  
28 input from the legislature. The Washington state patrol shall report  
29 to the house and senate transportation committees by November 30, 2005,  
30 on the updated policies, processes, and procedures. Once the policies  
31 and procedures are completed, other law enforcement agencies may adopt  
32 the policies and procedures for their agencies.))~~

33 **Sec. 503.** RCW 43.43.112 and 2005 c 124 s 1 are each amended to  
34 read as follows:

35 ~~((Washington state patrol))~~ Officers may engage in private law  
36 enforcement off-duty employment, in uniform or in plainclothes for  
37 private benefit, subject to guidelines adopted by the director, in

1 consultation with the chief (~~(of the Washington state patrol)~~). These  
2 guidelines must ensure that the integrity and professionalism of the  
3 Washington state patrol is preserved. Use of Washington state patrol  
4 officer's uniforms shall be considered de minimis use of state  
5 property.

6 **Sec. 504.** RCW 43.43.340 and 1985 c 365 s 6 are each amended to  
7 read as follows:

8 (1) The names of all officers who have passed examinations  
9 satisfactorily shall be placed on an eligible list in the order of the  
10 grade attained in the examinations. The chief, or the committee  
11 mentioned in RCW 43.43.330 (as recodified by this act) at the chief's  
12 request, may determine the lowest examination grade which will qualify  
13 an officer for inclusion of his or her name on an eligible list.  
14 Examination papers shall be graded promptly and an eligible list shall  
15 be made up immediately thereafter. All officers taking an examination  
16 shall be informed of the grade earned.

17 (2) After an eligible list is made up all promotions shall be made  
18 from the five top names on the applicable list, and if needed to comply  
19 with affirmative action goals three additional names referred under  
20 subsection (3) of this section. Not all three additional names need be  
21 promoted at the time they are referred and they may be referred more  
22 than once. Each officer shall be informed in writing as his or her  
23 name is included in the top five on an eligible list or referred under  
24 subsection (3) of this section. No officer whose name appears within  
25 the top five on any eligible list shall be passed over for promotion  
26 more than three times.

27 (3) If the vacancy to be filled is identified as part of the state  
28 patrol's affirmative action goals as established under its affirmative  
29 action plan, the chief may refer for consideration up to three  
30 additional names per vacancy of individuals who are on the eligible  
31 list and who are members of one or more of the protected groups under  
32 Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, or for  
33 federal contract compliance purposes, veterans and disabled veterans as  
34 defined in the Vietnam Era Veterans Readjustment Act of 1974, Title 41  
35 C.F.R., chapter 60, part 60-250.

36 The three additional names referred for each vacancy shall be the  
37 top three members of the protected groups designated by the chief for

1 referral for that vacancy in accordance with the state patrol's  
2 affirmative action goals. These names shall be drawn in rank order  
3 from the remaining names of protected group members on the eligible  
4 list, after ranking by examination grade. For each vacancy, a total of  
5 three supplementary names may be referred.

6 (4) After having qualified for promotion hereunder an officer must  
7 pass a medical examination and must be certified as to physical fitness  
8 to perform the duties of the advanced position by one of three doctors  
9 designated by the chief of the Washington state patrol.

10 (5) The state patrol shall consult with the human rights commission  
11 in the development of rules pertaining to affirmative action. The  
12 state patrol shall transmit a report annually to the human rights  
13 commission which states the progress the state patrol has made in  
14 meeting affirmative action goals and timetables.

15 **PART 6**

16 **RETIREMENT PROVISIONS**

17 **Sec. 601.** RCW 43.43.040 and 1998 c 194 s 1 are each amended to  
18 read as follows:

19 (1) The (~~chief of the Washington state patrol~~) director of public  
20 safety shall relieve from active duty Washington state patrol officers  
21 or commissioned agents who, while in the performance of their official  
22 duties, or while on standby or available for duty, have been or  
23 hereafter may be injured or incapacitated to such an extent as to be  
24 mentally or physically incapable of active service: PROVIDED, That:

25 (a) Any officer or commissioned agent disabled while performing  
26 line duty who is found by the (~~chief~~) director of public safety to be  
27 physically incapacitated shall be placed on disability leave for a  
28 period not to exceed six months from the date of injury or the date  
29 incapacitated. During this period, the officer or commissioned agent  
30 shall be entitled to all pay, benefits, insurance, leave, and  
31 retirement contributions awarded to an officer or commissioned agent on  
32 active status, less any compensation received through the department of  
33 labor and industries. No such disability leave shall be approved until  
34 an officer or commissioned agent has been unavailable for duty for more  
35 than forty consecutive work hours. Prior to the end of the six-month

1 period, the ((ehief)) director of public safety shall either place the  
2 officer or commissioned agent on disability status or return the  
3 officer or commissioned agent to active status.

4 For the purposes of this section, "line duty" is active service  
5 which encompasses the traffic law enforcement duties and/or other law  
6 enforcement responsibilities of the state patrol or Washington bureau  
7 of investigation. These activities encompass all enforcement practices  
8 of the laws, accident and criminal investigations, or actions requiring  
9 physical exertion or exposure to hazardous elements.

10 The ((ehief)) director of public safety shall define by rule the  
11 situations where a disability has occurred during line duty;

12 (b) Benefits under this section for a disability that is incurred  
13 while in other employment will be reduced by any amount the officer or  
14 commissioned agent receives or is entitled to receive from workers'  
15 compensation, social security, group insurance, other pension plan, or  
16 any other similar source provided by another employer on account of the  
17 same disability;

18 (c) An officer or commissioned agent injured while engaged in  
19 willfully tortious or criminal conduct shall not be entitled to  
20 disability benefits under this section; and

21 (d) Should a disability beneficiary whose disability was not  
22 incurred in line of duty, prior to attaining age fifty, engage in a  
23 gainful occupation, the ((ehief)) director of public safety shall  
24 reduce the amount of ((his)) the beneficiary's retirement allowance to  
25 an amount which when added to the compensation earned by ((him)) the  
26 beneficiary in such occupation shall not exceed the basic salary  
27 currently being paid for the rank the retired officer or commissioned  
28 agent held at the time he or she was disabled. All such disability  
29 beneficiaries under age fifty shall file with the ((ehief)) director of  
30 public safety every six months a signed and sworn statement of earnings  
31 and any person who shall knowingly swear falsely on such statement  
32 shall be subject to prosecution for perjury. Should the earning  
33 capacity of such beneficiary be further altered, the chief may further  
34 alter his disability retirement allowance as indicated above. The  
35 failure of any officer to file the required statement of earnings shall  
36 be cause for cancellation of retirement benefits.

37 (2) Officers or commissioned agents on disability status shall  
38 receive one-half of their compensation at the existing wage, during the

1 time the disability continues in effect, less any compensation received  
2 through the department of labor and industries. They shall be subject  
3 to mental or physical examination at any state institution or otherwise  
4 under the direction of the (~~chief of the patrol~~) director of public  
5 safety at any time during such relief from duty to ascertain whether or  
6 not they are able to resume active duty.

7 **Sec. 602.** RCW 43.43.120 and 2001 c 329 s 3 are each amended to  
8 read as follows:

9 (~~As used in the following sections, unless a different meaning is~~  
10 ~~plainly required by the context:~~) The definitions in this section  
11 apply throughout this chapter, unless the context clearly requires  
12 otherwise.

13 (1) "Retirement system" means the Washington state patrol  
14 retirement system.

15 (2) "Retirement fund" means the Washington state patrol retirement  
16 fund.

17 (3) "State treasurer" means the treasurer of the state of  
18 Washington.

19 (4) "Member" means any person included in the membership of the  
20 retirement fund.

21 (5) "Employee" means any commissioned employee of the Washington  
22 state patrol or commissioned agent.

23 (6)(a) "Cadet," for a person who became a member of the retirement  
24 system after June 12, 1980, is a person who has passed the Washington  
25 state patrol's entry-level oral, written, physical performance, and  
26 background examinations and is, thereby, appointed by the (~~chief~~)  
27 director of public safety as a candidate to be a commissioned officer  
28 of the Washington state patrol.

29 (b) "Cadet," for a person who became a member of the retirement  
30 system before June 12, 1980, is a trooper cadet, patrol cadet, or  
31 employee of like classification, employed for the express purpose of  
32 receiving the on-the-job training required for attendance at the state  
33 patrol academy and for becoming a commissioned trooper. "Like  
34 classification" includes: Radio operators or dispatchers; persons  
35 providing security for the governor or legislature; patrolmen; drivers'  
36 license examiners; weighmasters; vehicle safety inspectors; central  
37 wireless operators; and warehousemen.

1 (7) "Beneficiary" means any person in receipt of retirement  
2 allowance or any other benefit allowed by this chapter.

3 (8) "Regular interest" means interest compounded annually at such  
4 rates as may be determined by the director.

5 (~~(9) ("Retirement board" means the board provided for in this~~  
6 ~~chapter.~~

7 ~~(10))~~ "Insurance commissioner" means the insurance commissioner of  
8 the state of Washington.

9 ~~((11))~~ (10) "Lieutenant governor" means the lieutenant governor  
10 of the state of Washington.

11 ~~((12))~~ (11) "Service" shall mean services rendered to the state  
12 of Washington or any political subdivisions thereof for which  
13 compensation has been paid. Full time employment for seventy or more  
14 hours in any given calendar month shall constitute one month of  
15 service. An employee who is reinstated in accordance with RCW  
16 43.43.110 (as recodified by this act) shall suffer no loss of service  
17 for the period reinstated subject to the contribution requirements of  
18 this chapter. Only months of service shall be counted in the  
19 computation of any retirement allowance or other benefit provided for  
20 herein. Years of service shall be determined by dividing the total  
21 number of months of service by twelve. Any fraction of a year of  
22 service as so determined shall be taken into account in the computation  
23 of such retirement allowance or benefit.

24 ~~((13))~~ (12) "Prior service" shall mean all services rendered by  
25 a member to the state of Washington, or any of its political  
26 subdivisions prior to August 1, 1947, unless such service has been  
27 credited in another public retirement or pension system operating in  
28 the state of Washington.

29 ~~((14))~~ (13) "Current service" shall mean all service as a member  
30 rendered on or after August 1, 1947.

31 ~~((15))~~ (14)(a) "Average final salary," for members commissioned  
32 prior to January 1, 2003, shall mean the average monthly salary  
33 received by a member during the member's last two years of service or  
34 any consecutive two-year period of service, whichever is the greater,  
35 as an employee of the Washington state patrol; or if the member has  
36 less than two years of service, then the average monthly salary  
37 received by the member during the member's total years of service.

1 (b) "Average final salary," for members commissioned on or after  
2 January 1, 2003, shall mean the average monthly salary received by a  
3 member for the highest consecutive sixty service credit months; or if  
4 the member has less than sixty months of service, then the average  
5 monthly salary received by the member during the member's total months  
6 of service.

7 ~~((16))~~ (15) "Actuarial equivalent" shall mean a benefit of equal  
8 value when computed upon the basis of such mortality table as may be  
9 adopted and such interest rate as may be determined by the director.

10 ~~((17))~~ (16) Unless the context expressly indicates otherwise,  
11 words importing the masculine gender shall be extended to include the  
12 feminine gender and words importing the feminine gender shall be  
13 extended to include the masculine gender.

14 ~~((18))~~ (17) "Director" means the director of the department of  
15 retirement systems.

16 ~~((19))~~ (18) "Department" means the department of retirement  
17 systems created in chapter 41.50 RCW.

18 ~~((20))~~ (19) "State actuary" or "actuary" means the person  
19 appointed pursuant to RCW 44.44.010(2).

20 ~~((21))~~ (20) "Contributions" means the deduction from the  
21 compensation of each member in accordance with the contribution rates  
22 established under chapter 41.45 RCW.

23 ~~((22))~~ (21) "Annual increase" means as of July 1, 1999, seventy-  
24 seven cents per month per year of service which amount shall be  
25 increased each subsequent July 1st by three percent, rounded to the  
26 nearest cent.

27 ~~((23))~~ (22)(a) "Salary," for members commissioned prior to July  
28 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040,  
29 or any voluntary overtime, earned on or after July 1, 2001.

30 (b) "Salary," for members commissioned on or after July 1, 2001,  
31 shall exclude any overtime earnings related to RCW 47.46.040 or any  
32 voluntary overtime, lump sum payments for deferred annual sick leave,  
33 unused accumulated vacation, unused accumulated annual leave, holiday  
34 pay, or any form of severance pay.

35 ~~((24))~~ (23) "Plan 2" means the Washington state patrol retirement  
36 system plan 2, providing the benefits and funding provisions covering  
37 commissioned employees who first become members of the system on or  
38 after January 1, 2003.

1        (24) "Commissioned agent" means a commissioned agent of the  
2 Washington bureau of investigation.

3        **Sec. 603.** RCW 43.43.130 and 1994 c 197 s 33 are each amended to  
4 read as follows:

5        (1) A Washington state patrol retirement fund is hereby established  
6 for members of the Washington state patrol and commissioned agents  
7 which shall include funds created and placed under the management of  
8 (~~a retirement board~~) the director for the payment of retirement  
9 allowances and other benefits under the provisions hereof.

10        (2) Any employee of the Washington state patrol or the Washington  
11 bureau of investigation, upon date of commissioning, shall be eligible  
12 to participate in the retirement plan and shall start contributing to  
13 the fund immediately. Any employee of the Washington state patrol  
14 employed by the state of Washington or any of its political  
15 subdivisions prior to August 1, 1947, unless such service has been  
16 credited in another public retirement or pension system operating in  
17 the state of Washington shall receive full credit for such prior  
18 service but after that date each new commissioned employee must  
19 automatically participate in the fund. If a member shall terminate  
20 service in the patrol and later reenter, he shall be treated in all  
21 respects as a new employee.

22        (3)(a) A member who reenters or has reentered service within ten  
23 years from the date of his termination, shall upon completion of six  
24 months of continuous service and upon the restoration of all withdrawn  
25 contributions, plus interest as determined by the director, which  
26 restoration must be completed within five years after resumption of  
27 service, be returned to the status of membership he earned at the time  
28 of termination.

29        (b) A member who does not meet the time limitations for restoration  
30 under (a) of this subsection, may restore the service credit destroyed  
31 by the withdrawn contributions by paying the amount required under RCW  
32 41.50.165(2) prior to retirement.

33        (4)(a) An employee of the Washington state patrol who becomes a  
34 member of the retirement system after June 12, 1980, and who has  
35 service as a cadet in the patrol training program may make an  
36 irrevocable election to transfer the service to the retirement system.  
37 Any member upon making such election shall have transferred all

1 existing service credited in a prior public retirement system in this  
2 state for periods of employment as a cadet. Transfer of credit under  
3 this subsection is contingent on completion of the transfer of funds  
4 specified in (b) of this subsection.

5 (b) Within sixty days of notification of a member's cadet service  
6 transfer as provided in (a) of this subsection, the department of  
7 retirement systems shall transfer the employee's accumulated  
8 contributions attributable to the periods of service as a cadet,  
9 including accumulated interest.

10 (5) A member of the retirement system who has served or shall serve  
11 on active federal service in the armed forces of the United States  
12 pursuant to and by reason of orders by competent federal authority, who  
13 left or shall leave the Washington state patrol or the Washington  
14 bureau of investigation to enter such service, and who within one year  
15 from termination of such active federal service, resumes employment as  
16 a state employee, shall have his service in such armed forces credited  
17 to him as a member of the retirement system: PROVIDED, That no such  
18 service in excess of five years shall be credited unless such service  
19 was actually rendered during time of war or emergency.

20 (6) An active employee of the Washington state patrol who either  
21 became a member of the retirement system prior to June 12, 1980, and  
22 who has prior service as a cadet in the public employees' retirement  
23 system may make an irrevocable election to transfer such service to the  
24 retirement system within a period ending June 30, 1985, or, if not an  
25 active employee on July 1, 1983, within one year of returning to  
26 commissioned service, whichever date is later. Any member upon making  
27 such election shall have transferred all existing service credited in  
28 the public employees' retirement system which constituted service as a  
29 cadet together with the employee's contributions plus credited  
30 interest. If the employee has withdrawn the employee's contributions,  
31 the contributions must be restored to the public employees' retirement  
32 system before the transfer of credit can occur and such restoration  
33 must be completed within the time limits specified in this subsection  
34 for making the elective transfer.

35 (7) An active employee of the Washington state patrol who either  
36 became a member of the retirement system prior to June 12, 1980, or who  
37 has prior service as a cadet in the public employees' retirement system  
38 may make an irrevocable election to transfer such service to the

1 retirement system if they have not met the time limitations of  
2 subsection (6) of this section by paying the amount required under RCW  
3 41.50.165(2) less the contributions transferred. Any member upon  
4 making such election shall have transferred all existing service  
5 credited in the public employees' retirement system that constituted  
6 service as a cadet together with the employee's contributions plus  
7 credited interest. If the employee has withdrawn the employee's  
8 contributions, the contributions must be restored to the public  
9 employees' retirement system before the transfer of credit can occur  
10 and such restoration must be completed within the time limits specified  
11 in subsection (6) of this section for making the elective transfer.

12 (8) An active employee of the Washington state patrol or the  
13 Washington bureau of investigation may establish up to six months'  
14 retirement service credit in the state patrol retirement system for any  
15 period of employment by the Washington state patrol or the Washington  
16 bureau of investigation as a cadet if service credit for such  
17 employment was not previously established in the public employees'  
18 retirement system, subject to the following:

19 (a) Certification by the (~~patrol~~) director of public safety that  
20 such employment as a cadet was for the express purpose of receiving on-  
21 the-job training required for attendance at the state patrol academy  
22 and for becoming a commissioned trooper or commissioned agent.

23 (b) Payment by the member of employee contributions in the amount  
24 of seven percent of the total salary paid for each month of service to  
25 be established, plus interest at seven percent from the date of the  
26 probationary service to the date of payment. This payment shall be  
27 made by the member no later than July 1, 1988.

28 (c) If the payment required under (b) of this subsection was not  
29 made by July 1, 1988, the member may establish the probationary service  
30 by paying the amount required under RCW 41.50.165(2).

31 (d) A written waiver by the member of the member's right to ever  
32 establish the same service in the public employees' retirement system  
33 at any time in the future.

34 (9) The department of retirement systems shall make the requested  
35 transfer subject to the conditions specified in subsections (6) and (7)  
36 of this section or establish additional credit as provided in  
37 subsection (8) of this section. Employee contributions and credited

1 interest transferred shall be credited to the employee's account in the  
2 Washington state patrol retirement system.

3 **Sec. 604.** RCW 43.43.139 and 1997 c 123 s 1 are each amended to  
4 read as follows:

5 Any member of the retirement system who, on or after January 1,  
6 1995, is on leave of absence for the purpose of serving as a state  
7 legislator, may elect to continue to be a member of this retirement  
8 system. The member shall continue to receive service credit subject to  
9 the following:

10 (1) The member will not receive more than one month's service  
11 credit in a calendar month;

12 (2) Employer contributions shall be paid by the legislature;

13 (3) Contributions shall be based on the regular compensation which  
14 the member would have received had such a member not served in the  
15 legislature;

16 (4) The service and compensation credit under this section shall be  
17 granted only for periods during which the legislature is in session;  
18 and

19 (5) No service credit for service as a legislator will be allowed  
20 after a member separates from employment with the Washington state  
21 patrol or the Washington bureau of investigation.

22 **Sec. 605.** RCW 43.43.165 and 1965 c 8 s 43.43.165 are each amended  
23 to read as follows:

24 Contributions may be received by the (~~Washington state patrol~~  
25 ~~retirement board~~) director from any public or private source for  
26 deposit into the Washington state patrol retirement fund, and said  
27 contributions shall be dealt with in the same manner as other state  
28 patrol retirement funds and subject to the terms of the contribution.

29 **Sec. 606.** RCW 43.43.220 and 1989 c 273 s 25 are each amended to  
30 read as follows:

31 The Washington state patrol retirement fund shall be the fund from  
32 which shall be paid all retirement allowances or benefits in lieu  
33 thereof which are payable as provided herein. The expenses of  
34 operating the retirement system shall be paid from appropriations made

1 for the operation of the (~~Washington state patrol~~) department of  
2 public safety.

3 **Sec. 607.** RCW 43.43.260 and 2005 c 64 s 10 are each amended to  
4 read as follows:

5 Upon retirement from service as provided in RCW 43.43.250 (as  
6 recodified by this act), a member shall be granted a retirement  
7 allowance which shall consist of:

8 (1) A prior service allowance which shall be equal to two percent  
9 of the member's average final salary multiplied by the number of years  
10 of prior service rendered by the member.

11 (2) A current service allowance which shall be equal to two percent  
12 of the member's average final salary multiplied by the number of years  
13 of service rendered while a member of the retirement system.

14 (3)(a) Any member commissioned prior to January 1, 2003, with  
15 twenty-five years service in the Washington state patrol or the  
16 Washington bureau of investigation may have the member's service in the  
17 uniformed services credited as a member whether or not the individual  
18 left the employ of the Washington state patrol or the Washington bureau  
19 of investigation to enter such uniformed services: PROVIDED, That in  
20 no instance shall military service in excess of five years be credited:  
21 AND PROVIDED FURTHER, That in each instance, a member must restore all  
22 withdrawn accumulated contributions, which restoration must be  
23 completed on the date of the member's retirement, or as provided under  
24 RCW 43.43.130 (as recodified by this act), whichever occurs first: AND  
25 PROVIDED FURTHER, That this section shall not apply to any individual,  
26 not a veteran within the meaning of RCW 41.06.150.

27 (b) A member who leaves the Washington state patrol or the  
28 Washington bureau of investigation to enter the uniformed services of  
29 the United States shall be entitled to retirement system service credit  
30 for up to five years of military service. This subsection shall be  
31 administered in a manner consistent with the requirements of the  
32 federal uniformed services employment and reemployment rights act.

33 (i) The member qualifies for service credit under this subsection  
34 if:

35 (A) Within ninety days of the member's honorable discharge from the  
36 uniformed services of the United States, the member applies for

1 reemployment with the employer who employed the member immediately  
2 prior to the member entering the uniformed services; and

3 (B) The member makes the employee contributions required under RCW  
4 41.45.0631 and 41.45.067 within five years of resumption of service or  
5 prior to retirement, whichever comes sooner; or

6 (C) Prior to retirement and not within ninety days of the member's  
7 honorable discharge or five years of resumption of service the member  
8 pays the amount required under RCW 41.50.165(2).

9 (ii) Upon receipt of member contributions under (b)(i)(B),  
10 (b)(iv)(C), and (b)(v)(C) of this subsection, the department shall  
11 establish the member's service credit and shall bill the employer for  
12 its contribution required under RCW 41.45.060 for the period of  
13 military service, plus interest as determined by the department.

14 (iii) The contributions required under (b)(i)(B), (b)(iv)(C), and  
15 (b)(v)(C) of this subsection shall be based on the compensation the  
16 member would have earned if not on leave, or if that cannot be  
17 estimated with reasonable certainty, the compensation reported for the  
18 member in the year prior to when the member went on military leave.

19 (iv) The surviving spouse or eligible child or children of a member  
20 who left the employ of an employer to enter the uniformed services of  
21 the United States and died while serving in the uniformed services may,  
22 on behalf of the deceased member, apply for retirement system service  
23 credit under this subsection up to the date of the member's death in  
24 the uniformed services. The department shall establish the deceased  
25 member's service credit if the surviving spouse or eligible child or  
26 children:

27 (A) Provides to the director proof of the member's death while  
28 serving in the uniformed services;

29 (B) Provides to the director proof of the member's honorable  
30 service in the uniformed services prior to the date of death; and

31 (C) If the member was commissioned on or after January 1, 2003,  
32 pays the employee contributions required under chapter 41.45 RCW within  
33 five years of the date of death or prior to the distribution of any  
34 benefit, whichever comes first.

35 (v) A member who leaves the employ of an employer to enter the  
36 uniformed services of the United States and becomes totally  
37 incapacitated for continued employment by an employer while serving in

1 the uniformed services is entitled to retirement system service credit  
2 under this subsection up to the date of discharge from the uniformed  
3 services if:

4 (A) The member obtains a determination from the director that he or  
5 she is totally incapacitated for continued employment due to conditions  
6 or events that occurred while serving in the uniformed services;

7 (B) The member provides to the director proof of honorable  
8 discharge from the uniformed services; and

9 (C) If the member was commissioned on or after January 1, 2003, the  
10 member pays the employee contributions required under chapter 41.45 RCW  
11 within five years of the director's determination of total disability  
12 or prior to the distribution of any benefit, whichever comes first.

13 (4) In no event shall the total retirement benefits from  
14 subsections (1), (2), and (3) of this section, of any member exceed  
15 seventy-five percent of the member's average final salary.

16 (5) Beginning July 1, 2001, and every year thereafter, the  
17 department shall determine the following information for each retired  
18 member or beneficiary whose retirement allowance has been in effect for  
19 at least one year:

20 (a) The original dollar amount of the retirement allowance;

21 (b) The index for the calendar year prior to the effective date of  
22 the retirement allowance, to be known as "index A";

23 (c) The index for the calendar year prior to the date of  
24 determination, to be known as "index B"; and

25 (d) The ratio obtained when index B is divided by index A.

26 The value of the ratio obtained shall be the annual adjustment to  
27 the original retirement allowance and shall be applied beginning with  
28 the July payment. In no event, however, shall the annual adjustment:

29 (i) Produce a retirement allowance which is lower than the original  
30 retirement allowance;

31 (ii) Exceed three percent in the initial annual adjustment; or

32 (iii) Differ from the previous year's annual adjustment by more  
33 than three percent.

34 For the purposes of this section, "index" means, for any calendar  
35 year, that year's average consumer price index for the Seattle-Tacoma-  
36 Bremerton Washington area for urban wage earners and clerical workers,  
37 all items, compiled by the bureau of labor statistics, United States  
38 department of labor.

1       The provisions of this section shall apply to all members presently  
2 retired and to all members who shall retire in the future.

3       **Sec. 608.** RCW 43.43.270 and 2002 c 158 s 15 are each amended to  
4 read as follows:

5       For members commissioned prior to January 1, 2003:

6       (1) The normal form of retirement allowance shall be an allowance  
7 which shall continue as long as the member lives.

8       (2) If a member should die while in service the member's lawful  
9 spouse shall be paid an allowance which shall be equal to fifty percent  
10 of the average final salary of the member. If the member should die  
11 after retirement the member's lawful spouse shall be paid an allowance  
12 which shall be equal to the retirement allowance then payable to the  
13 member or fifty percent of the final average salary used in computing  
14 the member's retirement allowance, whichever is less. The allowance  
15 paid to the lawful spouse shall continue as long as the spouse lives:  
16 PROVIDED, That if a surviving spouse who is receiving benefits under  
17 this subsection marries another member of this retirement system who  
18 subsequently predeceases such spouse, the spouse shall then be entitled  
19 to receive the higher of the two survivors' allowances for which  
20 eligibility requirements were met, but a surviving spouse shall not  
21 receive more than one survivor's allowance from this system at the same  
22 time under this subsection. To be eligible for an allowance the lawful  
23 surviving spouse of a retired member shall have been married to the  
24 member prior to the member's retirement and continuously thereafter  
25 until the date of the member's death or shall have been married to the  
26 retired member at least two years prior to the member's death. The  
27 allowance paid to the lawful spouse may be divided with an ex spouse of  
28 the member by a dissolution order as defined in RCW 41.50.500(3)  
29 incident to a divorce occurring after July 1, 2002. The dissolution  
30 order must specifically divide both the member's benefit and any  
31 spousal survivor benefit, and must fully comply with RCW 41.50.670 and  
32 41.50.700.

33       (3) If a member should die, either while in service or after  
34 retirement, the member's surviving unmarried children under the age of  
35 eighteen years shall be provided for in the following manner:

36       (a) If there is a surviving spouse, each child shall be entitled to  
37 a benefit equal to five percent of the final average salary of the

1 member or retired member. The combined benefits to the surviving  
2 spouse and all children shall not exceed sixty percent of the final  
3 average salary of the member or retired member; and

4 (b) If there is no surviving spouse or the spouse should die, the  
5 child or children shall be entitled to a benefit equal to thirty  
6 percent of the final average salary of the member or retired member for  
7 one child and an additional ten percent for each additional child. The  
8 combined benefits to the children under this subsection shall not  
9 exceed sixty percent of the final average salary of the member or  
10 retired member. Payments under this subsection shall be prorated  
11 equally among the children, if more than one.

12 (4) If a member should die in the line of duty while employed by  
13 the Washington state patrol or the Washington bureau of investigation,  
14 the member's surviving children under the age of twenty years and  
15 eleven months if attending any high school, college, university, or  
16 vocational or other educational institution accredited or approved by  
17 the state of Washington shall be provided for in the following manner:

18 (a) If there is a surviving spouse, each child shall be entitled to  
19 a benefit equal to five percent of the final average salary of the  
20 member. The combined benefits to the surviving spouse and all children  
21 shall not exceed sixty percent of the final average salary of the  
22 member;

23 (b) If there is no surviving spouse or the spouse should die, the  
24 unmarried child or children shall be entitled to receive a benefit  
25 equal to thirty percent of the final average salary of the member or  
26 retired member for one child and an additional ten percent for each  
27 additional child. The combined benefits to the children under this  
28 subsection shall not exceed sixty percent of the final average salary.  
29 Payments under this subsection shall be prorated equally among the  
30 children, if more than one; and

31 (c) If a beneficiary under this subsection reaches the age of  
32 twenty-one years during the middle of a term of enrollment the benefit  
33 shall continue until the end of that term.

34 (5) The provisions of this section shall apply to members who have  
35 been retired on disability as provided in RCW 43.43.040 (as recodified  
36 by this act) if the officer or commissioned agent was a member of the  
37 Washington state patrol retirement system at the time of such  
38 disability retirement.

1       **Sec. 609.** RCW 43.43.290 and 1982 1st ex.s. c 52 s 30 are each  
2 amended to read as follows:

3       A person receiving benefits under RCW 43.43.040 (as recodified by  
4 this act) will be a nonactive member. If any person who is or has been  
5 receiving benefits under RCW 43.43.040 (as recodified by this act)  
6 returns or has returned to active duty with the Washington state patrol  
7 or the Washington bureau of investigation, the person shall become an  
8 active member of the retirement system on the first day of  
9 reemployment. The person may acquire service credit for the period of  
10 disablement by paying into the retirement fund all contributions  
11 required based on the compensation which would have been received had  
12 the person not been disabled. To acquire service credit, the person  
13 shall complete the required payment within five years of return to  
14 active service or prior to retirement, whichever occurs first. Persons  
15 who return to active service prior to July 1, 1982, shall complete the  
16 required payment within five years of July 1, 1982, or prior to  
17 retirement, whichever occurs first. No service credit for the  
18 disability period may be allowed unless full payment is made. Interest  
19 shall be charged at the rate set by the director of retirement systems  
20 from the date of return to active duty or from July 1, 1982, whichever  
21 is later, until the date of payment. The ((~~Washington state patrol~~))  
22 department of public safety shall pay into the retirement system the  
23 amount which it would have contributed had the person not been  
24 disabled. The payment shall become due and payable, in total, when the  
25 person makes the first payment. If the person fails to complete the  
26 full payment required within the time period specified, any payments  
27 made to the retirement fund under this section shall be refunded with  
28 interest and any payment by the ((~~Washington state patrol~~)) department  
29 of public safety to the retirement fund for this purpose shall be  
30 refunded.

31       **Sec. 610.** RCW 43.43.310 and 1991 c 365 s 23 are each amended to  
32 read as follows:

33       (1) Except as provided in subsections (2) and (3) of this section,  
34 the right of any person to a retirement allowance or optional  
35 retirement allowance under the provisions hereof and all moneys and  
36 investments and income thereof are exempt from any state, county,  
37 municipal, or other local tax and shall not be subject to execution,

1 garnishment, attachment, the operation of bankruptcy or the insolvency  
2 laws, or other processes of law whatsoever and shall be unassignable  
3 except as herein specifically provided.

4 (2) Subsection (1) of this section shall not prohibit the  
5 department of retirement systems from complying with (a) a wage  
6 assignment order for child support issued pursuant to chapter 26.18  
7 RCW, (b) an order to withhold and deliver issued pursuant to chapter  
8 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW  
9 26.23.060, (d) a mandatory benefits assignment order issued pursuant to  
10 chapter 41.50 RCW, (e) a court order directing the department of  
11 retirement systems to pay benefits directly to an obligee under a  
12 dissolution order as defined in RCW 41.50.500(3) which fully complies  
13 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court  
14 order expressly authorized by federal law.

15 (3) Subsection (1) of this section shall not be deemed to prohibit  
16 a beneficiary of a retirement allowance from authorizing deductions  
17 therefrom for payment of premiums due on any group insurance policy or  
18 plan issued for the benefit of a group comprised of members of the  
19 Washington state patrol, the Washington bureau of investigation, or  
20 other public employees of the state of Washington, or for contributions  
21 to the Washington state patrol memorial foundation.

22 **Sec. 611.** RCW 41.26.030 and 2005 c 459 s 1 are each amended to  
23 read as follows:

24 As used in this chapter, unless a different meaning is plainly  
25 required by the context:

26 (1) "Retirement system" means the "Washington law enforcement  
27 officers' and fire fighters' retirement system" provided herein.

28 (2)(a) "Employer" for plan 1 members, means the legislative  
29 authority of any city, town, county, or district or the elected  
30 officials of any municipal corporation that employs any law enforcement  
31 officer and/or fire fighter, any authorized association of such  
32 municipalities, and, except for the purposes of RCW 41.26.150, any  
33 labor guild, association, or organization, which represents the fire  
34 fighters or law enforcement officers of at least seven cities of over  
35 20,000 population and the membership of each local lodge or division of  
36 which is composed of at least sixty percent law enforcement officers or  
37 fire fighters as defined in this chapter.

1 (b) "Employer" for plan 2 members, means the following entities to  
2 the extent that the entity employs any law enforcement officer and/or  
3 fire fighter:

4 (i) The legislative authority of any city, town, county, or  
5 district;

6 (ii) The elected officials of any municipal corporation;

7 (iii) The governing body of any other general authority law  
8 enforcement agency; or

9 (iv) A four-year institution of higher education having a fully  
10 operational fire department as of January 1, 1996.

11 (3) "Law enforcement officer" beginning January 1, 1994, means any  
12 person who is commissioned and employed by an employer on a full time,  
13 fully compensated basis to enforce the criminal laws of the state of  
14 Washington generally, with the following qualifications:

15 (a) No person who is serving in a position that is basically  
16 clerical or secretarial in nature, and who is not commissioned shall be  
17 considered a law enforcement officer;

18 (b) Only those deputy sheriffs, including those serving under a  
19 different title pursuant to county charter, who have successfully  
20 completed a civil service examination for deputy sheriff or the  
21 equivalent position, where a different title is used, and those persons  
22 serving in unclassified positions authorized by RCW 41.14.070 except a  
23 private secretary will be considered law enforcement officers;

24 (c) Only such full time commissioned law enforcement personnel as  
25 have been appointed to offices, positions, or ranks in the police  
26 department which have been specifically created or otherwise expressly  
27 provided for and designated by city charter provision or by ordinance  
28 enacted by the legislative body of the city shall be considered city  
29 police officers;

30 (d) The term "law enforcement officer" also includes the executive  
31 secretary of a labor guild, association or organization (which is an  
32 employer under RCW 41.26.030(2)) if that individual has five years  
33 previous membership in the retirement system established in chapter  
34 41.20 RCW. The provisions of this subsection (3)(d) shall not apply to  
35 plan 2 members; and

36 (e) The term "law enforcement officer" also includes a person  
37 employed on or after January 1, 1993, as a public safety officer or  
38 director of public safety, so long as the job duties substantially

1 involve only either police or fire duties, or both, and no other duties  
2 in a city or town with a population of less than ten thousand. The  
3 provisions of this subsection (3)(e) shall not apply to any public  
4 safety officer or director of public safety who is receiving a  
5 retirement allowance under this chapter as of May 12, 1993, nor to an  
6 employee of the Washington state department of public safety or the  
7 director of the Washington state department of public safety.

8 (4) "Fire fighter" means:

9 (a) Any person who is serving on a full time, fully compensated  
10 basis as a member of a fire department of an employer and who is  
11 serving in a position which requires passing a civil service  
12 examination for fire fighter, and who is actively employed as such;

13 (b) Anyone who is actively employed as a full time fire fighter  
14 where the fire department does not have a civil service examination;

15 (c) Supervisory fire fighter personnel;

16 (d) Any full time executive secretary of an association of fire  
17 protection districts authorized under RCW 52.12.031. The provisions of  
18 this subsection (4)(d) shall not apply to plan 2 members;

19 (e) The executive secretary of a labor guild, association or  
20 organization (which is an employer under RCW 41.26.030(2) as now or  
21 hereafter amended), if such individual has five years previous  
22 membership in a retirement system established in chapter 41.16 or 41.18  
23 RCW. The provisions of this subsection (4)(e) shall not apply to plan  
24 2 members;

25 (f) Any person who is serving on a full time, fully compensated  
26 basis for an employer, as a fire dispatcher, in a department in which,  
27 on March 1, 1970, a dispatcher was required to have passed a civil  
28 service examination for fire fighter;

29 (g) Any person who on March 1, 1970, was employed on a full time,  
30 fully compensated basis by an employer, and who on May 21, 1971, was  
31 making retirement contributions under the provisions of chapter 41.16  
32 or 41.18 RCW; and

33 (h) Any person who is employed on a full-time, fully compensated  
34 basis by an employer as an emergency medical technician.

35 (5) "Department" means the department of retirement systems created  
36 in chapter 41.50 RCW.

37 (6) "Surviving spouse" means the surviving widow or widower of a

1 member. "Surviving spouse" shall not include the divorced spouse of a  
2 member except as provided in RCW 41.26.162.

3 (7)(a) "Child" or "children" means an unmarried person who is under  
4 the age of eighteen or mentally or physically handicapped as determined  
5 by the department, except a handicapped person in the full time care of  
6 a state institution, who is:

7 (i) A natural born child;

8 (ii) A stepchild where that relationship was in existence prior to  
9 the date benefits are payable under this chapter;

10 (iii) A posthumous child;

11 (iv) A child legally adopted or made a legal ward of a member prior  
12 to the date benefits are payable under this chapter; or

13 (v) An illegitimate child legitimized prior to the date any  
14 benefits are payable under this chapter.

15 (b) A person shall also be deemed to be a child up to and including  
16 the age of twenty years and eleven months while attending any high  
17 school, college, or vocational or other educational institution  
18 accredited, licensed, or approved by the state, in which it is located,  
19 including the summer vacation months and all other normal and regular  
20 vacation periods at the particular educational institution after which  
21 the child returns to school.

22 (8) "Member" means any fire fighter, law enforcement officer, or  
23 other person as would apply under subsections (3) or (4) of this  
24 section whose membership is transferred to the Washington law  
25 enforcement officers' and fire fighters' retirement system on or after  
26 March 1, 1970, and every law enforcement officer and fire fighter who  
27 is employed in that capacity on or after such date.

28 (9) "Retirement fund" means the "Washington law enforcement  
29 officers' and fire fighters' retirement system fund" as provided for  
30 herein.

31 (10) "Employee" means any law enforcement officer or fire fighter  
32 as defined in subsections (3) and (4) of this section.

33 (11)(a) "Beneficiary" for plan 1 members, means any person in  
34 receipt of a retirement allowance, disability allowance, death benefit,  
35 or any other benefit described herein.

36 (b) "Beneficiary" for plan 2 members, means any person in receipt  
37 of a retirement allowance or other benefit provided by this chapter  
38 resulting from service rendered to an employer by another person.

1           (12)(a) "Final average salary" for plan 1 members, means (i) for a  
2 member holding the same position or rank for a minimum of twelve months  
3 preceding the date of retirement, the basic salary attached to such  
4 same position or rank at time of retirement; (ii) for any other member,  
5 including a civil service member who has not served a minimum of twelve  
6 months in the same position or rank preceding the date of retirement,  
7 the average of the greatest basic salaries payable to such member  
8 during any consecutive twenty-four month period within such member's  
9 last ten years of service for which service credit is allowed, computed  
10 by dividing the total basic salaries payable to such member during the  
11 selected twenty-four month period by twenty-four; (iii) in the case of  
12 disability of any member, the basic salary payable to such member at  
13 the time of disability retirement; (iv) in the case of a member who  
14 hereafter vests pursuant to RCW 41.26.090, the basic salary payable to  
15 such member at the time of vesting.

16           (b) "Final average salary" for plan 2 members, means the monthly  
17 average of the member's basic salary for the highest consecutive sixty  
18 service credit months of service prior to such member's retirement,  
19 termination, or death. Periods constituting authorized unpaid leaves  
20 of absence may not be used in the calculation of final average salary.

21           (13)(a) "Basic salary" for plan 1 members, means the basic monthly  
22 rate of salary or wages, including longevity pay but not including  
23 overtime earnings or special salary or wages, upon which pension or  
24 retirement benefits will be computed and upon which employer  
25 contributions and salary deductions will be based.

26           (b) "Basic salary" for plan 2 members, means salaries or wages  
27 earned by a member during a payroll period for personal services,  
28 including overtime payments, and shall include wages and salaries  
29 deferred under provisions established pursuant to sections 403(b),  
30 414(h), and 457 of the United States Internal Revenue Code, but shall  
31 exclude lump sum payments for deferred annual sick leave, unused  
32 accumulated vacation, unused accumulated annual leave, or any form of  
33 severance pay. In any year in which a member serves in the legislature  
34 the member shall have the option of having such member's basic salary  
35 be the greater of:

36           (i) The basic salary the member would have received had such member  
37 not served in the legislature; or

1 (ii) Such member's actual basic salary received for nonlegislative  
2 public employment and legislative service combined. Any additional  
3 contributions to the retirement system required because basic salary  
4 under (b)(i) of this subsection is greater than basic salary under  
5 (b)(ii) of this subsection shall be paid by the member for both member  
6 and employer contributions.

7 (14)(a) "Service" for plan 1 members, means all periods of  
8 employment for an employer as a fire fighter or law enforcement  
9 officer, for which compensation is paid, together with periods of  
10 suspension not exceeding thirty days in duration. For the purposes of  
11 this chapter service shall also include service in the armed forces of  
12 the United States as provided in RCW 41.26.190. Credit shall be  
13 allowed for all service credit months of service rendered by a member  
14 from and after the member's initial commencement of employment as a  
15 fire fighter or law enforcement officer, during which the member worked  
16 for seventy or more hours, or was on disability leave or disability  
17 retirement. Only service credit months of service shall be counted in  
18 the computation of any retirement allowance or other benefit provided  
19 for in this chapter.

20 (i) For members retiring after May 21, 1971 who were employed under  
21 the coverage of a prior pension act before March 1, 1970, "service"  
22 shall also include (A) such military service not exceeding five years  
23 as was creditable to the member as of March 1, 1970, under the member's  
24 particular prior pension act, and (B) such other periods of service as  
25 were then creditable to a particular member under the provisions of RCW  
26 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit  
27 be allowed for any service rendered prior to March 1, 1970, where the  
28 member at the time of rendition of such service was employed in a  
29 position covered by a prior pension act, unless such service, at the  
30 time credit is claimed therefor, is also creditable under the  
31 provisions of such prior act.

32 (ii) A member who is employed by two employers at the same time  
33 shall only be credited with service to one such employer for any month  
34 during which the member rendered such dual service.

35 (b) "Service" for plan 2 members, means periods of employment by a  
36 member for one or more employers for which basic salary is earned for  
37 ninety or more hours per calendar month which shall constitute a  
38 service credit month. Periods of employment by a member for one or

1 more employers for which basic salary is earned for at least seventy  
2 hours but less than ninety hours per calendar month shall constitute  
3 one-half service credit month. Periods of employment by a member for  
4 one or more employers for which basic salary is earned for less than  
5 seventy hours shall constitute a one-quarter service credit month.

6 Members of the retirement system who are elected or appointed to a  
7 state elective position may elect to continue to be members of this  
8 retirement system.

9 Service credit years of service shall be determined by dividing the  
10 total number of service credit months of service by twelve. Any  
11 fraction of a service credit year of service as so determined shall be  
12 taken into account in the computation of such retirement allowance or  
13 benefits.

14 If a member receives basic salary from two or more employers during  
15 any calendar month, the individual shall receive one service credit  
16 month's service credit during any calendar month in which multiple  
17 service for ninety or more hours is rendered; or one-half service  
18 credit month's service credit during any calendar month in which  
19 multiple service for at least seventy hours but less than ninety hours  
20 is rendered; or one-quarter service credit month during any calendar  
21 month in which multiple service for less than seventy hours is  
22 rendered.

23 (15) "Accumulated contributions" means the employee's contributions  
24 made by a member, including any amount paid under RCW 41.50.165(2),  
25 plus accrued interest credited thereon.

26 (16) "Actuarial reserve" means a method of financing a pension or  
27 retirement plan wherein reserves are accumulated as the liabilities for  
28 benefit payments are incurred in order that sufficient funds will be  
29 available on the date of retirement of each member to pay the member's  
30 future benefits during the period of retirement.

31 (17) "Actuarial valuation" means a mathematical determination of  
32 the financial condition of a retirement plan. It includes the  
33 computation of the present monetary value of benefits payable to  
34 present members, and the present monetary value of future employer and  
35 employee contributions, giving effect to mortality among active and  
36 retired members and also to the rates of disability, retirement,  
37 withdrawal from service, salary and interest earned on investments.

1 (18) "Disability board" for plan 1 members means either the county  
2 disability board or the city disability board established in RCW  
3 41.26.110.

4 (19) "Disability leave" means the period of six months or any  
5 portion thereof during which a member is on leave at an allowance equal  
6 to the member's full salary prior to the commencement of disability  
7 retirement. The definition contained in this subsection shall apply  
8 only to plan 1 members.

9 (20) "Disability retirement" for plan 1 members, means the period  
10 following termination of a member's disability leave, during which the  
11 member is in receipt of a disability retirement allowance.

12 (21) "Position" means the employment held at any particular time,  
13 which may or may not be the same as civil service rank.

14 (22) "Medical services" for plan 1 members, shall include the  
15 following as minimum services to be provided. Reasonable charges for  
16 these services shall be paid in accordance with RCW 41.26.150.

17 (a) Hospital expenses: These are the charges made by a hospital,  
18 in its own behalf, for

19 (i) Board and room not to exceed semiprivate room rate unless  
20 private room is required by the attending physician due to the  
21 condition of the patient.

22 (ii) Necessary hospital services, other than board and room,  
23 furnished by the hospital.

24 (b) Other medical expenses: The following charges are considered  
25 "other medical expenses", provided that they have not been considered  
26 as "hospital expenses".

27 (i) The fees of the following:

28 (A) A physician or surgeon licensed under the provisions of chapter  
29 18.71 RCW;

30 (B) An osteopathic physician and surgeon licensed under the  
31 provisions of chapter 18.57 RCW;

32 (C) A chiropractor licensed under the provisions of chapter 18.25  
33 RCW.

34 (ii) The charges of a registered graduate nurse other than a nurse  
35 who ordinarily resides in the member's home, or is a member of the  
36 family of either the member or the member's spouse.

37 (iii) The charges for the following medical services and supplies:

38 (A) Drugs and medicines upon a physician's prescription;

- 1 (B) Diagnostic x-ray and laboratory examinations;  
2 (C) X-ray, radium, and radioactive isotopes therapy;  
3 (D) Anesthesia and oxygen;  
4 (E) Rental of iron lung and other durable medical and surgical  
5 equipment;  
6 (F) Artificial limbs and eyes, and casts, splints, and trusses;  
7 (G) Professional ambulance service when used to transport the  
8 member to or from a hospital when injured by an accident or stricken by  
9 a disease;  
10 (H) Dental charges incurred by a member who sustains an accidental  
11 injury to his or her teeth and who commences treatment by a legally  
12 licensed dentist within ninety days after the accident;  
13 (I) Nursing home confinement or hospital extended care facility;  
14 (J) Physical therapy by a registered physical therapist;  
15 (K) Blood transfusions, including the cost of blood and blood  
16 plasma not replaced by voluntary donors;  
17 (L) An optometrist licensed under the provisions of chapter 18.53  
18 RCW.

19 (23) "Regular interest" means such rate as the director may  
20 determine.

21 (24) "Retiree" for persons who establish membership in the  
22 retirement system on or after October 1, 1977, means any member in  
23 receipt of a retirement allowance or other benefit provided by this  
24 chapter resulting from service rendered to an employer by such member.

25 (25) "Director" means the director of the department.

26 (26) "State actuary" or "actuary" means the person appointed  
27 pursuant to RCW 44.44.010(2).

28 (27) "State elective position" means any position held by any  
29 person elected or appointed to statewide office or elected or appointed  
30 as a member of the legislature.

31 (28) "Plan 1" means the law enforcement officers' and fire  
32 fighters' retirement system, plan 1 providing the benefits and funding  
33 provisions covering persons who first became members of the system  
34 prior to October 1, 1977.

35 (29) "Plan 2" means the law enforcement officers' and fire  
36 fighters' retirement system, plan 2 providing the benefits and funding  
37 provisions covering persons who first became members of the system on  
38 and after October 1, 1977.

1 (30) "Service credit year" means an accumulation of months of  
2 service credit which is equal to one when divided by twelve.

3 (31) "Service credit month" means a full service credit month or an  
4 accumulation of partial service credit months that are equal to one.

5 (32) "General authority law enforcement agency" means any agency,  
6 department, or division of a municipal corporation, political  
7 subdivision, or other unit of local government of this state, and any  
8 agency, department, or division of state government, having as its  
9 primary function the detection and apprehension of persons committing  
10 infractions or violating the traffic or criminal laws in general, but  
11 not including the Washington state patrol or the Washington bureau of  
12 investigation. Such an agency, department, or division is  
13 distinguished from a limited authority law enforcement agency having as  
14 one of its functions the apprehension or detection of persons  
15 committing infractions or violating the traffic or criminal laws  
16 relating to limited subject areas, including but not limited to, the  
17 state departments of natural resources and social and health services,  
18 the state gambling commission, the state lottery commission, the state  
19 parks and recreation commission, the state utilities and transportation  
20 commission, the state liquor control board, and the state department of  
21 corrections.

22 **Sec. 612.** RCW 41.26.030 and 2003 c 388 s 2 are each amended to  
23 read as follows:

24 As used in this chapter, unless a different meaning is plainly  
25 required by the context:

26 (1) "Retirement system" means the "Washington law enforcement  
27 officers' and fire fighters' retirement system" provided herein.

28 (2)(a) "Employer" for plan 1 members, means the legislative  
29 authority of any city, town, county, or district or the elected  
30 officials of any municipal corporation that employs any law enforcement  
31 officer and/or fire fighter, any authorized association of such  
32 municipalities, and, except for the purposes of RCW 41.26.150, any  
33 labor guild, association, or organization, which represents the fire  
34 fighters or law enforcement officers of at least seven cities of over  
35 20,000 population and the membership of each local lodge or division of  
36 which is composed of at least sixty percent law enforcement officers or  
37 fire fighters as defined in this chapter.

1 (b) "Employer" for plan 2 members, means the following entities to  
2 the extent that the entity employs any law enforcement officer and/or  
3 fire fighter:

4 (i) The legislative authority of any city, town, county, or  
5 district;

6 (ii) The elected officials of any municipal corporation;

7 (iii) The governing body of any other general authority law  
8 enforcement agency; or

9 (iv) A four-year institution of higher education having a fully  
10 operational fire department as of January 1, 1996.

11 (3) "Law enforcement officer" beginning January 1, 1994, means any  
12 person who is commissioned and employed by an employer on a full time,  
13 fully compensated basis to enforce the criminal laws of the state of  
14 Washington generally, with the following qualifications:

15 (a) No person who is serving in a position that is basically  
16 clerical or secretarial in nature, and who is not commissioned shall be  
17 considered a law enforcement officer;

18 (b) Only those deputy sheriffs, including those serving under a  
19 different title pursuant to county charter, who have successfully  
20 completed a civil service examination for deputy sheriff or the  
21 equivalent position, where a different title is used, and those persons  
22 serving in unclassified positions authorized by RCW 41.14.070 except a  
23 private secretary will be considered law enforcement officers;

24 (c) Only such full time commissioned law enforcement personnel as  
25 have been appointed to offices, positions, or ranks in the police  
26 department which have been specifically created or otherwise expressly  
27 provided for and designated by city charter provision or by ordinance  
28 enacted by the legislative body of the city shall be considered city  
29 police officers;

30 (d) The term "law enforcement officer" also includes the executive  
31 secretary of a labor guild, association or organization (which is an  
32 employer under RCW 41.26.030(2)) if that individual has five years  
33 previous membership in the retirement system established in chapter  
34 41.20 RCW. The provisions of this subsection (3)(d) shall not apply to  
35 plan 2 members; and

36 (e) The term "law enforcement officer" also includes a person  
37 employed on or after January 1, 1993, as a public safety officer or  
38 director of public safety, so long as the job duties substantially

1 involve only either police or fire duties, or both, and no other duties  
2 in a city or town with a population of less than ten thousand. The  
3 provisions of this subsection (3)(e) shall not apply to any public  
4 safety officer or director of public safety who is receiving a  
5 retirement allowance under this chapter as of May 12, 1993, nor to an  
6 employee of the Washington state department of public safety or to the  
7 director of the Washington state department of public safety.

8 (4) "Fire fighter" means:

9 (a) Any person who is serving on a full time, fully compensated  
10 basis as a member of a fire department of an employer and who is  
11 serving in a position which requires passing a civil service  
12 examination for fire fighter, and who is actively employed as such;

13 (b) Anyone who is actively employed as a full time fire fighter  
14 where the fire department does not have a civil service examination;

15 (c) Supervisory fire fighter personnel;

16 (d) Any full time executive secretary of an association of fire  
17 protection districts authorized under RCW 52.12.031. The provisions of  
18 this subsection (4)(d) shall not apply to plan 2 members;

19 (e) The executive secretary of a labor guild, association or  
20 organization (which is an employer under RCW 41.26.030(2) as now or  
21 hereafter amended), if such individual has five years previous  
22 membership in a retirement system established in chapter 41.16 or 41.18  
23 RCW. The provisions of this subsection (4)(e) shall not apply to plan  
24 2 members;

25 (f) Any person who is serving on a full time, fully compensated  
26 basis for an employer, as a fire dispatcher, in a department in which,  
27 on March 1, 1970, a dispatcher was required to have passed a civil  
28 service examination for fire fighter; and

29 (g) Any person who on March 1, 1970, was employed on a full time,  
30 fully compensated basis by an employer, and who on May 21, 1971, was  
31 making retirement contributions under the provisions of chapter 41.16  
32 or 41.18 RCW.

33 (5) "Department" means the department of retirement systems created  
34 in chapter 41.50 RCW.

35 (6) "Surviving spouse" means the surviving widow or widower of a  
36 member. "Surviving spouse" shall not include the divorced spouse of a  
37 member except as provided in RCW 41.26.162.

1 (7)(a) "Child" or "children" means an unmarried person who is under  
2 the age of eighteen or mentally or physically handicapped as determined  
3 by the department, except a handicapped person in the full time care of  
4 a state institution, who is:

5 (i) A natural born child;

6 (ii) A stepchild where that relationship was in existence prior to  
7 the date benefits are payable under this chapter;

8 (iii) A posthumous child;

9 (iv) A child legally adopted or made a legal ward of a member prior  
10 to the date benefits are payable under this chapter; or

11 (v) An illegitimate child legitimized prior to the date any  
12 benefits are payable under this chapter.

13 (b) A person shall also be deemed to be a child up to and including  
14 the age of twenty years and eleven months while attending any high  
15 school, college, or vocational or other educational institution  
16 accredited, licensed, or approved by the state, in which it is located,  
17 including the summer vacation months and all other normal and regular  
18 vacation periods at the particular educational institution after which  
19 the child returns to school.

20 (8) "Member" means any fire fighter, law enforcement officer, or  
21 other person as would apply under subsections (3) or (4) of this  
22 section whose membership is transferred to the Washington law  
23 enforcement officers' and fire fighters' retirement system on or after  
24 March 1, 1970, and every law enforcement officer and fire fighter who  
25 is employed in that capacity on or after such date.

26 (9) "Retirement fund" means the "Washington law enforcement  
27 officers' and fire fighters' retirement system fund" as provided for  
28 herein.

29 (10) "Employee" means any law enforcement officer or fire fighter  
30 as defined in subsections (3) and (4) of this section.

31 (11)(a) "Beneficiary" for plan 1 members, means any person in  
32 receipt of a retirement allowance, disability allowance, death benefit,  
33 or any other benefit described herein.

34 (b) "Beneficiary" for plan 2 members, means any person in receipt  
35 of a retirement allowance or other benefit provided by this chapter  
36 resulting from service rendered to an employer by another person.

37 (12)(a) "Final average salary" for plan 1 members, means (i) for a  
38 member holding the same position or rank for a minimum of twelve months

1 preceding the date of retirement, the basic salary attached to such  
2 same position or rank at time of retirement; (ii) for any other member,  
3 including a civil service member who has not served a minimum of twelve  
4 months in the same position or rank preceding the date of retirement,  
5 the average of the greatest basic salaries payable to such member  
6 during any consecutive twenty-four month period within such member's  
7 last ten years of service for which service credit is allowed, computed  
8 by dividing the total basic salaries payable to such member during the  
9 selected twenty-four month period by twenty-four; (iii) in the case of  
10 disability of any member, the basic salary payable to such member at  
11 the time of disability retirement; (iv) in the case of a member who  
12 hereafter vests pursuant to RCW 41.26.090, the basic salary payable to  
13 such member at the time of vesting.

14 (b) "Final average salary" for plan 2 members, means the monthly  
15 average of the member's basic salary for the highest consecutive sixty  
16 service credit months of service prior to such member's retirement,  
17 termination, or death. Periods constituting authorized unpaid leaves  
18 of absence may not be used in the calculation of final average salary.

19 (13)(a) "Basic salary" for plan 1 members, means the basic monthly  
20 rate of salary or wages, including longevity pay but not including  
21 overtime earnings or special salary or wages, upon which pension or  
22 retirement benefits will be computed and upon which employer  
23 contributions and salary deductions will be based.

24 (b) "Basic salary" for plan 2 members, means salaries or wages  
25 earned by a member during a payroll period for personal services,  
26 including overtime payments, and shall include wages and salaries  
27 deferred under provisions established pursuant to sections 403(b),  
28 414(h), and 457 of the United States Internal Revenue Code, but shall  
29 exclude lump sum payments for deferred annual sick leave, unused  
30 accumulated vacation, unused accumulated annual leave, or any form of  
31 severance pay. In any year in which a member serves in the legislature  
32 the member shall have the option of having such member's basic salary  
33 be the greater of:

34 (i) The basic salary the member would have received had such member  
35 not served in the legislature; or

36 (ii) Such member's actual basic salary received for nonlegislative  
37 public employment and legislative service combined. Any additional  
38 contributions to the retirement system required because basic salary

1 under (b)(i) of this subsection is greater than basic salary under  
2 (b)(ii) of this subsection shall be paid by the member for both member  
3 and employer contributions.

4 (14)(a) "Service" for plan 1 members, means all periods of  
5 employment for an employer as a fire fighter or law enforcement  
6 officer, for which compensation is paid, together with periods of  
7 suspension not exceeding thirty days in duration. For the purposes of  
8 this chapter service shall also include service in the armed forces of  
9 the United States as provided in RCW 41.26.190. Credit shall be  
10 allowed for all service credit months of service rendered by a member  
11 from and after the member's initial commencement of employment as a  
12 fire fighter or law enforcement officer, during which the member worked  
13 for seventy or more hours, or was on disability leave or disability  
14 retirement. Only service credit months of service shall be counted in  
15 the computation of any retirement allowance or other benefit provided  
16 for in this chapter.

17 (i) For members retiring after May 21, 1971 who were employed under  
18 the coverage of a prior pension act before March 1, 1970, "service"  
19 shall also include (A) such military service not exceeding five years  
20 as was creditable to the member as of March 1, 1970, under the member's  
21 particular prior pension act, and (B) such other periods of service as  
22 were then creditable to a particular member under the provisions of RCW  
23 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit  
24 be allowed for any service rendered prior to March 1, 1970, where the  
25 member at the time of rendition of such service was employed in a  
26 position covered by a prior pension act, unless such service, at the  
27 time credit is claimed therefor, is also creditable under the  
28 provisions of such prior act.

29 (ii) A member who is employed by two employers at the same time  
30 shall only be credited with service to one such employer for any month  
31 during which the member rendered such dual service.

32 (b) "Service" for plan 2 members, means periods of employment by a  
33 member for one or more employers for which basic salary is earned for  
34 ninety or more hours per calendar month which shall constitute a  
35 service credit month. Periods of employment by a member for one or  
36 more employers for which basic salary is earned for at least seventy  
37 hours but less than ninety hours per calendar month shall constitute

1 one-half service credit month. Periods of employment by a member for  
2 one or more employers for which basic salary is earned for less than  
3 seventy hours shall constitute a one-quarter service credit month.

4 Members of the retirement system who are elected or appointed to a  
5 state elective position may elect to continue to be members of this  
6 retirement system.

7 Service credit years of service shall be determined by dividing the  
8 total number of service credit months of service by twelve. Any  
9 fraction of a service credit year of service as so determined shall be  
10 taken into account in the computation of such retirement allowance or  
11 benefits.

12 If a member receives basic salary from two or more employers during  
13 any calendar month, the individual shall receive one service credit  
14 month's service credit during any calendar month in which multiple  
15 service for ninety or more hours is rendered; or one-half service  
16 credit month's service credit during any calendar month in which  
17 multiple service for at least seventy hours but less than ninety hours  
18 is rendered; or one-quarter service credit month during any calendar  
19 month in which multiple service for less than seventy hours is  
20 rendered.

21 (15) "Accumulated contributions" means the employee's contributions  
22 made by a member, including any amount paid under RCW 41.50.165(2),  
23 plus accrued interest credited thereon.

24 (16) "Actuarial reserve" means a method of financing a pension or  
25 retirement plan wherein reserves are accumulated as the liabilities for  
26 benefit payments are incurred in order that sufficient funds will be  
27 available on the date of retirement of each member to pay the member's  
28 future benefits during the period of retirement.

29 (17) "Actuarial valuation" means a mathematical determination of  
30 the financial condition of a retirement plan. It includes the  
31 computation of the present monetary value of benefits payable to  
32 present members, and the present monetary value of future employer and  
33 employee contributions, giving effect to mortality among active and  
34 retired members and also to the rates of disability, retirement,  
35 withdrawal from service, salary and interest earned on investments.

36 (18) "Disability board" for plan 1 members means either the county  
37 disability board or the city disability board established in RCW  
38 41.26.110.

1 (19) "Disability leave" means the period of six months or any  
2 portion thereof during which a member is on leave at an allowance equal  
3 to the member's full salary prior to the commencement of disability  
4 retirement. The definition contained in this subsection shall apply  
5 only to plan 1 members.

6 (20) "Disability retirement" for plan 1 members, means the period  
7 following termination of a member's disability leave, during which the  
8 member is in receipt of a disability retirement allowance.

9 (21) "Position" means the employment held at any particular time,  
10 which may or may not be the same as civil service rank.

11 (22) "Medical services" for plan 1 members, shall include the  
12 following as minimum services to be provided. Reasonable charges for  
13 these services shall be paid in accordance with RCW 41.26.150.

14 (a) Hospital expenses: These are the charges made by a hospital,  
15 in its own behalf, for

16 (i) Board and room not to exceed semiprivate room rate unless  
17 private room is required by the attending physician due to the  
18 condition of the patient.

19 (ii) Necessary hospital services, other than board and room,  
20 furnished by the hospital.

21 (b) Other medical expenses: The following charges are considered  
22 "other medical expenses", provided that they have not been considered  
23 as "hospital expenses".

24 (i) The fees of the following:

25 (A) A physician or surgeon licensed under the provisions of chapter  
26 18.71 RCW;

27 (B) An osteopathic physician and surgeon licensed under the  
28 provisions of chapter 18.57 RCW;

29 (C) A chiropractor licensed under the provisions of chapter 18.25  
30 RCW.

31 (ii) The charges of a registered graduate nurse other than a nurse  
32 who ordinarily resides in the member's home, or is a member of the  
33 family of either the member or the member's spouse.

34 (iii) The charges for the following medical services and supplies:

35 (A) Drugs and medicines upon a physician's prescription;

36 (B) Diagnostic x-ray and laboratory examinations;

37 (C) X-ray, radium, and radioactive isotopes therapy;

38 (D) Anesthesia and oxygen;

1 (E) Rental of iron lung and other durable medical and surgical  
2 equipment;

3 (F) Artificial limbs and eyes, and casts, splints, and trusses;

4 (G) Professional ambulance service when used to transport the  
5 member to or from a hospital when injured by an accident or stricken by  
6 a disease;

7 (H) Dental charges incurred by a member who sustains an accidental  
8 injury to his or her teeth and who commences treatment by a legally  
9 licensed dentist within ninety days after the accident;

10 (I) Nursing home confinement or hospital extended care facility;

11 (J) Physical therapy by a registered physical therapist;

12 (K) Blood transfusions, including the cost of blood and blood  
13 plasma not replaced by voluntary donors;

14 (L) An optometrist licensed under the provisions of chapter 18.53  
15 RCW.

16 (23) "Regular interest" means such rate as the director may  
17 determine.

18 (24) "Retiree" for persons who establish membership in the  
19 retirement system on or after October 1, 1977, means any member in  
20 receipt of a retirement allowance or other benefit provided by this  
21 chapter resulting from service rendered to an employer by such member.

22 (25) "Director" means the director of the department.

23 (26) "State actuary" or "actuary" means the person appointed  
24 pursuant to RCW 44.44.010(2).

25 (27) "State elective position" means any position held by any  
26 person elected or appointed to statewide office or elected or appointed  
27 as a member of the legislature.

28 (28) "Plan 1" means the law enforcement officers' and fire  
29 fighters' retirement system, plan 1 providing the benefits and funding  
30 provisions covering persons who first became members of the system  
31 prior to October 1, 1977.

32 (29) "Plan 2" means the law enforcement officers' and fire  
33 fighters' retirement system, plan 2 providing the benefits and funding  
34 provisions covering persons who first became members of the system on  
35 and after October 1, 1977.

36 (30) "Service credit year" means an accumulation of months of  
37 service credit which is equal to one when divided by twelve.

1 (31) "Service credit month" means a full service credit month or an  
2 accumulation of partial service credit months that are equal to one.

3 (32) "General authority law enforcement agency" means any agency,  
4 department, or division of a municipal corporation, political  
5 subdivision, or other unit of local government of this state, and any  
6 agency, department, or division of state government, having as its  
7 primary function the detection and apprehension of persons committing  
8 infractions or violating the traffic or criminal laws in general, but  
9 not including the Washington state patrol or the Washington bureau of  
10 investigation. Such an agency, department, or division is  
11 distinguished from a limited authority law enforcement agency having as  
12 one of its functions the apprehension or detection of persons  
13 committing infractions or violating the traffic or criminal laws  
14 relating to limited subject areas, including but not limited to, the  
15 state departments of natural resources and social and health services,  
16 the state gambling commission, the state lottery commission, the state  
17 parks and recreation commission, the state utilities and transportation  
18 commission, the state liquor control board, and the state department of  
19 corrections.

20 **Sec. 613.** RCW 41.37.010 and 2005 c 327 s 4 are each amended to  
21 read as follows:

22 The definitions in this section apply throughout this chapter,  
23 unless the context clearly requires otherwise.

24 (1) "Retirement system" means the Washington public safety  
25 employees' retirement system provided for in this chapter.

26 (2) "Department" means the department of retirement systems created  
27 in chapter 41.50 RCW.

28 (3) "State treasurer" means the treasurer of the state of  
29 Washington.

30 (4) "Employer" means the Washington state department of  
31 corrections, the Washington state parks and recreation commission, the  
32 Washington state gambling commission, the Washington state (~~patrol~~)  
33 department of public safety, the Washington state liquor control board,  
34 county corrections departments, city corrections departments not  
35 covered under chapter 41.28 RCW, or other employers employing statewide  
36 elective officials.

1 (5) "Member" means any employee employed by an employer on a full-  
2 time, fully compensated basis within the following job classes in  
3 effect as of January 1, 2004: City corrections officers, jailers,  
4 police support officers, custody officers, and bailiffs; county  
5 corrections officers, jailers, custody officers, and sheriffs  
6 corrections officers; county probation officers and probation  
7 counselors; state correctional officers, correctional sergeants, and  
8 community corrections officers; liquor enforcement officers; park  
9 rangers; commercial vehicle enforcement officers; and gambling special  
10 agents.

11 (6)(a) "Compensation earnable" for members, means salaries or wages  
12 earned by a member during a payroll period for personal services,  
13 including overtime payments, and shall include wages and salaries  
14 deferred under provisions established pursuant to sections 403(b),  
15 414(h), and 457 of the United States internal revenue code, but shall  
16 exclude nonmoney maintenance compensation and lump sum or other  
17 payments for deferred annual sick leave, unused accumulated vacation,  
18 unused accumulated annual leave, or any form of severance pay.

19 (b) "Compensation earnable" for members also includes the following  
20 actual or imputed payments, which are not paid for personal services:

21 (i) Retroactive payments to an individual by an employer on  
22 reinstatement of the employee in a position, or payments by an employer  
23 to an individual in lieu of reinstatement, which are awarded or granted  
24 as the equivalent of the salary or wage which the individual would have  
25 earned during a payroll period shall be considered compensation  
26 earnable to the extent provided in this subsection, and the individual  
27 shall receive the equivalent service credit;

28 (ii) In any year in which a member serves in the legislature, the  
29 member shall have the option of having such member's compensation  
30 earnable be the greater of:

31 (A) The compensation earnable the member would have received had  
32 such member not served in the legislature; or

33 (B) Such member's actual compensation earnable received for  
34 nonlegislative public employment and legislative service combined. Any  
35 additional contributions to the retirement system required because  
36 compensation earnable under (b)(ii)(A) of this subsection is greater  
37 than compensation earnable under (b)(ii)(B) of this subsection shall be  
38 paid by the member for both member and employer contributions;

1 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,  
2 and 72.09.240;

3 (iv) Compensation that a member would have received but for a  
4 disability occurring in the line of duty only as authorized by RCW  
5 41.37.070;

6 (v) Compensation that a member receives due to participation in the  
7 leave sharing program only as authorized by RCW 41.04.650 through  
8 41.04.670; and

9 (vi) Compensation that a member receives for being in standby  
10 status. For the purposes of this section, a member is in standby  
11 status when not being paid for time actually worked and the employer  
12 requires the member to be prepared to report immediately for work, if  
13 the need arises, although the need may not arise.

14 (7) "Service" means periods of employment by a member on or after  
15 July 1, 2006, for one or more employers for which compensation earnable  
16 is paid. Compensation earnable earned for ninety or more hours in any  
17 calendar month shall constitute one service credit month. Compensation  
18 earnable earned for at least seventy hours but less than ninety hours  
19 in any calendar month shall constitute one-half service credit month of  
20 service. Compensation earnable earned for less than seventy hours in  
21 any calendar month shall constitute one-quarter service credit month of  
22 service. Time spent in standby status, whether compensated or not, is  
23 not service.

24 Any fraction of a year of service shall be taken into account in  
25 the computation of such retirement allowance or benefits.

26 (a) Service in any state elective position shall be deemed to be  
27 full-time service.

28 (b) A member shall receive a total of not more than twelve service  
29 credit months of service for such calendar year. If an individual is  
30 employed in an eligible position by one or more employers the  
31 individual shall receive no more than one service credit month during  
32 any calendar month in which multiple service for ninety or more hours  
33 is rendered.

34 (8) "Service credit year" means an accumulation of months of  
35 service credit which is equal to one when divided by twelve.

36 (9) "Service credit month" means a month or an accumulation of  
37 months of service credit which is equal to one.

38 (10) "Membership service" means all service rendered as a member.

1 (11) "Beneficiary" means any person in receipt of a retirement  
2 allowance or other benefit provided by this chapter resulting from  
3 service rendered to an employer by another person.

4 (12) "Regular interest" means such rate as the director may  
5 determine.

6 (13) "Accumulated contributions" means the sum of all contributions  
7 standing to the credit of a member in the member's individual account,  
8 including any amount paid under RCW 41.50.165(2), together with the  
9 regular interest thereon.

10 (14) "Average final compensation" means the member's average  
11 compensation earnable of the highest consecutive sixty months of  
12 service credit months prior to such member's retirement, termination,  
13 or death. Periods constituting authorized leaves of absence may not be  
14 used in the calculation of average final compensation except under RCW  
15 41.37.290.

16 (15) "Final compensation" means the annual rate of compensation  
17 earnable by a member at the time of termination of employment.

18 (16) "Annuity" means payments for life derived from accumulated  
19 contributions of a member. All annuities shall be paid in monthly  
20 installments.

21 (17) "Pension" means payments for life derived from contributions  
22 made by the employer. All pensions shall be paid in monthly  
23 installments.

24 (18) "Retirement allowance" means monthly payments to a retiree or  
25 beneficiary as provided in this chapter.

26 (19) "Employee" or "employed" means a person who is providing  
27 services for compensation to an employer, unless the person is free  
28 from the employer's direction and control over the performance of work.  
29 The department shall adopt rules and interpret this subsection  
30 consistent with common law.

31 (20) "Actuarial equivalent" means a benefit of equal value when  
32 computed upon the basis of such mortality and other tables as may be  
33 adopted by the director.

34 (21) "Retirement" means withdrawal from active service with a  
35 retirement allowance as provided by this chapter.

36 (22) "Eligible position" means any permanent, full-time, fully  
37 compensated position included in subsection (5) of this section.

1 (23) "Ineligible position" means any position which does not  
2 conform with the requirements set forth in subsection (22) of this  
3 section.

4 (24) "Leave of absence" means the period of time a member is  
5 authorized by the employer to be absent from service without being  
6 separated from membership.

7 (25) "Retiree" means any person who has begun accruing a retirement  
8 allowance or other benefit provided by this chapter resulting from  
9 service rendered to an employer while a member.

10 (26) "Director" means the director of the department.

11 (27) "State elective position" means any position held by any  
12 person elected or appointed to statewide office or elected or appointed  
13 as a member of the legislature.

14 (28) "State actuary" or "actuary" means the person appointed  
15 pursuant to RCW 44.44.010(2).

16 (29) "Plan" means the Washington public safety employees'  
17 retirement system plan 2.

18 (30) "Index" means, for any calendar year, that year's annual  
19 average consumer price index, Seattle, Washington area, for urban wage  
20 earners and clerical workers, all items, compiled by the bureau of  
21 labor statistics, United States department of labor.

22 (31) "Index A" means the index for the year prior to the  
23 determination of a postretirement adjustment.

24 (32) "Index B" means the index for the year prior to index A.

25 (33) "Adjustment ratio" means the value of index A divided by index  
26 B.

27 (34) "Separation from service" occurs when a person has terminated  
28 all employment with an employer.

29 **Sec. 614.** RCW 41.37.015 and 2004 c 242 s 3 are each amended to  
30 read as follows:

31 A retirement system is hereby created for public safety employees  
32 of the Washington state department of corrections, the Washington state  
33 parks and recreation commission, the Washington state gambling  
34 commission, the Washington state (~~patrol~~) department of public  
35 safety, the Washington state liquor control board, county corrections  
36 departments, and city corrections departments not covered under chapter  
37 41.28 RCW. The administration and management of the retirement system,

1 the responsibility for making effective the provisions of this chapter,  
2 and the authority to make all rules necessary therefor are hereby  
3 vested in the department. All rules shall be governed by chapter 34.05  
4 RCW. This retirement system shall be known as the Washington public  
5 safety employees' retirement system.

6 NEW SECTION. **Sec. 615.** Sections 601 through 614 and 616 of this  
7 act do not affect any retirement benefits existing before the effective  
8 date of this section.

9 NEW SECTION. **Sec. 616.** RCW 43.43.142 is decodified.

10 **PART 7**

11 **TECHNICAL CORRECTIONS**

12 **Sec. 701.** RCW 4.24.350 and 2001 c 253 s 1 are each amended to read  
13 as follows:

14 (1) In any action for damages, whether based on tort or contract or  
15 otherwise, a claim or counterclaim for damages may be litigated in the  
16 principal action for malicious prosecution on the ground that the  
17 action was instituted with knowledge that the same was false, and  
18 unfounded, malicious and without probable cause in the filing of such  
19 action, or that the same was filed as a part of a conspiracy to misuse  
20 judicial process by filing an action known to be false and unfounded.

21 (2) In any action, claim, or counterclaim brought by a judicial  
22 officer, prosecuting authority, or law enforcement officer for  
23 malicious prosecution arising out of the performance or purported  
24 performance of the public duty of such officer, an arrest or seizure of  
25 property need not be an element of the claim, nor do special damages  
26 need to be proved. A judicial officer, prosecuting authority, or law  
27 enforcement officer prevailing in such an action may be allowed an  
28 amount up to one thousand dollars as liquidated damages, together with  
29 a reasonable attorneys' fee, and other costs of suit. A government  
30 entity which has provided legal services to the prevailing judicial  
31 officer, prosecuting authority, or law enforcement officer has  
32 reimbursement rights to any award for reasonable attorneys' fees and  
33 other costs, but shall have no such rights to any liquidated damages  
34 allowed.

1 (3) No action may be brought against an attorney under this section  
2 solely because of that attorney's representation of a party in a  
3 lawsuit.

4 (4) As used in this section:

5 (a) "Judicial officer" means a justice, judge, magistrate, or other  
6 judicial officer of the state or a city, town, or county.

7 (b) "Prosecuting authority" means any officer or employee of the  
8 state or a city, town, or county who is authorized by law to initiate  
9 a criminal or civil proceeding on behalf of the public.

10 (c) "Law enforcement officer" means a member of the state patrol,  
11 agent of the Washington bureau of investigation, a sheriff or deputy  
12 sheriff, or a member of the police force of a city, town, university,  
13 state college, or port district, or a fish and wildlife officer or ex  
14 officio fish and wildlife officer as defined in RCW 77.08.010.

15 **Sec. 702.** RCW 4.24.400 and 1995 c 369 s 2 are each amended to read  
16 as follows:

17 No building warden, who acts in good faith, with or without  
18 compensation, shall be personally liable for civil damages arising from  
19 his or her negligent acts or omissions during the course of assigned  
20 duties in assisting others to evacuate industrial, commercial,  
21 governmental or multi-unit residential buildings or in attempting to  
22 control or alleviate a hazard to the building or its occupants caused  
23 by fire, earthquake or other threat to life or limb. The term  
24 "building warden" means an individual who is assigned to take charge of  
25 the occupants on a floor or in an area of a building during an  
26 emergency in accordance with a predetermined fire safety or evacuation  
27 plan; and/or an individual selected by a municipal fire chief or the  
28 (~~chief of the Washington state patrol~~) director of the department of  
29 public safety, through the director of fire protection, after an  
30 emergency is in progress to assist in evacuating the occupants of such  
31 a building or providing for their safety. This section shall not apply  
32 to any acts or omissions constituting gross negligence or willful or  
33 wanton misconduct.

34 **Sec. 703.** RCW 5.60.060 and 2005 c 504 s 705 are each amended to  
35 read as follows:

36 (1) A husband shall not be examined for or against his wife,

1 without the consent of the wife, nor a wife for or against her husband  
2 without the consent of the husband; nor can either during marriage or  
3 afterward, be without the consent of the other, examined as to any  
4 communication made by one to the other during marriage. But this  
5 exception shall not apply to a civil action or proceeding by one  
6 against the other, nor to a criminal action or proceeding for a crime  
7 committed by one against the other, nor to a criminal action or  
8 proceeding against a spouse if the marriage occurred subsequent to the  
9 filing of formal charges against the defendant, nor to a criminal  
10 action or proceeding for a crime committed by said husband or wife  
11 against any child of whom said husband or wife is the parent or  
12 guardian, nor to a proceeding under chapter 70.96A, 70.96B, 71.05, or  
13 71.09 RCW: PROVIDED, That the spouse of a person sought to be detained  
14 under chapter 70.96A, 70.96B, 71.05, or 71.09 RCW may not be compelled  
15 to testify and shall be so informed by the court prior to being called  
16 as a witness.

17 (2)(a) An attorney or counselor shall not, without the consent of  
18 his or her client, be examined as to any communication made by the  
19 client to him or her, or his or her advice given thereon in the course  
20 of professional employment.

21 (b) A parent or guardian of a minor child arrested on a criminal  
22 charge may not be examined as to a communication between the child and  
23 his or her attorney if the communication was made in the presence of  
24 the parent or guardian. This privilege does not extend to  
25 communications made prior to the arrest.

26 (3) A member of the clergy or a priest shall not, without the  
27 consent of a person making the confession, be examined as to any  
28 confession made to him or her in his or her professional character, in  
29 the course of discipline enjoined by the church to which he or she  
30 belongs.

31 (4) Subject to the limitations under RCW 70.96A.140 or 71.05.360  
32 (8) and (9), a physician or surgeon or osteopathic physician or surgeon  
33 or podiatric physician or surgeon shall not, without the consent of his  
34 or her patient, be examined in a civil action as to any information  
35 acquired in attending such patient, which was necessary to enable him  
36 or her to prescribe or act for the patient, except as follows:

37 (a) In any judicial proceedings regarding a child's injury,  
38 neglect, or sexual abuse or the cause thereof; and

1 (b) Ninety days after filing an action for personal injuries or  
2 wrongful death, the claimant shall be deemed to waive the physician-  
3 patient privilege. Waiver of the physician-patient privilege for any  
4 one physician or condition constitutes a waiver of the privilege as to  
5 all physicians or conditions, subject to such limitations as a court  
6 may impose pursuant to court rules.

7 (5) A public officer shall not be examined as a witness as to  
8 communications made to him or her in official confidence, when the  
9 public interest would suffer by the disclosure.

10 (6)(a) A peer support group counselor shall not, without consent of  
11 the law enforcement officer making the communication, be compelled to  
12 testify about any communication made to the counselor by the officer  
13 while receiving counseling. The counselor must be designated as such  
14 by the sheriff, police chief, or (~~chief of the Washington state~~  
15 ~~patrol~~) director of the department of public safety, prior to the  
16 incident that results in counseling. The privilege only applies when  
17 the communication was made to the counselor while acting in his or her  
18 capacity as a peer support group counselor. The privilege does not  
19 apply if the counselor was an initial responding officer, a witness, or  
20 a party to the incident which prompted the delivery of peer support  
21 group counseling services to the law enforcement officer.

22 (b) For purposes of this section, "peer support group counselor"  
23 means a:

24 (i) Law enforcement officer, or civilian employee of a law  
25 enforcement agency, who has received training to provide emotional and  
26 moral support and counseling to an officer who needs those services as  
27 a result of an incident in which the officer was involved while acting  
28 in his or her official capacity; or

29 (ii) Nonemployee counselor who has been designated by the sheriff,  
30 police chief, or (~~chief of the Washington state patrol~~) director of  
31 the department of public safety to provide emotional and moral support  
32 and counseling to an officer who needs those services as a result of an  
33 incident in which the officer was involved while acting in his or her  
34 official capacity.

35 (7) A sexual assault advocate may not, without the consent of the  
36 victim, be examined as to any communication made by the victim to the  
37 sexual assault advocate.

1 (a) For purposes of this section, "sexual assault advocate" means  
2 the employee or volunteer from a rape crisis center, victim assistance  
3 unit, program, or association, that provides information, medical or  
4 legal advocacy, counseling, or support to victims of sexual assault,  
5 who is designated by the victim to accompany the victim to the hospital  
6 or other health care facility and to proceedings concerning the alleged  
7 assault, including police and prosecution interviews and court  
8 proceedings.

9 (b) A sexual assault advocate may disclose a confidential  
10 communication without the consent of the victim if failure to disclose  
11 is likely to result in a clear, imminent risk of serious physical  
12 injury or death of the victim or another person. Any sexual assault  
13 advocate participating in good faith in the disclosing of records and  
14 communications under this section shall have immunity from any  
15 liability, civil, criminal, or otherwise, that might result from the  
16 action. In any proceeding, civil or criminal, arising out of a  
17 disclosure under this section, the good faith of the sexual assault  
18 advocate who disclosed the confidential communication shall be  
19 presumed.

20 **Sec. 704.** RCW 7.68.360 and 2005 c 358 s 2 are each amended to read  
21 as follows:

22 (1) By July 1, 2005, the director of the department of community,  
23 trade, and economic development, or the director's designee, shall  
24 within existing resources convene and chair a work group to develop  
25 written protocols for delivery of services to victims of trafficking of  
26 humans. The director shall invite appropriate federal agencies to  
27 consult with the work group for the purpose of developing protocols  
28 that, to the extent possible, are in concert with federal statutes,  
29 regulations, and policies. In addition to the director of the  
30 department of community, trade, and economic development, the following  
31 shall be members of the work group: The secretary of the department of  
32 health, the secretary of the department of social and health services,  
33 the attorney general, the director of the department of labor and  
34 industries, the commissioner of the employment security department, a  
35 representative of the Washington association of prosecuting attorneys,  
36 the (~~chief of the Washington state patrol~~) director of the department  
37 of public safety, two members selected by the Washington association of

1 sheriffs and police chiefs, and five members, selected by the director  
2 of the department of community, trade, and economic development from a  
3 list submitted by public and private sector organizations that provide  
4 assistance to persons who are victims of trafficking. The attorney  
5 general(~~(, the chief of the Washington state patrol,)~~) and the  
6 secretaries or directors may designate a person to serve in their  
7 place.

8 Members of the work group shall serve without compensation.

9 (2) The protocols must meet all of the following minimum standards:

10 (a) The protocols must apply to the following state agencies: The  
11 department of community, trade, and economic development, the  
12 department of health, the department of social and health services, the  
13 attorney general's office, the Washington state patrol, the department  
14 of labor and industries, and the employment security department;

15 (b) The protocols must provide policies and procedures for  
16 interagency coordinated operations and cooperation with government  
17 agencies and nongovernmental organizations, agencies, and  
18 jurisdictions, including law enforcement agencies and prosecuting  
19 attorneys;

20 (c) The protocols must include the establishment of a data base  
21 electronically available to all affected agencies which contains the  
22 name, address, and telephone numbers of agencies that provide services  
23 to victims of human trafficking; and

24 (d) The protocols must provide guidelines for providing for the  
25 social service needs of victims of trafficking of humans, including  
26 housing, health care, and employment.

27 (3) By January 1, 2006, the work group shall finalize the written  
28 protocols and submit them with a report to the legislature and the  
29 governor.

30 (4) The protocols shall be reviewed on a biennial basis by the work  
31 group to determine whether revisions are appropriate. The director of  
32 the department of community, trade, and economic development, or the  
33 director's designee, shall within existing resources reconvene and  
34 chair the work group for this purpose.

35 **Sec. 705.** RCW 9.35.040 and 2001 c 217 s 2 are each amended to read  
36 as follows:

37 (1) A person, financial information repository, financial service

1 provider, merchant, corporation, trust, partnership, or unincorporated  
2 association possessing information relating to an actual or potential  
3 violation of this chapter, and who may have entered into a transaction,  
4 provided credit, products, goods, or services, accepted payment, or  
5 otherwise done business with a person who has used the victim's means  
6 of identification, must, upon written request of the victim, provide  
7 copies of all relevant application and transaction information related  
8 to the transaction being alleged as a potential or actual violation of  
9 this chapter. Nothing in this section requires the information  
10 provider to disclose information that it is otherwise prohibited from  
11 disclosing by law, except that a law that prohibits disclosing a  
12 person's information to third parties shall not be used to deny  
13 disclosure of such information to the victim under this section.

14 (2) Unless the information provider is otherwise willing to verify  
15 the victim's identification, the victim shall provide the following as  
16 proof of positive identification:

17 (a) The showing of a government-issued photo identification card  
18 or, if providing proof by mail, a copy of a government-issued photo  
19 identification card;

20 (b) A copy of a filed police report evidencing the victim's claim;  
21 and

22 (c) A written statement from the (~~state patrol~~) Washington bureau  
23 of investigation showing that the (~~state patrol~~) Washington bureau of  
24 investigation has on file documentation of the victim's identity  
25 pursuant to the personal identification procedures in RCW 43.43.760 (as  
26 recodified by this act).

27 (3) The provider may require compensation for the reasonable cost  
28 of providing the information requested.

29 (4) No person, financial information repository, financial service  
30 provider, merchant, corporation, trust, partnership, or unincorporated  
31 association may be held liable for an action taken in good faith to  
32 provide information regarding potential or actual violations of this  
33 chapter to other financial information repositories, financial service  
34 providers, merchants, law enforcement authorities, victims, or any  
35 persons alleging to be a victim who comply with subsection (2) of this  
36 section which evidences the alleged victim's claim for the purpose of  
37 identification and prosecution of violators of this chapter, or to

1 assist a victim in recovery of fines, restitution, rehabilitation of  
2 the victim's credit, or such other relief as may be appropriate.

3 (5) A person, financial information repository, financial service  
4 provider, merchant, corporation, trust, partnership, or unincorporated  
5 association may decline to provide information pursuant to this section  
6 when, in the exercise of good faith and reasonable judgment, it  
7 believes this section does not require disclosure of the information.

8 (6) Nothing in this section creates an obligation on the part of a  
9 person, financial information repository, financial services provider,  
10 merchant, corporation, trust, partnership, or unincorporated  
11 association to retain or maintain information or records that they are  
12 not otherwise required to retain or maintain in the ordinary course of  
13 its business.

14 (7) The legislature finds that the practices covered by this  
15 section are matters vitally affecting the public interest for the  
16 purpose of applying the Consumer Protection Act, chapter 19.86 RCW.  
17 Violations of this section are not reasonable in relation to the  
18 development and preservation of business. It is an unfair or deceptive  
19 act in trade or commerce and an unfair method of competition for the  
20 purpose of applying the Consumer Protection Act, chapter 19.86 RCW.  
21 The burden of proof in an action alleging a violation of this section  
22 shall be by a preponderance of the evidence, and the applicable statute  
23 of limitation shall be as set forth in RCW 19.182.120. For purposes of  
24 a judgment awarded pursuant to an action by a consumer under chapter  
25 19.86 RCW, the consumer shall be awarded actual damages. However,  
26 where there has been willful failure to comply with any requirement  
27 imposed under this section, the consumer shall be awarded actual  
28 damages, a monetary penalty of one thousand dollars, and the costs of  
29 the action together with reasonable attorneys' fees as determined by  
30 the court.

31 **Sec. 706.** RCW 9.40.100 and 2003 c 53 s 23 are each amended to read  
32 as follows:

33 Any person who willfully and without cause tampers with, molests,  
34 injures or breaks any public or private fire alarm apparatus, emergency  
35 phone, radio, or other wire or signal, or any fire fighting equipment,  
36 or who willfully and without having reasonable grounds for believing a  
37 fire exists, sends, gives, transmits, or sounds any false alarm of

1 fire, by shouting in a public place or by means of any public or  
2 private fire alarm system or signal, or by telephone, is guilty of a  
3 misdemeanor. This provision shall not prohibit the testing of fire  
4 alarm systems by persons authorized to do so, by a fire department or  
5 the (~~chief of the Washington state patrol~~) director of the department  
6 of public safety, through the director of fire protection.

7 **Sec. 707.** RCW 9.41.045 and 1991 c 221 s 1 are each amended to read  
8 as follows:

9 As a sentence condition and requirement, offenders under the  
10 supervision of the department of corrections pursuant to chapter 9.94A  
11 RCW shall not own, use, or possess firearms or ammunition. In addition  
12 to any penalty imposed pursuant to RCW 9.41.040 when applicable,  
13 offenders found to be in actual or constructive possession of firearms  
14 or ammunition shall be subject to the appropriate violation process and  
15 sanctions as provided for in RCW 9.94A.634. Firearms or ammunition  
16 owned, used, or possessed by offenders may be confiscated by community  
17 corrections officers and turned over to the (~~Washington state patrol~~)  
18 department of public safety for disposal as provided in RCW 9.41.098.

19 **Sec. 708.** RCW 9.41.070 and 2002 c 302 s 703 are each amended to  
20 read as follows:

21 (1) The chief of police of a municipality or the sheriff of a  
22 county shall within thirty days after the filing of an application of  
23 any person, issue a license to such person to carry a pistol concealed  
24 on his or her person within this state for five years from date of  
25 issue, for the purposes of protection or while engaged in business,  
26 sport, or while traveling. However, if the applicant does not have a  
27 valid permanent Washington driver's license or Washington state  
28 identification card or has not been a resident of the state for the  
29 previous consecutive ninety days, the issuing authority shall have up  
30 to sixty days after the filing of the application to issue a license.  
31 The issuing authority shall not refuse to accept completed applications  
32 for concealed pistol licenses during regular business hours.

33 The applicant's constitutional right to bear arms shall not be  
34 denied, unless:

35 (a) He or she is ineligible to possess a firearm under the  
36 provisions of RCW 9.41.040 or 9.41.045;

1 (b) The applicant's concealed pistol license is in a revoked  
2 status;

3 (c) He or she is under twenty-one years of age;

4 (d) He or she is subject to a court order or injunction regarding  
5 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,  
6 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,  
7 26.50.070, or 26.26.590;

8 (e) He or she is free on bond or personal recognizance pending  
9 trial, appeal, or sentencing for a felony offense;

10 (f) He or she has an outstanding warrant for his or her arrest from  
11 any court of competent jurisdiction for a felony or misdemeanor; or

12 (g) He or she has been ordered to forfeit a firearm under RCW  
13 9.41.098(1)(e) within one year before filing an application to carry a  
14 pistol concealed on his or her person.

15 No person convicted of a felony may have his or her right to  
16 possess firearms restored or his or her privilege to carry a concealed  
17 pistol restored, unless the person has been granted relief from  
18 disabilities by the secretary of the treasury under 18 U.S.C. Sec.  
19 925(c), or RCW 9.41.040 (3) or (4) applies.

20 (2) The issuing authority shall check with the national crime  
21 information center, the Washington (~~state patrol~~) bureau of  
22 investigation electronic data base, the department of social and health  
23 services electronic data base, and with other agencies or resources as  
24 appropriate, to determine whether the applicant is ineligible under RCW  
25 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for  
26 a concealed pistol license. This subsection applies whether the  
27 applicant is applying for a new concealed pistol license or to renew a  
28 concealed pistol license.

29 (3) Any person whose firearms rights have been restricted and who  
30 has been granted relief from disabilities by the secretary of the  
31 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
32 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,  
33 transfer, ship, transport, carry, and possess firearms in accordance  
34 with Washington state law restored except as otherwise prohibited by  
35 this chapter.

36 (4) The license application shall bear the full name, residential  
37 address, telephone number at the option of the applicant, date and  
38 place of birth, race, gender, description, not more than two complete

1 sets of fingerprints, and signature of the licensee, and the licensee's  
2 driver's license number or state identification card number if used for  
3 identification in applying for the license. A signed application for  
4 a concealed pistol license shall constitute a waiver of confidentiality  
5 and written request that the department of social and health services,  
6 mental health institutions, and other health care facilities release  
7 information relevant to the applicant's eligibility for a concealed  
8 pistol license to an inquiring court or law enforcement agency.

9 The application for an original license shall include two complete  
10 sets of fingerprints to be forwarded to the Washington state patrol.

11 The license and application shall contain a warning substantially  
12 as follows:

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

18 The license shall contain a description of the major differences  
19 between state and federal law and an explanation of the fact that local  
20 laws and ordinances on firearms are preempted by state law and must be  
21 consistent with state law. The application shall contain questions  
22 about the applicant's eligibility under RCW 9.41.040 to possess a  
23 pistol, the applicant's place of birth, and whether the applicant is a  
24 United States citizen. The applicant shall not be required to produce  
25 a birth certificate or other evidence of citizenship. A person who is  
26 not a citizen of the United States shall meet the additional  
27 requirements of RCW 9.41.170 and produce proof of compliance with RCW  
28 9.41.170 upon application. The license shall be in triplicate and in  
29 a form to be prescribed by the department of licensing.

30 The original thereof shall be delivered to the licensee, the  
31 duplicate shall within seven days be sent to the director of licensing  
32 and the triplicate shall be preserved for six years, by the authority  
33 issuing the license.

34 The department of licensing shall make available to law enforcement  
35 and corrections agencies, in an on-line format, all information  
36 received under this subsection.

37 (5) The nonrefundable fee, paid upon application, for the original  
38 five-year license shall be thirty-six dollars plus additional charges

1 imposed by the Federal Bureau of Investigation that are passed on to  
2 the applicant. No other state or local branch or unit of government  
3 may impose any additional charges on the applicant for the issuance of  
4 the license.

5 The fee shall be distributed as follows:

6 (a) Fifteen dollars shall be paid to the state general fund;

7 (b) Four dollars shall be paid to the agency taking the  
8 fingerprints of the person licensed;

9 (c) Fourteen dollars shall be paid to the issuing authority for the  
10 purpose of enforcing this chapter; and

11 (d) Three dollars to the firearms range account in the general  
12 fund.

13 (6) The nonrefundable fee for the renewal of such license shall be  
14 thirty-two dollars. No other branch or unit of government may impose  
15 any additional charges on the applicant for the renewal of the license.

16 The renewal fee shall be distributed as follows:

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

18 (b) Fourteen dollars shall be paid to the issuing authority for the  
19 purpose of enforcing this chapter; and

20 (c) Three dollars to the firearms range account in the general  
21 fund.

22 (7) The nonrefundable fee for replacement of lost or damaged  
23 licenses is ten dollars to be paid to the issuing authority.

24 (8) Payment shall be by cash, check, or money order at the option  
25 of the applicant. Additional methods of payment may be allowed at the  
26 option of the issuing authority.

27 (9) A licensee may renew a license if the licensee applies for  
28 renewal within ninety days before or after the expiration date of the  
29 license. A license so renewed shall take effect on the expiration date  
30 of the prior license. A licensee renewing after the expiration date of  
31 the license must pay a late renewal penalty of ten dollars in addition  
32 to the renewal fee specified in subsection (6) of this section. The  
33 fee shall be distributed as follows:

34 (a) Three dollars shall be deposited in the state wildlife (~~fund~~)  
35 account and used exclusively first for the printing and distribution of  
36 a pamphlet on the legal limits of the use of firearms, firearms safety,  
37 and the preemptive nature of state law, and subsequently the support of

1 volunteer instructors in the basic firearms safety training program  
2 conducted by the department of fish and wildlife. The pamphlet shall  
3 be given to each applicant for a license; and

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

6 (10) Notwithstanding the requirements of subsections (1) through  
7 (9) of this section, the chief of police of the municipality or the  
8 sheriff of the county of the applicant's residence may issue a  
9 temporary emergency license for good cause pending review under  
10 subsection (1) of this section. However, a temporary emergency license  
11 issued under this subsection shall not exempt the holder of the license  
12 from any records check requirement. Temporary emergency licenses shall  
13 be easily distinguishable from regular licenses.

14 (11) A political subdivision of the state shall not modify the  
15 requirements of this section or chapter, nor may a political  
16 subdivision ask the applicant to voluntarily submit any information not  
17 required by this section.

18 (12) A person who knowingly makes a false statement regarding  
19 citizenship or identity on an application for a concealed pistol  
20 license is guilty of false swearing under RCW 9A.72.040. In addition  
21 to any other penalty provided for by law, the concealed pistol license  
22 of a person who knowingly makes a false statement shall be revoked, and  
23 the person shall be permanently ineligible for a concealed pistol  
24 license.

25 (13) A person may apply for a concealed pistol license:

26 (a) To the municipality or to the county in which the applicant  
27 resides if the applicant resides in a municipality;

28 (b) To the county in which the applicant resides if the applicant  
29 resides in an unincorporated area; or

30 (c) Anywhere in the state if the applicant is a nonresident.

31 **Sec. 709.** RCW 9.41.090 and 1996 c 295 s 8 are each amended to read  
32 as follows:

33 (1) In addition to the other requirements of this chapter, no  
34 dealer may deliver a pistol to the purchaser thereof until:

35 (a) The purchaser produces a valid concealed pistol license and the  
36 dealer has recorded the purchaser's name, license number, and issuing  
37 agency, such record to be made in triplicate and processed as provided

1 in subsection (5) of this section. For purposes of this subsection  
2 (1)(a), a "valid concealed pistol license" does not include a temporary  
3 emergency license, and does not include any license issued before July  
4 1, 1996, unless the issuing agency conducted a records search for  
5 disqualifying crimes under RCW 9.41.070 at the time of issuance;

6 (b) The dealer is notified in writing by the chief of police or the  
7 sheriff of the jurisdiction in which the purchaser resides that the  
8 purchaser is eligible to possess a pistol under RCW 9.41.040 and that  
9 the application to purchase is approved by the chief of police or  
10 sheriff; or

11 (c) Five business days, meaning days on which state offices are  
12 open, have elapsed from the time of receipt of the application for the  
13 purchase thereof as provided herein by the chief of police or sheriff  
14 designated in subsection (5) of this section, and, when delivered, the  
15 pistol shall be securely wrapped and shall be unloaded. However, if  
16 the purchaser does not have a valid permanent Washington driver's  
17 license or state identification card or has not been a resident of the  
18 state for the previous consecutive ninety days, the waiting period  
19 under this subsection (1)(c) shall be up to sixty days.

20 (2)(a) Except as provided in (b) of this subsection, in determining  
21 whether the purchaser meets the requirements of RCW 9.41.040, the chief  
22 of police or sheriff, or the designee of either, shall check with the  
23 national crime information center, the Washington (~~state patrol~~)  
24 bureau of investigation electronic data base, the department of social  
25 and health services electronic data base, and with other agencies or  
26 resources as appropriate, to determine whether the applicant is  
27 ineligible under RCW 9.41.040 to possess a firearm.

28 (b) Once the system is established, a dealer shall use the state  
29 system and national instant criminal background check system, provided  
30 for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et  
31 seq.), to make criminal background checks of applicants to purchase  
32 firearms. However, a chief of police or sheriff, or a designee of  
33 either, shall continue to check the department of social and health  
34 services' electronic data base and with other agencies or resources as  
35 appropriate, to determine whether applicants are ineligible under RCW  
36 9.41.040 to possess a firearm.

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

1 court of competent jurisdiction for a felony or misdemeanor, the dealer  
2 shall hold the delivery of the pistol until the warrant for arrest is  
3 served and satisfied by appropriate court appearance. The local  
4 jurisdiction for purposes of the sale shall confirm the existence of  
5 outstanding warrants within seventy-two hours after notification of the  
6 application to purchase a pistol is received. The local jurisdiction  
7 shall also immediately confirm the satisfaction of the warrant on  
8 request of the dealer so that the hold may be released if the warrant  
9 was for an offense other than an offense making a person ineligible  
10 under RCW 9.41.040 to possess a pistol.

11 (4) In any case where the chief or sheriff of the local  
12 jurisdiction has reasonable grounds based on the following  
13 circumstances: (a) Open criminal charges, (b) pending criminal  
14 proceedings, (c) pending commitment proceedings, (d) an outstanding  
15 warrant for an offense making a person ineligible under RCW 9.41.040 to  
16 possess a pistol, or (e) an arrest for an offense making a person  
17 ineligible under RCW 9.41.040 to possess a pistol, if the records of  
18 disposition have not yet been reported or entered sufficiently to  
19 determine eligibility to purchase a pistol, the local jurisdiction may  
20 hold the sale and delivery of the pistol beyond five days up to thirty  
21 days in order to confirm existing records in this state or elsewhere.  
22 After thirty days, the hold will be lifted unless an extension of the  
23 thirty days is approved by a local district court or municipal court  
24 for good cause shown. A dealer shall be notified of each hold placed  
25 on the sale by local law enforcement and of any application to the  
26 court for additional hold period to confirm records or confirm the  
27 identity of the applicant.

28 (5) At the time of applying for the purchase of a pistol, the  
29 purchaser shall sign in triplicate and deliver to the dealer an  
30 application containing his or her full name, residential address, date  
31 and place of birth, race, and gender; the date and hour of the  
32 application; the applicant's driver's license number or state  
33 identification card number; a description of the pistol including the  
34 make, model, caliber and manufacturer's number if available at the time  
35 of applying for the purchase of a pistol. If the manufacturer's number  
36 is not available, the application may be processed, but delivery of the  
37 pistol to the purchaser may not occur unless the manufacturer's number  
38 is recorded on the application by the dealer and transmitted to the

1 chief of police of the municipality or the sheriff of the county in  
2 which the purchaser resides; and a statement that the purchaser is  
3 eligible to possess a pistol under RCW 9.41.040.

4 The application shall contain a 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 dealer shall, by the end of the business day, sign and attach  
15 his or her address and deliver a copy of the application and such other  
16 documentation as required under subsection (1) of this section to the  
17 chief of police of the municipality or the sheriff of the county of  
18 which the purchaser is a resident. The triplicate shall be retained by  
19 the dealer for six years. The dealer shall deliver the pistol to the  
20 purchaser following the period of time specified in this section unless  
21 the dealer is notified of an investigative hold under subsection (4) of  
22 this section in writing by the chief of police of the municipality or  
23 the sheriff of the county, whichever is applicable, denying the  
24 purchaser's application to purchase and the grounds thereof. The  
25 application shall not be denied unless the purchaser is not eligible to  
26 possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

27 The chief of police of the municipality or the sheriff of the  
28 county shall retain or destroy applications to purchase a pistol in  
29 accordance with the requirements of 18 U.S.C. Sec. 922.

30 (6) A person who knowingly makes a false statement regarding  
31 identity or eligibility requirements on the application to purchase a  
32 pistol is guilty of false swearing under RCW 9A.72.040.

33 (7) This section does not apply to sales to licensed dealers for  
34 resale or to the sale of antique firearms.

35 **Sec. 710.** RCW 9.41.098 and 2003 c 39 s 5 are each amended to read  
36 as follows:

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

3 (a) Found concealed on a person not authorized by RCW 9.41.060 or  
4 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute  
5 defense to forfeiture if the person possessed a valid Washington  
6 concealed pistol license within the preceding two years and has not  
7 become ineligible for a concealed pistol license in the interim.  
8 Before the firearm may be returned, the person must pay the past due  
9 renewal fee and the current renewal fee;

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

12 (c) In the possession of a person prohibited from possessing the  
13 firearm under RCW 9.41.040 or 9.41.045;

14 (d) In the possession or under the control of a person at the time  
15 the person committed or was arrested for committing a felony or  
16 committing a nonfelony crime in which a firearm was used or displayed;

17 (e) In the possession of a person who is in any place in which a  
18 concealed pistol license is required, and who is under the influence of  
19 any drug or under the influence of intoxicating liquor, as defined in  
20 chapter 46.61 RCW;

21 (f) In the possession of a person free on bail or personal  
22 recognizance pending trial, appeal, or sentencing for a felony or for  
23 a nonfelony crime in which a firearm was used or displayed, except that  
24 violations of Title 77 RCW shall not result in forfeiture under this  
25 section;

26 (g) In the possession of a person found to have been mentally  
27 incompetent while in possession of a firearm when apprehended or who is  
28 thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

29 (h) Used or displayed by a person in the violation of a proper  
30 written order of a court of general jurisdiction; or

31 (i) Used in the commission of a felony or of a nonfelony crime in  
32 which a firearm was used or displayed.

33 (2) Upon order of forfeiture, the court in its discretion may order  
34 destruction of any forfeited firearm. A court may temporarily retain  
35 forfeited firearms needed for evidence.

36 (a) Except as provided in (b), (c), and (d) of this subsection,  
37 firearms that are: (i) Judicially forfeited and no longer needed for  
38 evidence; or (ii) forfeited due to a failure to make a claim under RCW

1 63.32.010 or 63.40.010; may be disposed of in any manner determined by  
2 the local legislative authority. Any proceeds of an auction or trade  
3 may be retained by the legislative authority. This subsection (2)(a)  
4 applies only to firearms that come into the possession of the law  
5 enforcement agency after June 30, 1993.

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

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

15 (i) Comply with the provisions for the auction of firearms in RCW  
16 9.41.098 that were in effect immediately preceding May 7, 1993; or

17 (ii) Trade, auction, or arrange for the auction of, rifles and  
18 shotguns. In addition, the law enforcement agency shall either trade,  
19 auction, or arrange for the auction of, short firearms, or shall pay a  
20 fee of twenty-five dollars to the state treasurer for every short  
21 firearm neither auctioned nor traded, to a maximum of fifty thousand  
22 dollars. The fees shall be accompanied by an inventory, under oath, of  
23 every short firearm listed in the inventory required by (a) of this  
24 subsection, that has been neither traded nor auctioned. The state  
25 treasurer shall credit the fees to the firearms range account  
26 established in RCW 79A.25.210. All trades or auctions of firearms  
27 under this subsection shall be to licensed dealers. Proceeds of any  
28 auction less costs, including actual costs of storage and sale, shall  
29 be forwarded to the firearms range account established in RCW  
30 79A.25.210.

31 (c) Antique firearms and firearms recognized as curios, relics, and  
32 firearms of particular historical significance by the United States  
33 (~~(treasury department)~~) bureau of alcohol, tobacco, (~~(and)~~) firearms  
34 and explosives within the department of justice are exempt from  
35 destruction and shall be disposed of by auction or trade to licensed  
36 dealers.

37 (d) Firearms in the possession of the (~~(Washington state patrol)~~)  
38 department of public safety on or after May 7, 1993, that are

1 judicially forfeited and no longer needed for evidence, or forfeited  
2 due to a failure to make a claim under RCW 63.35.020, must be disposed  
3 of as follows: (i) Firearms illegal for any person to possess must be  
4 destroyed; (ii) the Washington state patrol may retain a maximum of ten  
5 percent of legal firearms for agency use; and (iii) all other legal  
6 firearms must be auctioned or traded to licensed dealers. The  
7 (~~Washington state patrol~~) department of public safety may retain any  
8 proceeds of an auction or trade.

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

14 (4) A law enforcement officer of the state or of any county or  
15 municipality may confiscate a firearm found to be in the possession of  
16 a person under circumstances specified in subsection (1) of this  
17 section. After confiscation, the firearm shall not be surrendered  
18 except: (a) To the prosecuting attorney for use in subsequent legal  
19 proceedings; (b) for disposition according to an order of a court  
20 having jurisdiction as provided in subsection (1) of this section; or  
21 (c) to the owner if the proceedings are dismissed or as directed in  
22 subsection (3) of this section.

23 **Sec. 711.** RCW 9.41.170 and 1996 c 295 s 11 are each amended to  
24 read as follows:

25 (1) It is a class C felony for any person who is not a citizen of  
26 the United States to carry or possess any firearm, without first having  
27 obtained an alien firearm license from the director of licensing. In  
28 order to be eligible for a license, an alien must provide proof that he  
29 or she is lawfully present in the United States, which the director of  
30 licensing shall verify through the appropriate authorities. Except as  
31 provided in subsection (2)(a) of this section, and subject to the  
32 additional requirements of subsection (2)(b) of this section, the  
33 director of licensing may issue an alien firearm license only upon  
34 receiving from the consul domiciled in this state representing the  
35 country of the alien, a certified copy of the alien's criminal history  
36 in the alien's country indicating the alien is not ineligible under RCW

1 9.41.040 to own, possess, or control a firearm, and the consul's  
2 attestation that the alien is a responsible person.

3 (2)(a) Subject to the additional requirements of (b) of this  
4 subsection, the director of licensing may issue an alien firearm  
5 license without a certified copy of the alien's criminal history or the  
6 consul's attestation required by subsection (1) of this section, if the  
7 alien has been a resident of this state for at least two years and:  
8 (i) The alien is from a country without a consul domiciled within this  
9 state, or (ii) the consul has failed to provide, within ninety days  
10 after a request by the alien, the criminal history or attestation  
11 required by subsection (1) of this section.

12 (b) Before issuing an alien firearm license under subsection (1) of  
13 this section or this subsection (2), the director of licensing shall  
14 ask the local law enforcement agency of the jurisdiction in which the  
15 alien resides to complete a background and fingerprint check to  
16 determine the alien's eligibility under RCW 9.41.040 to own, possess,  
17 or control a firearm. The law enforcement agency shall complete a  
18 background check within thirty days after the request, unless the alien  
19 does not have a valid Washington driver's license or Washington state  
20 identification card. In the latter case, the law enforcement agency  
21 shall complete the background check within sixty days after the  
22 request.

23 A signed application for an alien firearm license shall constitute  
24 a waiver of confidentiality and written request that the department of  
25 social and health services, mental health institutions, and other  
26 health care facilities release information relevant to the applicant's  
27 eligibility for an alien firearm license to an inquiring law  
28 enforcement agency.

29 (3) The alien firearm license shall be valid for five years from  
30 the date of issue so long as the alien is lawfully present in the  
31 United States. The nonrefundable fee, paid upon application, for the  
32 five-year license shall be fifty-five dollars plus additional charges  
33 imposed by the Federal Bureau of Investigation that are passed on to  
34 the applicant. The fee shall be distributed as follows:

35 (a) Fifteen dollars shall be paid to the department of licensing;

36 (b) Twenty-five dollars shall be paid to the Washington (~~state~~  
37 ~~patrol~~) bureau of investigation; and

1 (c) Fifteen dollars shall be paid to the local law enforcement  
2 agency conducting the background check.

3 (4) This section shall not apply to Canadian citizens resident in  
4 a province which has an enactment or public policy providing  
5 substantially similar privilege to residents of the state of Washington  
6 and who are carrying or possessing weapons for the purpose of using  
7 them in the hunting of game while such persons are in the act of  
8 hunting, or while on a hunting trip, or while such persons are  
9 competing in a bona fide trap or skeet shoot or any other organized  
10 contest where rifles, pistols, or shotguns are used. Nothing in this  
11 section shall be construed to allow aliens to hunt or fish in this  
12 state without first having obtained a regular hunting or fishing  
13 license.

14 **Sec. 712.** RCW 9.46.130 and 1981 c 139 s 10 are each amended to  
15 read as follows:

16 The premises and paraphernalia, and all the books and records of  
17 any person, association or organization conducting gambling activities  
18 authorized under this chapter and any person, association or  
19 organization receiving profits therefrom or having any interest therein  
20 shall be subject to inspection and audit at any reasonable time, with  
21 or without notice, upon demand, by the commission or its designee, the  
22 attorney general or his or her designee, the (~~chief of the Washington~~  
23 ~~state patrol~~) director of the department of public safety or his or  
24 her designee or the prosecuting attorney, sheriff or director of public  
25 safety or their designees of the county wherein located, or the chief  
26 of police or his or her designee of any city or town in which said  
27 organization is located, for the purpose of determining compliance or  
28 noncompliance with the provisions of this chapter and any rules or  
29 regulations or local ordinances adopted pursuant thereto. A reasonable  
30 time for the purpose of this section shall be: (1) If the items or  
31 records to be inspected or audited are located anywhere upon a premises  
32 any portion of which is regularly open to the public or members and  
33 guests, then at any time when the premises are so open, or at which  
34 they are usually open; or (2) if the items or records to be inspected  
35 or audited are not located upon a premises set out in subsection (1)  
36 above, then any time between the hours of 8:00 a.m. and 9:00 p.m.,  
37 Monday through Friday.

1 The commission shall be provided at such reasonable intervals as  
2 the commission shall determine with a report, under oath, detailing all  
3 receipts and disbursements in connection with such gambling activities  
4 together with such other reasonable information as required in order to  
5 determine whether such activities comply with the purposes of this  
6 chapter or any local ordinances relating thereto.

7 **Sec. 713.** RCW 9.92.066 and 2003 c 66 s 2 are each amended to read  
8 as follows:

9 (1) Upon termination of any suspended sentence under RCW 9.92.060  
10 or 9.95.210, such person may apply to the court for restoration of his  
11 or her civil rights. Thereupon the court may in its discretion enter  
12 an order directing that such defendant shall thereafter be released  
13 from all penalties and disabilities resulting from the offense or crime  
14 of which he or she has been convicted.

15 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060  
16 or 9.95.210, the person may apply to the sentencing court for a  
17 vacation of the person's record of conviction under RCW 9.94A.640. The  
18 court may, in its discretion, clear the record of conviction if it  
19 finds the person has met the equivalent of the tests in RCW  
20 9.94A.640(2) as those tests would be applied to a person convicted of  
21 a crime committed before July 1, 1984.

22 (b) The clerk of the court in which the vacation order is entered  
23 shall immediately transmit the order vacating the conviction to the  
24 Washington (~~state patrol~~) bureau of investigation identification  
25 section and to the local police agency, if any, which holds criminal  
26 history information for the person who is the subject of the  
27 conviction. The Washington (~~state patrol~~) bureau of investigation  
28 and any such local police agency shall immediately update their records  
29 to reflect the vacation of the conviction, and shall transmit the order  
30 vacating the conviction to the federal bureau of investigation. A  
31 conviction that has been vacated under this section may not be  
32 disseminated or disclosed by the (~~state patrol~~) Washington bureau of  
33 investigation or local law enforcement agency to any person, except  
34 other criminal justice enforcement agencies.

35 **Sec. 714.** RCW 9.94A.612 and 1996 c 215 s 4 are each amended to  
36 read as follows:

1 (1) At the earliest possible date, and in no event later than  
2 thirty days before release except in the event of escape or emergency  
3 furloughs as defined in RCW 72.66.010, the department of corrections  
4 shall send written notice of parole, release, community placement, work  
5 release placement, furlough, or escape about a specific inmate  
6 convicted of a violent offense, a sex offense as defined by RCW  
7 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060  
8 or 9A.46.110, to the following:

9 (a) The chief of police of the city, if any, in which the inmate  
10 will reside or in which placement will be made in a work release  
11 program; and

12 (b) The sheriff of the county in which the inmate will reside or in  
13 which placement will be made in a work release program.

14 The sheriff of the county where the offender was convicted shall be  
15 notified if the department does not know where the offender will  
16 reside. The department shall notify the (~~state patrol~~) Washington  
17 bureau of investigation of the release of all sex offenders, and that  
18 information shall be placed in the Washington crime information center  
19 for dissemination to all law enforcement.

20 (2) The same notice as required by subsection (1) of this section  
21 shall be sent to the following if such notice has been requested in  
22 writing about a specific inmate convicted of a violent offense, a sex  
23 offense as defined by RCW 9.94A.030, or a felony harassment offense as  
24 defined by RCW 9A.46.060 or 9A.46.110:

25 (a) The victim of the crime for which the inmate was convicted or  
26 the victim's next of kin if the crime was a homicide;

27 (b) Any witnesses who testified against the inmate in any court  
28 proceedings involving the violent offense;

29 (c) Any person specified in writing by the prosecuting attorney;  
30 and

31 (d) Any person who requests such notice about a specific inmate  
32 convicted of a sex offense as defined by RCW 9.94A.030 from the  
33 department of corrections at least sixty days prior to the expected  
34 release date of the offender.

35 Information regarding victims, next of kin, or witnesses requesting  
36 the notice, information regarding any other person specified in writing  
37 by the prosecuting attorney to receive the notice, and the notice are  
38 confidential and shall not be available to the inmate. Whenever the

1 department of corrections mails notice pursuant to this subsection and  
2 the notice is returned as undeliverable, the department shall attempt  
3 alternative methods of notification, including a telephone call to the  
4 person's last known telephone number.

5 (3) The existence of the notice requirements contained in  
6 subsections (1) and (2) of this section shall not require an extension  
7 of the release date in the event that the release plan changes after  
8 notification.

9 (4) If an inmate convicted of a violent offense, a sex offense as  
10 defined by RCW 9.94A.030, or a felony harassment offense as defined by  
11 RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the  
12 department of corrections shall immediately notify, by the most  
13 reasonable and expedient means available, the chief of police of the  
14 city and the sheriff of the county in which the inmate resided  
15 immediately before the inmate's arrest and conviction. If previously  
16 requested, the department shall also notify the witnesses and the  
17 victim of the crime for which the inmate was convicted or the victim's  
18 next of kin if the crime was a homicide. If the inmate is recaptured,  
19 the department shall send notice to the persons designated in this  
20 subsection as soon as possible but in no event later than two working  
21 days after the department learns of such recapture.

22 (5) If the victim, the victim's next of kin, or any witness is  
23 under the age of sixteen, the notice required by this section shall be  
24 sent to the parents or legal guardian of the child.

25 (6) The department of corrections shall send the notices required  
26 by this chapter to the last address provided to the department by the  
27 requesting party. The requesting party shall furnish the department  
28 with a current address.

29 (7) The department of corrections shall keep, for a minimum of two  
30 years following the release of an inmate, the following:

31 (a) A document signed by an individual as proof that that person is  
32 registered in the victim or witness notification program; and

33 (b) A receipt showing that an individual registered in the victim  
34 or witness notification program was mailed a notice, at the  
35 individual's last known address, upon the release or movement of an  
36 inmate.

37 (8) For purposes of this section the following terms have the  
38 following meanings:

1 (a) "Violent offense" means a violent offense under RCW 9.94A.030;  
2 (b) "Next of kin" means a person's spouse, parents, siblings and  
3 children.

4 (9) Nothing in this section shall impose any liability upon a chief  
5 of police of a city or sheriff of a county for failing to request in  
6 writing a notice as provided in subsection (1) of this section.

7 **Sec. 715.** RCW 9.95.240 and 2003 c 66 s 1 are each amended to read  
8 as follows:

9 (1) Every defendant who has fulfilled the conditions of his or her  
10 probation for the entire period thereof, or who shall have been  
11 discharged from probation prior to the termination of the period  
12 thereof, may at any time prior to the expiration of the maximum period  
13 of punishment for the offense for which he or she has been convicted be  
14 permitted in the discretion of the court to withdraw his or her plea of  
15 guilty and enter a plea of not guilty, or if he or she has been  
16 convicted after a plea of not guilty, the court may in its discretion  
17 set aside the verdict of guilty; and in either case, the court may  
18 thereupon dismiss the information or indictment against such defendant,  
19 who shall thereafter be released from all penalties and disabilities  
20 resulting from the offense or crime of which he or she has been  
21 convicted. The probationer shall be informed of this right in his or  
22 her probation papers: PROVIDED, That in any subsequent prosecution,  
23 for any other offense, such prior conviction may be pleaded and proved,  
24 and shall have the same effect as if probation had not been granted, or  
25 the information or indictment dismissed.

26 (2)(a) After the period of probation has expired, the defendant may  
27 apply to the sentencing court for a vacation of the defendant's record  
28 of conviction under RCW 9.94A.640. The court may, in its discretion,  
29 clear the record of conviction if it finds the defendant has met the  
30 equivalent of the tests in RCW 9.94A.640(2) as those tests would be  
31 applied to a person convicted of a crime committed before July 1, 1984.

32 (b) The clerk of the court in which the vacation order is entered  
33 shall immediately transmit the order vacating the conviction to the  
34 Washington (~~state patrol~~) bureau of investigation identification  
35 section and to the local police agency, if any, which holds criminal  
36 history information for the person who is the subject of the  
37 conviction. The Washington (~~state patrol~~) bureau of investigation

1 and any such local police agency shall immediately update their records  
2 to reflect the vacation of the conviction, and shall transmit the order  
3 vacating the conviction to the federal bureau of investigation. A  
4 conviction that has been vacated under this section may not be  
5 disseminated or disclosed by the (~~state patrol~~) Washington bureau of  
6 investigation or local law enforcement agency to any person, except  
7 other criminal justice enforcement agencies.

8 **Sec. 716.** RCW 9.96.060 and 2001 c 140 s 1 are each amended to read  
9 as follows:

10 (1) Every person convicted of a misdemeanor or gross misdemeanor  
11 offense who has completed all of the terms of the sentence for the  
12 misdemeanor or gross misdemeanor offense may apply to the sentencing  
13 court for a vacation of the applicant's record of conviction for the  
14 offense. If the court finds the applicant meets the tests prescribed  
15 in subsection (2) of this section, the court may in its discretion  
16 vacate the record of conviction by: (a)(i) Permitting the applicant to  
17 withdraw the applicant's plea of guilty and to enter a plea of not  
18 guilty; or (ii) if the applicant has been convicted after a plea of not  
19 guilty, the court setting aside the verdict of guilty; and (b) the  
20 court dismissing the information, indictment, complaint, or citation  
21 against the applicant and vacating the judgment and sentence.

22 (2) An applicant may not have the record of conviction for a  
23 misdemeanor or gross misdemeanor offense vacated if any one of the  
24 following is present:

25 (a) There are any criminal charges against the applicant pending in  
26 any court of this state or another state, or in any federal court;

27 (b) The offense was a violent offense as defined in RCW 9.94A.030  
28 or an attempt to commit a violent offense;

29 (c) The offense was a violation of RCW 46.61.502 (driving while  
30 under the influence), 46.61.504 (actual physical control while under  
31 the influence), or 9.91.020 (operating a railroad, etc. while  
32 intoxicated);

33 (d) The offense was any misdemeanor or gross misdemeanor violation,  
34 including attempt, of chapter 9.68 RCW (obscenity and pornography),  
35 chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44  
36 RCW (sex offenses);

1 (e) The applicant was convicted of a misdemeanor or gross  
2 misdemeanor offense as defined in RCW 10.99.020, or the court  
3 determines after a review of the court file that the offense was  
4 committed by one family member or household member against another, or  
5 the court, after considering the damage to person or property that  
6 resulted in the conviction, any prior convictions for crimes defined in  
7 RCW 10.99.020, or for comparable offenses in another state or in  
8 federal court, and the totality of the records under review by the  
9 court regarding the conviction being considered for vacation,  
10 determines that the offense involved domestic violence, and any one of  
11 the following factors exist:

12 (i) The applicant has not provided written notification of the  
13 vacation petition to the prosecuting attorney's office that prosecuted  
14 the offense for which vacation is sought, or has not provided that  
15 notification to the court;

16 (ii) The applicant has previously had a conviction for domestic  
17 violence. For purposes of this subsection, however, if the current  
18 application is for more than one conviction that arose out of a single  
19 incident, none of those convictions counts as a previous conviction;

20 (iii) The applicant has signed an affidavit under penalty of  
21 perjury affirming that the applicant has not previously had a  
22 conviction for a domestic violence offense, and a criminal history  
23 check reveals that the applicant has had such a conviction; or

24 (iv) Less than five years have elapsed since the person completed  
25 the terms of the original conditions of the sentence, including any  
26 financial obligations and successful completion of any treatment  
27 ordered as a condition of sentencing;

28 (f) For any offense other than those described in (e) of this  
29 subsection, less than three years have passed since the person  
30 completed the terms of the sentence, including any financial  
31 obligations;

32 (g) The offender has been convicted of a new crime in this state,  
33 another state, or federal court since the date of conviction;

34 (h) The applicant has ever had the record of another conviction  
35 vacated; or

36 (i) The applicant is currently restrained, or has been restrained  
37 within five years prior to the vacation application, by a domestic

1 violence protection order, a no-contact order, an antiharassment order,  
2 or a civil restraining order which restrains one party from contacting  
3 the other party.

4 (3) Once the court vacates a record of conviction under subsection  
5 (1) of this section, the person shall be released from all penalties  
6 and disabilities resulting from the offense and the fact that the  
7 person has been convicted of the offense shall not be included in the  
8 person's criminal history for purposes of determining a sentence in any  
9 subsequent conviction. For all purposes, including responding to  
10 questions on employment or housing applications, a person whose  
11 conviction has been vacated under subsection (1) of this section may  
12 state that he or she has never been convicted of that crime. Nothing  
13 in this section affects or prevents the use of an offender's prior  
14 conviction in a later criminal prosecution.

15 (4) All costs incurred by the court and probation services shall be  
16 paid by the person making the motion to vacate the record unless a  
17 determination is made pursuant to chapter 10.101 RCW that the person  
18 making the motion is indigent, at the time the motion is brought.

19 (5) The clerk of the court in which the vacation order is entered  
20 shall immediately transmit the order vacating the conviction to the  
21 Washington (~~state patrol~~) bureau of investigation identification  
22 section and to the local police agency, if any, which holds criminal  
23 history information for the person who is the subject of the  
24 conviction. The Washington (~~state patrol~~) bureau of investigation  
25 and any such local police agency shall immediately update their records  
26 to reflect the vacation of the conviction, and shall transmit the order  
27 vacating the conviction to the federal bureau of investigation. A  
28 conviction that has been vacated under this section may not be  
29 disseminated or disclosed by the (~~state patrol~~) Washington bureau of  
30 investigation or local law enforcement agency to any person, except  
31 other criminal justice enforcement agencies.

32 **Sec. 717.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to  
33 read as follows:

34 (1)(a) Any adult or juvenile residing whether or not the person has  
35 a fixed residence, or who is a student, is employed, or carries on a  
36 vocation in this state who has been found to have committed or has been  
37 convicted of any sex offense or kidnapping offense, or who has been

1 found not guilty by reason of insanity under chapter 10.77 RCW of  
2 committing any sex offense or kidnapping offense, shall register with  
3 the county sheriff for the county of the person's residence, or if the  
4 person is not a resident of Washington, the county of the person's  
5 school, or place of employment or vocation, or as otherwise specified  
6 in this section. Where a person required to register under this  
7 section is in custody of the state department of corrections, the state  
8 department of social and health services, a local division of youth  
9 services, or a local jail or juvenile detention facility as a result of  
10 a sex offense or kidnapping offense, the person shall also register at  
11 the time of release from custody with an official designated by the  
12 agency that has jurisdiction over the person.

13 (b) Any adult or juvenile who is required to register under (a) of  
14 this subsection:

15 (i) Who is attending, or planning to attend, a public or private  
16 school regulated under Title 28A RCW or chapter 72.40 RCW shall, within  
17 ten days of enrolling or prior to arriving at the school to attend  
18 classes, whichever is earlier, notify the sheriff for the county of the  
19 person's residence of the person's intent to attend the school, and the  
20 sheriff shall promptly notify the principal of the school;

21 (ii) Who is admitted to a public or private institution of higher  
22 education shall, within ten days of enrolling or by the first business  
23 day after arriving at the institution, whichever is earlier, notify the  
24 sheriff for the county of the person's residence of the person's intent  
25 to attend the institution;

26 (iii) Who gains employment at a public or private institution of  
27 higher education shall, within ten days of accepting employment or by  
28 the first business day after commencing work at the institution,  
29 whichever is earlier, notify the sheriff for the county of the person's  
30 residence of the person's employment by the institution; or

31 (iv) Whose enrollment or employment at a public or private  
32 institution of higher education is terminated shall, within ten days of  
33 such termination, notify the sheriff for the county of the person's  
34 residence of the person's termination of enrollment or employment at  
35 the institution.

36 (c) Persons required to register under this section who are  
37 enrolled in a public or private institution of higher education on June

1 11, 1998, or a public or private school regulated under Title 28A RCW  
2 or chapter 72.40 RCW on September 1, 2006, must notify the county  
3 sheriff immediately.

4 (d) The sheriff shall notify the school's principal or  
5 institution's department of public safety and shall provide that  
6 department with the same information provided to a county sheriff under  
7 subsection (3) of this section.

8 (e)(i) A principal receiving notice under this subsection must  
9 disclose the information received from the sheriff under (b) of this  
10 subsection as follows:

11 (A) If the student who is required to register as a sex offender is  
12 classified as a risk level II or III, the principal shall provide the  
13 information received to every teacher of any student required to  
14 register under (a) of this subsection and to any other personnel who,  
15 in the judgment of the principal, supervises the student or for  
16 security purposes should be aware of the student's record;

17 (B) If the student who is required to register as a sex offender is  
18 classified as a risk level I, the principal shall provide the  
19 information received only to personnel who, in the judgment of the  
20 principal, for security purposes should be aware of the student's  
21 record.

22 (ii) Any information received by a principal or school personnel  
23 under this subsection is confidential and may not be further  
24 disseminated except as provided in RCW 28A.225.330, other statutes or  
25 case law, and the family and educational and privacy rights act of  
26 1994, 20 U.S.C. Sec. 1232g et seq.

27 (2) This section may not be construed to confer any powers pursuant  
28 to RCW (~~4.24.500~~) 4.24.550 upon the public safety department of any  
29 public or private school or institution of higher education.

30 (3)(a) The person shall provide the following information when  
31 registering: (i) Name; (ii) address; (iii) date and place of birth;  
32 (iv) place of employment; (v) crime for which convicted; (vi) date and  
33 place of conviction; (vii) aliases used; (viii) social security number;  
34 (ix) photograph; and (x) fingerprints.

35 (b) Any person who lacks a fixed residence shall provide the  
36 following information when registering: (i) Name; (ii) date and place  
37 of birth; (iii) place of employment; (iv) crime for which convicted;

1 (v) date and place of conviction; (vi) aliases used; (vii) social  
2 security number; (viii) photograph; (ix) fingerprints; and (x) where he  
3 or she plans to stay.

4 (4)(a) Offenders shall register with the county sheriff within the  
5 following deadlines. For purposes of this section the term  
6 "conviction" refers to adult convictions and juvenile adjudications for  
7 sex offenses or kidnapping offenses:

8 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
9 offense on, before, or after February 28, 1990, and who, on or after  
10 July 28, 1991, are in custody, as a result of that offense, of the  
11 state department of corrections, the state department of social and  
12 health services, a local division of youth services, or a local jail or  
13 juvenile detention facility, and (B) kidnapping offenders who on or  
14 after July 27, 1997, are in custody of the state department of  
15 corrections, the state department of social and health services, a  
16 local division of youth services, or a local jail or juvenile detention  
17 facility, must register at the time of release from custody with an  
18 official designated by the agency that has jurisdiction over the  
19 offender. The agency shall within three days forward the registration  
20 information to the county sheriff for the county of the offender's  
21 anticipated residence. The offender must also register within twenty-  
22 four hours from the time of release with the county sheriff for the  
23 county of the person's residence, or if the person is not a resident of  
24 Washington, the county of the person's school, or place of employment  
25 or vocation. The agency that has jurisdiction over the offender shall  
26 provide notice to the offender of the duty to register. Failure to  
27 register at the time of release and within twenty-four hours of release  
28 constitutes a violation of this section and is punishable as provided  
29 in subsection (10) of this section.

30 When the agency with jurisdiction intends to release an offender  
31 with a duty to register under this section, and the agency has  
32 knowledge that the offender is eligible for developmental disability  
33 services from the department of social and health services, the agency  
34 shall notify the division of developmental disabilities of the release.  
35 Notice shall occur not more than thirty days before the offender is to  
36 be released. The agency and the division shall assist the offender in  
37 meeting the initial registration requirement under this section.

1 Failure to provide such assistance shall not constitute a defense for  
2 any violation of this section.

3 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
4 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody  
5 but are under the jurisdiction of the indeterminate sentence review  
6 board or under the department of corrections' active supervision, as  
7 defined by the department of corrections, the state department of  
8 social and health services, or a local division of youth services, for  
9 sex offenses committed before, on, or after February 28, 1990, must  
10 register within ten days of July 28, 1991. Kidnapping offenders who,  
11 on July 27, 1997, are not in custody but are under the jurisdiction of  
12 the indeterminate sentence review board or under the department of  
13 corrections' active supervision, as defined by the department of  
14 corrections, the state department of social and health services, or a  
15 local division of youth services, for kidnapping offenses committed  
16 before, on, or after July 27, 1997, must register within ten days of  
17 July 27, 1997. A change in supervision status of a sex offender who  
18 was required to register under this subsection (4)(a)(ii) as of July  
19 28, 1991, or a kidnapping offender required to register as of July 27,  
20 1997, shall not relieve the offender of the duty to register or to  
21 reregister following a change in residence. The obligation to register  
22 shall only cease pursuant to RCW 9A.44.140.

23 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
24 or after July 23, 1995, and kidnapping offenders who, on or after July  
25 27, 1997, as a result of that offense are in the custody of the United  
26 States bureau of prisons or other federal or military correctional  
27 agency for sex offenses committed before, on, or after February 28,  
28 1990, or kidnapping offenses committed on, before, or after July 27,  
29 1997, must register within twenty-four hours from the time of release  
30 with the county sheriff for the county of the person's residence, or if  
31 the person is not a resident of Washington, the county of the person's  
32 school, or place of employment or vocation. Sex offenders who, on July  
33 23, 1995, are not in custody but are under the jurisdiction of the  
34 United States bureau of prisons, United States courts, United States  
35 parole commission, or military parole board for sex offenses committed  
36 before, on, or after February 28, 1990, must register within ten days  
37 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
38 in custody but are under the jurisdiction of the United States bureau

1 of prisons, United States courts, United States parole commission, or  
2 military parole board for kidnapping offenses committed before, on, or  
3 after July 27, 1997, must register within ten days of July 27, 1997.  
4 A change in supervision status of a sex offender who was required to  
5 register under this subsection (4)(a)(iii) as of July 23, 1995, or a  
6 kidnapping offender required to register as of July 27, 1997 shall not  
7 relieve the offender of the duty to register or to reregister following  
8 a change in residence, or if the person is not a resident of  
9 Washington, the county of the person's school, or place of employment  
10 or vocation. The obligation to register shall only cease pursuant to  
11 RCW 9A.44.140.

12 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
13 who are convicted of a sex offense on or after July 28, 1991, for a sex  
14 offense that was committed on or after February 28, 1990, and  
15 kidnapping offenders who are convicted on or after July 27, 1997, for  
16 a kidnapping offense that was committed on or after July 27, 1997, but  
17 who are not sentenced to serve a term of confinement immediately upon  
18 sentencing, shall report to the county sheriff to register immediately  
19 upon completion of being sentenced.

20 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
21 RESIDENTS. Sex offenders and kidnapping offenders who move to  
22 Washington state from another state or a foreign country that are not  
23 under the jurisdiction of the state department of corrections, the  
24 indeterminate sentence review board, or the state department of social  
25 and health services at the time of moving to Washington, must register  
26 within thirty days of establishing residence or reestablishing  
27 residence if the person is a former Washington resident. The duty to  
28 register under this subsection applies to sex offenders convicted under  
29 the laws of another state or a foreign country, federal or military  
30 statutes, or Washington state for offenses committed on or after  
31 February 28, 1990, and to kidnapping offenders convicted under the laws  
32 of another state or a foreign country, federal or military statutes, or  
33 Washington state for offenses committed on or after July 27, 1997. Sex  
34 offenders and kidnapping offenders from other states or a foreign  
35 country who, when they move to Washington, are under the jurisdiction  
36 of the department of corrections, the indeterminate sentence review  
37 board, or the department of social and health services must register

1 within twenty-four hours of moving to Washington. The agency that has  
2 jurisdiction over the offender shall notify the offender of the  
3 registration requirements before the offender moves to Washington.

4 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
5 or juvenile who has been found not guilty by reason of insanity under  
6 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
7 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
8 as a result of that finding, of the state department of social and  
9 health services, or (B) committing a kidnapping offense on, before, or  
10 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
11 as a result of that finding, of the state department of social and  
12 health services, must register within twenty-four hours from the time  
13 of release with the county sheriff for the county of the person's  
14 residence. The state department of social and health services shall  
15 provide notice to the adult or juvenile in its custody of the duty to  
16 register. Any adult or juvenile who has been found not guilty by  
17 reason of insanity of committing a sex offense on, before, or after  
18 February 28, 1990, but who was released before July 23, 1995, or any  
19 adult or juvenile who has been found not guilty by reason of insanity  
20 of committing a kidnapping offense but who was released before July 27,  
21 1997, shall be required to register within twenty-four hours of  
22 receiving notice of this registration requirement. The state  
23 department of social and health services shall make reasonable attempts  
24 within available resources to notify sex offenders who were released  
25 before July 23, 1995, and kidnapping offenders who were released before  
26 July 27, 1997. Failure to register within twenty-four hours of  
27 release, or of receiving notice, constitutes a violation of this  
28 section and is punishable as provided in subsection (10) of this  
29 section.

30 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks  
31 a fixed residence and leaves the county in which he or she is  
32 registered and enters and remains within a new county for twenty-four  
33 hours is required to register with the county sheriff not more than  
34 twenty-four hours after entering the county and provide the information  
35 required in subsection (3)(b) of this section.

36 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER  
37 SUPERVISION. Offenders who lack a fixed residence and who are under

1 the supervision of the department shall register in the county of their  
2 supervision.

3 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
4 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
5 who move to another state, or who work, carry on a vocation, or attend  
6 school in another state shall register a new address, fingerprints, and  
7 photograph with the new state within ten days after establishing  
8 residence, or after beginning to work, carry on a vocation, or attend  
9 school in the new state. The person must also send written notice  
10 within ten days of moving to the new state or to a foreign country to  
11 the county sheriff with whom the person last registered in Washington  
12 state. The county sheriff shall promptly forward this information to  
13 the Washington (~~state patrol~~) bureau of investigation.

14 (b) Failure to register within the time required under this section  
15 constitutes a per se violation of this section and is punishable as  
16 provided in subsection (10) of this section. The county sheriff shall  
17 not be required to determine whether the person is living within the  
18 county.

19 (c) An arrest on charges of failure to register, service of an  
20 information, or a complaint for a violation of this section, or  
21 arraignment on charges for a violation of this section, constitutes  
22 actual notice of the duty to register. Any person charged with the  
23 crime of failure to register under this section who asserts as a  
24 defense the lack of notice of the duty to register shall register  
25 immediately following actual notice of the duty through arrest,  
26 service, or arraignment. Failure to register as required under this  
27 subsection (4)(c) constitutes grounds for filing another charge of  
28 failing to register. Registering following arrest, service, or  
29 arraignment on charges shall not relieve the offender from criminal  
30 liability for failure to register prior to the filing of the original  
31 charge.

32 (d) The deadlines for the duty to register under this section do  
33 not relieve any sex offender of the duty to register under this section  
34 as it existed prior to July 28, 1991.

35 (5)(a) If any person required to register pursuant to this section  
36 changes his or her residence address within the same county, the person  
37 must send written notice of the change of address to the county sheriff  
38 within seventy-two hours of moving. If any person required to register

1 pursuant to this section moves to a new county, the person must send  
2 written notice of the change of address at least fourteen days before  
3 moving to the county sheriff in the new county of residence and must  
4 register with that county sheriff within twenty-four hours of moving.  
5 The person must also send written notice within ten days of the change  
6 of address in the new county to the county sheriff with whom the person  
7 last registered. The county sheriff with whom the person last  
8 registered shall promptly forward the information concerning the change  
9 of address to the county sheriff for the county of the person's new  
10 residence. Upon receipt of notice of change of address to a new state,  
11 the county sheriff shall promptly forward the information regarding the  
12 change of address to the agency designated by the new state as the  
13 state's offender registration agency.

14 (b) It is an affirmative defense to a charge that the person failed  
15 to send a notice at least fourteen days in advance of moving as  
16 required under (a) of this subsection that the person did not know the  
17 location of his or her new residence at least fourteen days before  
18 moving. The defendant must establish the defense by a preponderance of  
19 the evidence and, to prevail on the defense, must also prove by a  
20 preponderance that the defendant sent the required notice within  
21 twenty-four hours of determining the new address.

22 (6)(a) Any person required to register under this section who lacks  
23 a fixed residence shall provide written notice to the sheriff of the  
24 county where he or she last registered within forty-eight hours  
25 excluding weekends and holidays after ceasing to have a fixed  
26 residence. The notice shall include the information required by  
27 subsection (3)(b) of this section, except the photograph and  
28 fingerprints. The county sheriff may, for reasonable cause, require  
29 the offender to provide a photograph and fingerprints. The sheriff  
30 shall forward this information to the sheriff of the county in which  
31 the person intends to reside, if the person intends to reside in  
32 another county.

33 (b) A person who lacks a fixed residence must report weekly, in  
34 person, to the sheriff of the county where he or she is registered.  
35 The weekly report shall be on a day specified by the county sheriff's  
36 office, and shall occur during normal business hours. The county  
37 sheriff's office may require the person to list the locations where the  
38 person has stayed during the last seven days. The lack of a fixed

1 residence is a factor that may be considered in determining an  
2 offender's risk level and shall make the offender subject to disclosure  
3 of information to the public at large pursuant to RCW 4.24.550.

4 (c) If any person required to register pursuant to this section  
5 does not have a fixed residence, it is an affirmative defense to the  
6 charge of failure to register, that he or she provided written notice  
7 to the sheriff of the county where he or she last registered within  
8 forty-eight hours excluding weekends and holidays after ceasing to have  
9 a fixed residence and has subsequently complied with the requirements  
10 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
11 prevail, the person must prove the defense by a preponderance of the  
12 evidence.

13 (7) A sex offender subject to registration requirements under this  
14 section who applies to change his or her name under RCW 4.24.130 or any  
15 other law shall submit a copy of the application to the county sheriff  
16 of the county of the person's residence and to the (~~state patrol~~)  
17 Washington bureau of investigation not fewer than five days before the  
18 entry of an order granting the name change. No sex offender under the  
19 requirement to register under this section at the time of application  
20 shall be granted an order changing his or her name if the court finds  
21 that doing so will interfere with legitimate law enforcement interests,  
22 except that no order shall be denied when the name change is requested  
23 for religious or legitimate cultural reasons or in recognition of  
24 marriage or dissolution of marriage. A sex offender under the  
25 requirement to register under this section who receives an order  
26 changing his or her name shall submit a copy of the order to the county  
27 sheriff of the county of the person's residence and to the (~~state~~  
28 ~~patrol~~) Washington bureau of investigation within five days of the  
29 entry of the order.

30 (8) The county sheriff shall obtain a photograph of the individual  
31 and shall obtain a copy of the individual's fingerprints.

32 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540 (as  
33 recodified by this act), 70.48.470, and 72.09.330:

34 (a) "Sex offense" means:

35 (i) Any offense defined as a sex offense by RCW 9.94A.030;

36 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
37 minor in the second degree);

1 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
2 for immoral purposes);

3 (iv) Any federal or out-of-state conviction for an offense that  
4 under the laws of this state would be classified as a sex offense under  
5 this subsection; and

6 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
7 criminal attempt, criminal solicitation, or criminal conspiracy to  
8 commit an offense that is classified as a sex offense under RCW  
9 9.94A.030 or this subsection.

10 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
11 the first degree, kidnapping in the second degree, and unlawful  
12 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
13 minor and the offender is not the minor's parent; (ii) any offense that  
14 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
15 or criminal conspiracy to commit an offense that is classified as a  
16 kidnapping offense under this subsection (9)(b); and (iii) any federal  
17 or out-of-state conviction for an offense that under the laws of this  
18 state would be classified as a kidnapping offense under this subsection  
19 (9)(b).

20 (c) "Employed" or "carries on a vocation" means employment that is  
21 full-time or part-time for a period of time exceeding fourteen days, or  
22 for an aggregate period of time exceeding thirty days during any  
23 calendar year. A person is employed or carries on a vocation whether  
24 the person's employment is financially compensated, volunteered, or for  
25 the purpose of government or educational benefit.

26 (d) "Student" means a person who is enrolled, on a full-time or  
27 part-time basis, in any public or private educational institution. An  
28 educational institution includes any secondary school, trade or  
29 professional institution, or institution of higher education.

30 (10)(a) A person who knowingly fails to register with the county  
31 sheriff or notify the county sheriff, or who changes his or her name  
32 without notifying the county sheriff and the state patrol, as required  
33 by this section is guilty of a class C felony if the crime for which  
34 the individual was convicted was a felony sex offense as defined in  
35 subsection (9)(a) of this section or a federal or out-of-state  
36 conviction for an offense that under the laws of this state would be a  
37 felony sex offense as defined in subsection (9)(a) of this section.

1 (b) If the crime for which the individual was convicted was other  
2 than a felony or a federal or out-of-state conviction for an offense  
3 that under the laws of this state would be other than a felony,  
4 violation of this section is a gross misdemeanor.

5 (11)(a) A person who knowingly fails to register or who moves  
6 within the state without notifying the county sheriff as required by  
7 this section is guilty of a class C felony if the crime for which the  
8 individual was convicted was a felony kidnapping offense as defined in  
9 subsection (9)(b) of this section or a federal or out-of-state  
10 conviction for an offense that under the laws of this state would be a  
11 felony kidnapping offense as defined in subsection (9)(b) of this  
12 section.

13 (b) If the crime for which the individual was convicted was other  
14 than a felony or a federal or out-of-state conviction for an offense  
15 that under the laws of this state would be other than a felony,  
16 violation of this section is a gross misdemeanor.

17 (12) Except as may otherwise be provided by law, nothing in this  
18 section shall impose any liability upon a peace officer, including a  
19 county sheriff, or law enforcement agency, for failing to release  
20 information authorized under this section.

21 **Sec. 718.** RCW 9A.44.135 and 2000 c 91 s 1 are each amended to read  
22 as follows:

23 (1) When an offender registers with the county sheriff pursuant to  
24 RCW 9A.44.130, the county sheriff shall notify the police chief or town  
25 marshal of the jurisdiction in which the offender has registered to  
26 live. If the offender registers to live in an unincorporated area of  
27 the county, the sheriff shall make reasonable attempts to verify that  
28 the offender is residing at the registered address. If the offender  
29 registers to live in an incorporated city or town, the police chief or  
30 town marshal shall make reasonable attempts to verify that the offender  
31 is residing at the registered address. Reasonable attempts at  
32 verifying an address shall include at a minimum:

33 (a) For offenders who have not been previously designated sexually  
34 violent predators under chapter 71.09 RCW or an equivalent procedure in  
35 another jurisdiction, each year the chief law enforcement officer of  
36 the jurisdiction where the offender is registered to live shall send by

1 certified mail, with return receipt requested, a nonforwardable  
2 verification form to the offender at the offender's last registered  
3 address.

4 (b) For offenders who have been previously designated sexually  
5 violent predators under chapter 71.09 RCW or the equivalent procedure  
6 in another jurisdiction, even if the designation has subsequently been  
7 removed, every ninety days the county sheriff shall send by certified  
8 mail, with return receipt requested, a nonforwardable verification form  
9 to the offender at the offender's last registered address.

10 (c) The offender must sign the verification form, state on the form  
11 whether he or she still resides at the last registered address, and  
12 return the form to the chief law enforcement officer of the  
13 jurisdiction where the offender is registered to live within ten days  
14 after receipt of the form.

15 (2) The chief law enforcement officer of the jurisdiction where the  
16 offender has registered to live shall make reasonable attempts to  
17 locate any sex offender who fails to return the verification form or  
18 who cannot be located at the registered address. If the offender fails  
19 to return the verification form or the offender is not at the last  
20 registered address, the chief law enforcement officer of the  
21 jurisdiction where the offender has registered to live shall promptly  
22 forward this information to the county sheriff and to the Washington  
23 (~~state patrol~~) bureau of investigation for inclusion in the central  
24 registry of sex offenders.

25 (3) When an offender notifies the county sheriff of a change to his  
26 or her residence address pursuant to RCW 9A.44.130, and the new address  
27 is in a different law enforcement jurisdiction, the county sheriff  
28 shall notify the police chief or town marshal of the jurisdiction from  
29 which the offender has moved.

30 **Sec. 719.** RCW 9A.44.145 and 1998 c 139 s 2 are each amended to  
31 read as follows:

32 The (~~state patrol~~) Washington bureau of investigation shall  
33 notify registered sex and kidnapping offenders of any change to the  
34 registration requirements.

35 **Sec. 720.** RCW 10.73.170 and 2005 c 5 s 1 are each amended to read  
36 as follows:

1 (1) A person convicted of a felony in a Washington state court who  
2 currently is serving a term of imprisonment may submit to the court  
3 that entered the judgment of conviction a verified written motion  
4 requesting DNA testing, with a copy of the motion provided to the state  
5 office of public defense.

6 (2) The motion shall:

7 (a) State that:

8 (i) The court ruled that DNA testing did not meet acceptable  
9 scientific standards; or

10 (ii) DNA testing technology was not sufficiently developed to test  
11 the DNA evidence in the case; or

12 (iii) The DNA testing now requested would be significantly more  
13 accurate than prior DNA testing or would provide significant new  
14 information;

15 (b) Explain why DNA evidence is material to the identity of the  
16 perpetrator of, or accomplice to, the crime, or to sentence  
17 enhancement; and

18 (c) Comply with all other procedural requirements established by  
19 court rule.

20 (3) The court shall grant a motion requesting DNA testing under  
21 this section if such motion is in the form required by subsection (2)  
22 of this section, and the convicted person has shown the likelihood that  
23 the DNA evidence would demonstrate innocence on a more probable than  
24 not basis.

25 (4) Upon written request to the court that entered a judgment of  
26 conviction, a convicted person who demonstrates that he or she is  
27 indigent under RCW 10.101.010 may request appointment of counsel solely  
28 to prepare and present a motion under this section, and the court, in  
29 its discretion, may grant the request. Such motion for appointment of  
30 counsel shall comply with all procedural requirements established by  
31 court rule.

32 (5) DNA testing ordered under this section shall be performed by  
33 the Washington (~~state patrol~~) bureau of investigation crime  
34 laboratory. Contact with victims shall be handled through  
35 victim/witness divisions.

36 (6) Notwithstanding any other provision of law, upon motion of  
37 defense counsel or the court's own motion, a sentencing court in a  
38 felony case may order the preservation of any biological material that

1 has been secured in connection with a criminal case, or evidence  
2 samples sufficient for testing, in accordance with any court rule  
3 adopted for the preservation of evidence. The court must specify the  
4 samples to be maintained and the length of time the samples must be  
5 preserved.

6 **Sec. 721.** RCW 10.77.163 and 1994 c 129 s 4 are each amended to  
7 read as follows:

8 (1) Before a person committed under this chapter is permitted  
9 temporarily to leave a treatment facility for any period of time  
10 without constant accompaniment by facility staff, the superintendent,  
11 professional person in charge of a treatment facility, or his or her  
12 professional designee shall in writing notify the prosecuting attorney  
13 of any county to which the person is released and the prosecuting  
14 attorney of the county in which the criminal charges against the  
15 committed person were dismissed, of the decision conditionally to  
16 release the person. The notice shall be provided at least forty-five  
17 days before the anticipated release and shall describe the conditions  
18 under which the release is to occur.

19 (2) In addition to the notice required by subsection (1) of this  
20 section, the superintendent of each state institution designated for  
21 the custody, care, and treatment of persons committed under this  
22 chapter shall notify appropriate law enforcement agencies through the  
23 (~~state patrol~~) Washington bureau of investigation communications  
24 network of the furloughs of persons committed under RCW 10.77.090 or  
25 10.77.110. Notification shall be made at least thirty days before the  
26 furlough, and shall include the name of the person, the place to which  
27 the person has permission to go, and the dates and times during which  
28 the person will be on furlough.

29 (3) Upon receiving notice that a person committed under this  
30 chapter is being temporarily released under subsection (1) of this  
31 section, the prosecuting attorney may seek a temporary restraining  
32 order to prevent the release of the person on the grounds that the  
33 person is dangerous to self or others.

34 (4) The notice requirements contained in this section shall not  
35 apply to emergency medical furloughs.

36 (5) The existence of the notice requirements contained in this

1 section shall not require any extension of the release date in the  
2 event the release plan changes after notification.

3 (6) The notice provisions of this section are in addition to those  
4 provided in RCW 10.77.205.

5 **Sec. 722.** RCW 10.93.020 and 2002 c 128 s 1 are each amended to  
6 read as follows:

7 As used in this chapter, the following terms have the meanings  
8 indicated unless the context clearly requires otherwise.

9 (1) "General authority Washington law enforcement agency" means any  
10 agency, department, or division of a municipal corporation, political  
11 subdivision, or other unit of local government of this state, and any  
12 agency, department, or division of state government, having as its  
13 primary function the detection and apprehension of persons committing  
14 infractions or violating the traffic or criminal laws in general, as  
15 distinguished from a limited authority Washington law enforcement  
16 agency, and any other unit of government expressly designated by  
17 statute as a general authority Washington law enforcement agency. The  
18 Washington state patrol, the Washington bureau of investigation, and  
19 the department of fish and wildlife are general authority Washington  
20 law enforcement agencies.

21 (2) "Limited authority Washington law enforcement agency" means any  
22 agency, political subdivision, or unit of local government of this  
23 state, and any agency, department, or division of state government,  
24 having as one of its functions the apprehension or detection of persons  
25 committing infractions or violating the traffic or criminal laws  
26 relating to limited subject areas, including but not limited to, the  
27 state departments of natural resources and social and health services,  
28 the state gambling commission, the state lottery commission, the state  
29 parks and recreation commission, the state utilities and transportation  
30 commission, the state liquor control board, and the state department of  
31 corrections.

32 (3) "General authority Washington peace officer" means any full-  
33 time, fully compensated and elected, appointed, or employed officer of  
34 a general authority Washington law enforcement agency who is  
35 commissioned to enforce the criminal laws of the state of Washington  
36 generally.

1 (4) "Limited authority Washington peace officer" means any full-  
2 time, fully compensated officer of a limited authority Washington law  
3 enforcement agency empowered by that agency to detect or apprehend  
4 violators of the laws in some or all of the limited subject areas for  
5 which that agency is responsible. A limited authority Washington peace  
6 officer may be a specially commissioned Washington peace officer if  
7 otherwise qualified for such status under this chapter.

8 (5) "Specially commissioned Washington peace officer", for the  
9 purposes of this chapter, means any officer, whether part-time or full-  
10 time, compensated or not, commissioned by a general authority  
11 Washington law enforcement agency to enforce some or all of the  
12 criminal laws of the state of Washington, who does not qualify under  
13 this chapter as a general authority Washington peace officer for that  
14 commissioning agency, specifically including reserve peace officers,  
15 and specially commissioned full-time, fully compensated peace officers  
16 duly commissioned by the states of Oregon or Idaho or any such peace  
17 officer commissioned by a unit of local government of Oregon or Idaho.  
18 A reserve peace officer is an individual who is an officer of a  
19 Washington law enforcement agency who does not serve such agency on a  
20 full-time basis but who, when called by the agency into active service,  
21 is fully commissioned on the same basis as full-time peace officers to  
22 enforce the criminal laws of the state.

23 (6) "Federal peace officer" means any employee or agent of the  
24 United States government who has the authority to carry firearms and  
25 make warrantless arrests and whose duties involve the enforcement of  
26 criminal laws of the United States.

27 (7) "Agency with primary territorial jurisdiction" means a city or  
28 town police agency which has responsibility for police activity within  
29 its boundaries; or a county police or sheriff's department which has  
30 responsibility with regard to police activity in the unincorporated  
31 areas within the county boundaries; or a statutorily authorized port  
32 district police agency or four-year state college or university police  
33 agency which has responsibility for police activity within the  
34 statutorily authorized enforcement boundaries of the port district,  
35 state college, or university.

36 (8) "Primary commissioning agency" means (a) the employing agency  
37 in the case of a general authority Washington peace officer, a limited  
38 authority Washington peace officer, an Indian tribal peace officer, or

1 a federal peace officer, and (b) the commissioning agency in the case  
2 of a specially commissioned Washington peace officer (i) who is  
3 performing functions within the course and scope of the special  
4 commission and (ii) who is not also a general authority Washington  
5 peace officer, a limited authority Washington peace officer, an Indian  
6 tribal peace officer, or a federal peace officer.

7 (9) "Primary function of an agency" means that function to which  
8 greater than fifty percent of the agency's resources are allocated.

9 (10) "Mutual law enforcement assistance" includes, but is not  
10 limited to, one or more law enforcement agencies aiding or assisting  
11 one or more other such agencies through loans or exchanges of personnel  
12 or of material resources, for law enforcement purposes.

13 **Sec. 723.** RCW 10.93.140 and 2002 c 128 s 2 are each amended to  
14 read as follows:

15 This chapter does not limit the scope of jurisdiction and authority  
16 of the (~~Washington state patrol~~) department of public safety and the  
17 department of fish and wildlife as otherwise provided by law, and these  
18 agencies shall not be bound by the reporting requirements of RCW  
19 10.93.030.

20 **Sec. 724.** RCW 10.97.040 and 1979 ex.s. c 36 s 2 are each amended  
21 to read as follows:

22 No criminal justice agency shall disseminate criminal history  
23 record information pertaining to an arrest, detention, indictment,  
24 information, or other formal criminal charge made after December 31,  
25 1977, unless the record disseminated states the disposition of such  
26 charge to the extent dispositions have been made at the time of the  
27 request for the information: PROVIDED, HOWEVER, That if a disposition  
28 occurring within ten days immediately preceding the dissemination has  
29 not been reported to the agency disseminating the criminal history  
30 record information, or if information has been received by the agency  
31 within the seventy-two hours immediately preceding the dissemination,  
32 that information shall not be required to be included in the  
33 dissemination: PROVIDED FURTHER, That when another criminal justice  
34 agency requests criminal history record information, the disseminating  
35 agency may disseminate specific facts and incidents which are within  
36 its direct knowledge without furnishing disposition data as otherwise

1 required by this section, unless the disseminating agency has received  
2 such disposition data from either: (1) ~~The ((state patrol))~~ Washington  
3 bureau of investigation, or (2) the court or other criminal justice  
4 agency required to furnish disposition data pursuant to RCW 10.97.045.

5 No criminal justice agency shall disseminate criminal history  
6 record information which shall include information concerning a felony  
7 or gross misdemeanor without first making inquiry of the identification  
8 section of the Washington ~~((state patrol))~~ bureau of investigation for  
9 the purpose of obtaining the most current and complete information  
10 available, unless one or more of the following circumstances exists:

11 (1) The information to be disseminated is needed for a purpose in  
12 the administration of criminal justice for which time is of the essence  
13 and the identification section is technically or physically incapable  
14 of responding within the required time;

15 (2) The full information requested and to be disseminated relates  
16 to specific facts or incidents which are within the direct knowledge of  
17 the agency which disseminates the information;

18 (3) The full information requested and to be disseminated is  
19 contained in a criminal history record information summary received  
20 from the identification section by the agency which is to make the  
21 dissemination not more than thirty days preceding the dissemination to  
22 be made;

23 (4) The statute, executive order, court rule, or court order  
24 pursuant to which the information is to be disseminated refers solely  
25 to information in the files of the agency which makes the  
26 dissemination;

27 (5) The information requested and to be disseminated is for the  
28 express purpose of research, evaluative, or statistical activities to  
29 be based upon information maintained in the files of the agency or  
30 agencies from which the information is directly sought; or

31 (6) A person who is the subject of the record requests the  
32 information and the agency complies with the requirements in RCW  
33 10.97.080 as now or hereafter amended.

34 **Sec. 725.** RCW 10.97.045 and 1979 ex.s. c 36 s 6 are each amended  
35 to read as follows:

36 Whenever a court or other criminal justice agency reaches a  
37 disposition of a criminal proceeding, the court or other criminal

1 justice agency shall furnish the disposition data to the agency  
2 initiating the criminal history record for that charge and to the  
3 identification section of the Washington (~~state patrol~~) bureau of  
4 investigation as required under RCW 43.43.745 (as recodified by this  
5 act).

6 **Sec. 726.** RCW 10.97.080 and 2005 c 274 s 206 are each amended to  
7 read as follows:

8 All criminal justice agencies shall permit an individual who is, or  
9 who believes that he may be, the subject of a criminal record  
10 maintained by that agency, to appear in person during normal business  
11 hours of that criminal justice agency and request to see the criminal  
12 history record information held by that agency pertaining to the  
13 individual. The individual's right to access and review of criminal  
14 history record information shall not extend to data contained in  
15 intelligence, investigative, or other related files, and shall not be  
16 construed to include any information other than that defined as  
17 criminal history record information by this chapter.

18 Every criminal justice agency shall adopt rules and make available  
19 forms to facilitate the inspection and review of criminal history  
20 record information by the subjects thereof, which rules may include  
21 requirements for identification, the establishment of reasonable  
22 periods of time to be allowed an individual to examine the record, and  
23 for assistance by an individual's counsel, interpreter, or other  
24 appropriate persons.

25 No person shall be allowed to retain or mechanically reproduce any  
26 nonconviction data except for the purpose of challenge or correction  
27 when the person who is the subject of the record asserts the belief in  
28 writing that the information regarding such person is inaccurate or  
29 incomplete. The provisions of chapter 42.56 RCW shall not be construed  
30 to require or authorize copying of nonconviction data for any other  
31 purpose.

32 The (~~Washington state patrol~~) department of public safety shall  
33 establish rules for the challenge of records which an individual  
34 declares to be inaccurate or incomplete, and for the resolution of any  
35 disputes between individuals and criminal justice agencies pertaining  
36 to the accuracy and completeness of criminal history record  
37 information. The (~~Washington state patrol~~) department of public

1 safety shall also adopt rules for the correction of criminal history  
2 record information and the dissemination of corrected information to  
3 agencies and persons to whom inaccurate or incomplete information was  
4 previously disseminated. Such rules may establish time limitations of  
5 not less than ninety days upon the requirement for disseminating  
6 corrected information.

7 **Sec. 727.** RCW 10.97.090 and 1979 ex.s. c 36 s 4 are each amended  
8 to read as follows:

9 The (~~Washington state patrol~~) department of public safety,  
10 through the Washington bureau of investigation, is hereby designated  
11 the agency of state government responsible for the administration of  
12 the 1977 Washington State Criminal Records Privacy Act. The  
13 (~~Washington state patrol~~) department of public safety may adopt any  
14 rules (~~and regulations~~) necessary for the performance of the  
15 administrative functions provided for in this chapter.

16 The (~~Washington state patrol~~) department of public safety shall  
17 have the following specific administrative duties:

18 (1) To establish by rule (~~and regulation~~) standards for the  
19 security of criminal history information systems in order that such  
20 systems and the data contained therein be adequately protected from  
21 fire, theft, loss, destruction, other physical hazard, or unauthorized  
22 access;

23 (2) To establish by rule (~~and regulation~~) standards for personnel  
24 employed by criminal justice of other state and local government  
25 agencies in positions with responsibility for maintenance and  
26 dissemination of criminal history record information; and

27 (3) To contract with the Washington state auditor or other public  
28 or private agency, organization, or individual to perform audits of  
29 criminal history record information systems.

30 **Sec. 728.** RCW 10.98.030 and 1999 c 143 s 50 are each amended to  
31 read as follows:

32 The Washington (~~state patrol~~) bureau of investigation  
33 identification, child abuse, vulnerable adult abuse, and criminal  
34 history section as established in RCW 43.43.700 (as recodified by this  
35 act) shall be the primary source of felony conviction histories for  
36 filings, plea agreements, and sentencing on felony cases.

1       **Sec. 729.** RCW 10.98.040 and 2002 c 175 s 18 are each amended to  
2 read as follows:

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

5       (1) "Arrest and fingerprint form" means the reporting form  
6 prescribed by the identification, child abuse, vulnerable adult abuse,  
7 and criminal history section to initiate compiling arrest and  
8 identification information.

9       (2) "Chief law enforcement officer" includes the sheriff or  
10 director of public safety of a county, the chief of police of a city or  
11 town, and chief officers of other law enforcement agencies operating  
12 within the state.

13       (3) "Department" means the department of corrections.

14       (4) "Disposition" means the conclusion of a criminal proceeding at  
15 any stage it occurs in the criminal justice system. Disposition  
16 includes but is not limited to temporary or permanent outcomes such as  
17 charges dropped by police, charges not filed by the prosecuting  
18 attorney, deferred prosecution, defendant absconded, charges filed by  
19 the prosecuting attorney pending court findings such as not guilty,  
20 dismissed, guilty, or guilty--case appealed to higher court.

21       (5) "Disposition report" means the reporting form prescribed by the  
22 identification, child abuse, vulnerable adult abuse, and criminal  
23 history section to report the legal procedures taken after completing  
24 an arrest and fingerprint form. The disposition report shall include  
25 but not be limited to the following types of information:

26       (a) The type of disposition;

27       (b) The statutory citation for the arrests;

28       (c) The sentence structure if the defendant was convicted of a  
29 felony;

30       (d) The state identification number; and

31       (e) Identification information and other information that is  
32 prescribed by the identification, child abuse, vulnerable adult abuse,  
33 and criminal history section.

34       (6) "Fingerprints" means the fingerprints taken from arrested or  
35 charged persons under the procedures prescribed by the Washington state  
36 patrol identification, child abuse, vulnerable adult abuse, and  
37 criminal history section.

1 (7) "Prosecuting attorney" means the public or private attorney  
2 prosecuting a criminal case.

3 (8) "Section" refers to the Washington (~~state patrol~~) bureau of  
4 investigation section on identification, child abuse, vulnerable adult  
5 abuse, and criminal history.

6 (9) "Sentence structure" means itemizing the components of the  
7 felony sentence. The sentence structure shall include but not be  
8 limited to the total or partial confinement sentenced, and whether the  
9 sentence is prison or jail, community supervision, fines, restitution,  
10 or community restitution.

11 **Sec. 730.** RCW 10.98.110 and 1999 c 143 s 52 are each amended to  
12 read as follows:

13 (1) The department shall maintain records to track felony cases for  
14 convicted felons sentenced either to a term of confinement exceeding  
15 one year or ordered under the supervision of the department and felony  
16 cases under the jurisdiction of the department pursuant to interstate  
17 compact agreements.

18 (2) Tracking shall begin at the time the department receives a  
19 judgment and sentence form from a prosecuting attorney and shall  
20 include the collection and updating of felons' criminal records from  
21 the time of sentencing through discharge.

22 (3) The department of corrections shall collect information for  
23 tracking felons from its offices and from information provided by  
24 county clerks, the Washington (~~state patrol~~) bureau of investigation  
25 identification, child abuse, vulnerable adult abuse, and criminal  
26 history section, the office of financial management, and any other  
27 public or private agency that provides services to help individuals  
28 complete their felony sentences.

29 **Sec. 731.** RCW 10.98.210 and 2003 c 104 s 3 are each amended to  
30 read as follows:

31 (1) There is created the Washington integrated justice information  
32 board. The board shall be composed of the following members:

33 (a) A representative appointed by the governor;

34 (b) The attorney general;

35 (c) The (~~chief of the state patrol~~) director of the department of  
36 public safety;

- 1 (d) The secretary of the department of corrections;
- 2 (e) The director of the department of licensing;
- 3 (f) The administrator for the courts;
- 4 (g) The director of the office of financial management;
- 5 (h) The director of the department of information services;
- 6 (i) The assistant secretary of the department of social and health  
7 services responsible for juvenile rehabilitation programs;
- 8 (j) A sheriff appointed by the Washington association of sheriffs  
9 and police chiefs;
- 10 (k) A police chief appointed by the Washington association of  
11 sheriffs and police chiefs;
- 12 (l) A county legislative authority member appointed by the  
13 Washington state association of counties;
- 14 (m) An elected county clerk appointed by the Washington association  
15 of county clerks;
- 16 (n) A representative appointed by the Washington association of  
17 city and county information systems;
- 18 (o) Two representatives appointed by the judicial information  
19 system committee;
- 20 (p) A representative appointed by the association of Washington  
21 cities; and
- 22 (q) An elected prosecutor appointed by the Washington association  
23 of prosecuting attorneys.

24 These members shall constitute the membership of the board with  
25 full voting rights and shall serve at the pleasure of the appointing  
26 authority. Each member may, in writing, appoint a designee to serve in  
27 the member's absence. Any member of the board shall immediately cease  
28 to be a member if he or she ceases to hold the particular office or  
29 employment that was the basis of the appointment. Vacancies shall be  
30 filled in the same manner that the original appointments were made to  
31 the board.

32 (2) The board may appoint additional justice information  
33 stakeholders as nonvoting members to the board.

34 (3) In making the appointments, the appointing authorities shall  
35 endeavor to assure that there is committed board membership having  
36 expertise relating to state and local criminal justice business  
37 practices and to information sharing and integration technology.

1       **Sec. 732.** RCW 13.50.050 and 2004 c 42 s 1 are each amended to read  
2 as follows:

3       (1) This section governs records relating to the commission of  
4 juvenile offenses, including records relating to diversions.

5       (2) The official juvenile court file of any alleged or proven  
6 juvenile offender shall be open to public inspection, unless sealed  
7 pursuant to subsection (12) of this section.

8       (3) All records other than the official juvenile court file are  
9 confidential and may be released only as provided in this section, RCW  
10 13.50.010, 13.40.215, and 4.24.550.

11       (4) Except as otherwise provided in this section and RCW 13.50.010,  
12 records retained or produced by any juvenile justice or care agency may  
13 be released to other participants in the juvenile justice or care  
14 system only when an investigation or case involving the juvenile in  
15 question is being pursued by the other participant or when that other  
16 participant is assigned the responsibility for supervising the  
17 juvenile.

18       (5) Except as provided in RCW 4.24.550, information not in an  
19 official juvenile court file concerning a juvenile or a juvenile's  
20 family may be released to the public only when that information could  
21 not reasonably be expected to identify the juvenile or the juvenile's  
22 family.

23       (6) Notwithstanding any other provision of this chapter, the  
24 release, to the juvenile or his or her attorney, of law enforcement and  
25 prosecuting attorneys' records pertaining to investigation, diversion,  
26 and prosecution of juvenile offenses shall be governed by the rules of  
27 discovery and other rules of law applicable in adult criminal  
28 investigations and prosecutions.

29       (7) Upon the decision to arrest or the arrest, law enforcement and  
30 prosecuting attorneys may cooperate with schools in releasing  
31 information to a school pertaining to the investigation, diversion, and  
32 prosecution of a juvenile attending the school. Upon the decision to  
33 arrest or the arrest, incident reports may be released unless releasing  
34 the records would jeopardize the investigation or prosecution or  
35 endanger witnesses. If release of incident reports would jeopardize  
36 the investigation or prosecution or endanger witnesses, law enforcement  
37 and prosecuting attorneys may release information to the maximum extent

1 possible to assist schools in protecting other students, staff, and  
2 school property.

3 (8) The juvenile court and the prosecutor may set up and maintain  
4 a central record-keeping system which may receive information on all  
5 alleged juvenile offenders against whom a complaint has been filed  
6 pursuant to RCW 13.40.070 whether or not their cases are currently  
7 pending before the court. The central record-keeping system may be  
8 computerized. If a complaint has been referred to a diversion unit,  
9 the diversion unit shall promptly report to the juvenile court or the  
10 prosecuting attorney when the juvenile has agreed to diversion. An  
11 offense shall not be reported as criminal history in any central  
12 record-keeping system without notification by the diversion unit of the  
13 date on which the offender agreed to diversion.

14 (9) Upon request of the victim of a crime or the victim's immediate  
15 family, the identity of an alleged or proven juvenile offender alleged  
16 or found to have committed a crime against the victim and the identity  
17 of the alleged or proven juvenile offender's parent, guardian, or  
18 custodian and the circumstance of the alleged or proven crime shall be  
19 released to the victim of the crime or the victim's immediate family.

20 (10) Subject to the rules of discovery applicable in adult criminal  
21 prosecutions, the juvenile offense records of an adult criminal  
22 defendant or witness in an adult criminal proceeding shall be released  
23 upon request to prosecution and defense counsel after a charge has  
24 actually been filed. The juvenile offense records of any adult  
25 convicted of a crime and placed under the supervision of the adult  
26 corrections system shall be released upon request to the adult  
27 corrections system.

28 (11) 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 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 (23) of this section, order the sealing of the  
34 official juvenile court file, the social file, and records of the court  
35 and of any other agency in the case.

36 (12) The court shall not grant any motion to seal records made  
37 pursuant to subsection (11) of this section that is filed on or after  
38 July 1, 1997, unless it finds that:

1 (a) For class B offenses other than sex offenses, since the last  
2 date of release from confinement, including full-time residential  
3 treatment, if any, or entry of disposition, the person has spent five  
4 consecutive years in the community without committing any offense or  
5 crime that subsequently results in conviction. For class C offenses  
6 other than sex offenses, since the last date of release from  
7 confinement, including full-time residential treatment, if any, or  
8 entry of disposition, the person has spent two consecutive years in the  
9 community without committing any offense or crime that subsequently  
10 results in conviction. For gross misdemeanors and misdemeanors, since  
11 the last date of release from confinement, including full-time  
12 residential treatment, if any, or entry of disposition, the person has  
13 spent two consecutive years in the community without committing any  
14 offense or crime that subsequently results in conviction. For  
15 diversions, since completion of the diversion agreement, the person has  
16 spent two consecutive years in the community without committing any  
17 offense or crime that subsequently results in conviction or diversion;

18 (b) No proceeding is pending against the moving party seeking the  
19 conviction of a juvenile offense or a criminal offense;

20 (c) No proceeding is pending seeking the formation of a diversion  
21 agreement with that person;

22 (d) The person has not been convicted of a class A or sex offense;  
23 and

24 (e) Full restitution has been paid.

25 (13) The person making a motion pursuant to subsection (11) of this  
26 section shall give reasonable notice of the motion to the prosecution  
27 and to any person or agency whose files are sought to be sealed.

28 (14) If the court grants the motion to seal made pursuant to  
29 subsection (11) of this section, it shall, subject to subsection (23)  
30 of this section, order sealed the official juvenile court file, the  
31 social file, and other records relating to the case as are named in the  
32 order. Thereafter, the proceedings in the case shall be treated as if  
33 they never occurred, and the subject of the records may reply  
34 accordingly to any inquiry about the events, records of which are  
35 sealed. Any agency shall reply to any inquiry concerning confidential  
36 or sealed records that records are confidential, and no information can  
37 be given about the existence or nonexistence of records concerning an  
38 individual.

1 (15) Inspection of the files and records included in the order to  
2 seal may thereafter be permitted only by order of the court upon motion  
3 made by the person who is the subject of the information or complaint,  
4 except as otherwise provided in RCW 13.50.010(8) and subsection (23) of  
5 this section.

6 (16) Any adjudication of a juvenile offense or a crime subsequent  
7 to sealing has the effect of nullifying the sealing order. Any  
8 charging of an adult felony subsequent to the sealing has the effect of  
9 nullifying the sealing order for the purposes of chapter 9.94A RCW.  
10 The administrative office of the courts shall ensure that the superior  
11 court judicial information system provides prosecutors access to  
12 information on the existence of sealed juvenile records.

13 (17)(a) A person eighteen years of age or older whose criminal  
14 history consists of only one referral for diversion may request that  
15 the court order the records in that case destroyed. The request shall  
16 be granted, subject to subsection (23) of this section, if the court  
17 finds that two years have elapsed since completion of the diversion  
18 agreement.

19 (b) A person twenty-three years of age or older whose criminal  
20 history consists of only referrals for diversion may request that the  
21 court order the records in those cases destroyed. The request shall be  
22 granted, subject to subsection (23) of this section, if the court finds  
23 that all diversion agreements have been successfully completed and no  
24 proceeding is pending against the person seeking the conviction of a  
25 criminal offense.

26 (18) If the court grants the motion to destroy records made  
27 pursuant to subsection (17) of this section, it shall, subject to  
28 subsection (23) of this section, order the official juvenile court  
29 file, the social file, and any other records named in the order to be  
30 destroyed.

31 (19) The person making the motion pursuant to subsection (17) of  
32 this section shall give reasonable notice of the motion to the  
33 prosecuting attorney and to any agency whose records are sought to be  
34 destroyed.

35 (20) Any juvenile to whom the provisions of this section may apply  
36 shall be given written notice of his or her rights under this section  
37 at the time of his or her disposition hearing or during the diversion  
38 process.

1 (21) Nothing in this section may be construed to prevent a crime  
2 victim or a member of the victim's family from divulging the identity  
3 of the alleged or proven juvenile offender or his or her family when  
4 necessary in a civil proceeding.

5 (22) Any juvenile justice or care agency may, subject to the  
6 limitations in subsection (23) of this section and (a) and (b) of this  
7 subsection, develop procedures for the routine destruction of records  
8 relating to juvenile offenses and diversions.

9 (a) Records may be routinely destroyed only when the person the  
10 subject of the information or complaint has attained twenty-three years  
11 of age or older, or is eighteen years of age or older and his or her  
12 criminal history consists entirely of one diversion agreement and two  
13 years have passed since completion of the agreement.

14 (b) The court may not routinely destroy the official juvenile court  
15 file or recordings or transcripts of any proceedings.

16 (23) No identifying information held by the Washington (~~state~~  
17 ~~patrol~~) bureau of investigation in accordance with chapter (~~(43.43)~~)  
18 43.--- RCW (the new chapter created in section 906 of this act) is  
19 subject to destruction or sealing under this section. For the purposes  
20 of this subsection, identifying information includes photographs,  
21 fingerprints, palmprints, soleprints, toeprints and any other data that  
22 identifies a person by physical characteristics, name, birthdate or  
23 address, but does not include information regarding criminal activity,  
24 arrest, charging, diversion, conviction or other information about a  
25 person's treatment by the criminal justice system or about the person's  
26 behavior.

27 (24) Information identifying child victims under age eighteen who  
28 are victims of sexual assaults by juvenile offenders is confidential  
29 and not subject to release to the press or public without the  
30 permission of the child victim or the child's legal guardian.  
31 Identifying information includes the child victim's name, addresses,  
32 location, photographs, and in cases in which the child victim is a  
33 relative of the alleged perpetrator, identification of the relationship  
34 between the child and the alleged perpetrator. Information identifying  
35 a child victim of sexual assault may be released to law enforcement,  
36 prosecutors, judges, defense attorneys, or private or governmental  
37 agencies that provide services to the child victim of sexual assault.

1           **Sec. 733.** RCW 13.60.010 and 1985 c 443 s 22 are each amended to  
2 read as follows:

3           The Washington (~~((state patrol))~~) bureau of investigation shall  
4 establish a missing children clearinghouse which shall include the  
5 maintenance and operation of a toll-free, twenty-four-hour telephone  
6 hotline. The clearinghouse shall distribute information to local law  
7 enforcement agencies, school districts, the department of social and  
8 health services, and the general public regarding missing children.  
9 The information shall include pictures, bulletins, training sessions,  
10 reports, and biographical materials that will assist in local law  
11 enforcement efforts to locate missing children. The (~~((state patrol))~~)  
12 Washington bureau of investigation shall also maintain a regularly  
13 updated computerized link with national and other statewide missing  
14 person systems or clearinghouses.

15           "Child" or "children," as used in this chapter, means an individual  
16 under eighteen years of age.

17           **Sec. 734.** RCW 13.60.030 and 1985 c 443 s 24 are each amended to  
18 read as follows:

19           The superintendent of public instruction shall meet semiannually  
20 with the Washington (~~((state patrol))~~) bureau of investigation to develop  
21 a coordinated plan for the distribution of information and education of  
22 teachers and students in the school districts of the state regarding  
23 the missing children problem in the state. The superintendent of  
24 public instruction shall encourage local school districts to cooperate  
25 by providing the (~~((state patrol))~~) Washington bureau of investigation  
26 information on any missing children that may be identified within the  
27 district.

28           **Sec. 735.** RCW 13.60.100 and 1999 c 168 s 1 are each amended to  
29 read as follows:

30           The legislature finds a compelling need to address the problem of  
31 missing children, whether those children have been abducted by a  
32 stranger, are missing due to custodial interference, or are classified  
33 as runaways. Washington state ranks twelfth in the nation for active  
34 cases of missing juveniles and, at any given time, more than one  
35 thousand eight hundred Washington children are reported as missing.  
36 The potential for physical and psychological trauma to these children

1 is extreme. Therefore, the legislature finds that it is paramount for  
2 the safety of these children that there be a concerted effort to  
3 resolve cases of missing and exploited children.

4 Due to the complexity of many child abduction cases, most law  
5 enforcement personnel are unprepared and lack adequate resources to  
6 successfully and efficiently investigate these crimes. Therefore, it  
7 is the intent of the legislature that a multiagency task force be  
8 established within the Washington (~~state patrol~~) bureau of  
9 investigation, to be available to assist local jurisdictions in missing  
10 child cases through referrals, on-site assistance, case management, and  
11 training. The legislature intends that the task force will increase  
12 the effectiveness of a specific case investigation by drawing from the  
13 combined resources, knowledge, and technical expertise of the members  
14 of the task force.

15 **Sec. 736.** RCW 13.60.110 and 1999 c 168 s 2 are each amended to  
16 read as follows:

17 (1) A task force on missing and exploited children is established  
18 in the (~~Washington state patrol~~) department of public safety's  
19 Washington bureau of investigation. The task force shall be under the  
20 direction of the (~~chief of the state patrol~~) director of the  
21 Washington bureau of investigation.

22 (2) The task force is authorized to assist law enforcement  
23 agencies, upon request, in cases involving missing or exploited  
24 children by:

25 (a) Direct assistance and case management;

26 (b) Technical assistance;

27 (c) Personnel training;

28 (d) Referral for assistance from local, state, national, and  
29 international agencies; and

30 (e) Coordination and information sharing among local, state,  
31 interstate, and federal law enforcement and social service agencies.

32 (3) To maximize the efficiency and effectiveness of state resources  
33 and to improve interagency cooperation, the task force shall, where  
34 feasible, use existing facilities, systems, and staff made available by  
35 the (~~state patrol~~) Washington bureau of investigation and other  
36 local, state, interstate, and federal law enforcement and social  
37 service agencies. The (~~chief of the state patrol~~) director of the

1 department of public safety may employ such additional personnel as are  
2 necessary for the work of the task force and may share personnel costs  
3 with other agencies.

4 (4) The (~~chief of the state patrol~~) director of the department of  
5 public safety shall seek public and private grants and gifts to support  
6 the work of the task force.

7 (5) By December 1, 2001, and annually thereafter, the (~~chief of~~  
8 ~~the state patrol~~) director of the department of public safety shall  
9 submit a report to the appropriate committees of the legislature. The  
10 report shall establish performance measurements and objectives for the  
11 task force and assess the accomplishments of the task force.

12 (6) For the purposes of RCW 13.60.100 through 13.60.120, "exploited  
13 children" means children under the age of eighteen who are employed,  
14 used, persuaded, induced, enticed, or coerced to engage in, or assist  
15 another person to engage in, sexually explicit conduct. "Exploited  
16 children" also means the rape, molestation, or use for prostitution of  
17 children under the age of eighteen.

18 **Sec. 737.** RCW 13.60.120 and 1999 c 168 s 3 are each amended to  
19 read as follows:

20 The advisory board on missing and exploited children is established  
21 to advise the (~~chief of the Washington state patrol~~) director of the  
22 Washington bureau of investigation on the objectives, conduct,  
23 management, and coordination of the various activities of the task  
24 force on missing and exploited children.

25 (1) The (~~chief of the state patrol~~) director of the department of  
26 public safety shall appoint five members to the advisory board: (a)  
27 One member shall be a county prosecuting attorney or a representative  
28 and shall be appointed in consultation with the elected county  
29 prosecutors; (b) two members shall be a municipal police chief and a  
30 county sheriff, or their representatives, and shall be appointed in  
31 consultation with the association of sheriffs and police chiefs under  
32 RCW 36.28A.010; (c) one member shall be a representative of the (~~state~~  
33 ~~patrol~~) Washington bureau of investigation; and (d) one member shall  
34 be a representative of parents of missing or exploited children.

35 (2) A sixth member of the board shall represent and be appointed by  
36 the attorney general.

1 (3) To improve interagency communication and coordination, the  
2 (~~chief of the state patrol~~) director of the department of public  
3 safety shall invite representatives of federal law enforcement agencies  
4 and state social service agencies to participate in the advisory board.

5 (4) The members of the board shall be qualified on the basis of  
6 knowledge and experience as may contribute to the effective performance  
7 of the board's duties. The board shall elect its own chair from among  
8 its members. Meetings of the board may be convened at the call of the  
9 chair or by a majority of the members.

10 (5) The term of each member of the board shall be two years and  
11 shall be conditioned upon the member retaining the official position  
12 from which the member was appointed.

13 **Sec. 738.** RCW 18.20.130 and 2000 c 47 s 6 are each amended to read  
14 as follows:

15 Standards for fire protection and the enforcement thereof, with  
16 respect to all boarding homes to be licensed hereunder, shall be the  
17 responsibility of the (~~chief of the Washington state patrol~~) director  
18 of the department of public safety, through the director of fire  
19 protection, who shall adopt such recognized standards as may be  
20 applicable to boarding homes for the protection of life against the  
21 cause and spread of fire and fire hazards. The department, upon  
22 receipt of an application for a license, shall submit to the (~~chief of~~  
23 ~~the Washington state patrol~~) director of the department of public  
24 safety, through the director of fire protection, in writing, a request  
25 for an inspection, giving the applicant's name and the location of the  
26 premises to be licensed. Upon receipt of such a request, the (~~chief~~  
27 ~~of the Washington state patrol~~) director of the department of public  
28 safety, through the director of fire protection, or his or her deputy,  
29 shall make an inspection of the boarding home to be licensed, and if it  
30 is found that the premises do not comply with the required safety  
31 standards and fire rules as adopted by the (~~chief of the Washington~~  
32 ~~state patrol~~) director of the department of public safety, through the  
33 director of fire protection, he or she shall promptly make a written  
34 report to the boarding home and the department as to the manner and  
35 time allowed in which the premises must qualify for a license and set  
36 forth the conditions to be remedied with respect to fire rules. The  
37 department, applicant, or licensee shall notify the (~~chief of the~~

1 ~~Washington state patrol~~) director of the department of public safety,  
2 through the director of fire protection, upon completion of any  
3 requirements made by him or her, and the (~~chief of the Washington~~  
4 ~~state patrol~~) director of the department of public safety, through the  
5 director of fire protection, or his or her deputy, shall make a  
6 reinspection of such premises. Whenever the boarding home to be  
7 licensed meets with the approval of the (~~chief of the Washington state~~  
8 ~~patrol~~) director of the department of public safety, through the  
9 director of fire protection, he or she shall submit to the department  
10 a written report approving same with respect to fire protection before  
11 a full license can be issued. The (~~chief of the Washington state~~  
12 ~~patrol~~) director of the department of public safety, through the  
13 director of fire protection, shall make or cause to be made inspections  
14 of such homes at least annually.

15 In cities which have in force a comprehensive building code, the  
16 provisions of which are determined by the (~~chief of the Washington~~  
17 ~~state patrol~~) director of the department of public safety, through the  
18 director of fire protection, to be equal to the minimum standards of  
19 the code for boarding homes adopted by the (~~chief of the Washington~~  
20 ~~state patrol~~) director of the department of public safety, through the  
21 director of fire protection, the chief of the fire department, provided  
22 the latter is a paid chief of a paid fire department, shall make the  
23 inspection with the (~~chief of the Washington state patrol~~) director  
24 of the department of public safety, through the director of fire  
25 protection, or his or her deputy, and they shall jointly approve the  
26 premises before a full license can be issued.

27 **Sec. 739.** RCW 18.46.110 and 2000 c 93 s 37 are each amended to  
28 read as follows:

29 Fire protection with respect to all birthing centers to be licensed  
30 hereunder, shall be the responsibility of the (~~chief of the Washington~~  
31 ~~state patrol~~) director of the department of public safety, through the  
32 director of fire protection, who shall adopt by reference, such  
33 recognized standards as may be applicable to nursing homes, places of  
34 refuge, and birthing centers for the protection of life against the  
35 cause and spread of fire and fire hazards. The department upon receipt  
36 of an application for a license, shall submit to the (~~chief of the~~  
37 ~~Washington state patrol~~) director of the department of public safety,

1 through the director of fire protection, in writing, a request for an  
2 inspection, giving the applicant's name and the location of the  
3 premises to be licensed. Upon receipt of such a request, the (~~chief~~  
4 ~~of the Washington state patrol~~) director of the department of public  
5 safety, through the director of fire protection, or his or her deputy,  
6 shall make an inspection of the birthing center to be licensed, and if  
7 it is found that the premises do not comply with the required safety  
8 standards and fire (~~regulations~~) rules as (~~promulgated~~) adopted by  
9 the (~~chief of the Washington state patrol~~) director of the department  
10 of public safety, through the director of fire protection, he or she  
11 shall promptly make a written report to the department as to the manner  
12 in which the premises may qualify for a license and set forth the  
13 conditions to be remedied with respect to fire regulations. The  
14 department, applicant or licensee shall notify the (~~chief of the~~  
15 ~~Washington state patrol~~) director of the department of public safety,  
16 through the director of fire protection, upon completion of any  
17 requirements made by him or her, and the (~~chief of the Washington~~  
18 ~~state patrol~~) director of the department of public safety, through the  
19 director of fire protection, or his or her deputy, shall make a  
20 reinspection of such premises. Whenever the birthing center to be  
21 licensed meets with the approval of the (~~chief of the Washington state~~  
22 ~~patrol~~) director of the department of public safety, through the  
23 director of fire protection, he or she shall submit to the department,  
24 a written report approving same with respect to fire protection before  
25 a license can be issued. The (~~chief of the Washington state patrol~~)  
26 director of the department of public safety, through the director of  
27 fire protection, shall make or cause to be made such inspection of such  
28 birthing centers as he or she deems necessary.

29 In cities which have in force a comprehensive building code, the  
30 regulation of which is equal to the minimum standards of the code for  
31 birthing centers adopted by the (~~chief of the Washington state~~  
32 ~~patrol~~) director of the department of public safety, through the  
33 director of fire protection, the building inspector and the chief of  
34 the fire department, provided the latter is a paid chief of a paid fire  
35 department, shall make the inspection and shall approve the premises  
36 before a license can be issued.

37 In cities where such building codes are in force, the (~~chief of~~  
38 ~~the Washington state patrol~~) director of the department of public

1 safety, through the director of fire protection, may, upon request by  
2 the chief fire official, or the local governing body, or of a taxpayer  
3 of such city, assist in the enforcement of any such code pertaining to  
4 birthing centers.

5 **Sec. 740.** RCW 18.51.140 and 1995 1st sp.s. c 18 s 43 are each  
6 amended to read as follows:

7 Standards for fire protection and the enforcement thereof, with  
8 respect to all nursing homes to be licensed hereunder, shall be the  
9 responsibility of the (~~chief of the Washington state patrol~~) director  
10 of the department of public safety, through the director of fire  
11 protection, who shall adopt such recognized standards as may be  
12 applicable to nursing homes for the protection of life against the  
13 cause and spread of fire and fire hazards. The department upon receipt  
14 of an application for a license, shall submit to the (~~chief of the~~  
15 ~~Washington state patrol~~) director of the department of public safety,  
16 through the director of fire protection, in writing, a request for an  
17 inspection, giving the applicant's name and the location of the  
18 premises to be licensed. Upon receipt of such a request, the (~~chief~~  
19 ~~of the Washington state patrol~~) director of the department of public  
20 safety, through the director of fire protection, or his or her deputy,  
21 shall make an inspection of the nursing home to be licensed, and if it  
22 is found that the premises do not comply with the required safety  
23 standards and fire (~~regulations~~) rules as (~~promulgated~~) adopted by  
24 the (~~chief of the Washington state patrol~~) director of the department  
25 of public safety, through the director of fire protection, he or she  
26 shall promptly make a written report to the nursing home and the  
27 department as to the manner and time allowed in which the premises must  
28 qualify for a license and set forth the conditions to be remedied with  
29 respect to fire regulations. The department, applicant or licensee  
30 shall notify the (~~chief of the Washington state patrol~~) director of  
31 the department of public safety, through the director of fire  
32 protection, upon completion of any requirements made by him or her, and  
33 the (~~chief of the Washington state patrol~~) director of the department  
34 of public safety, through the director of fire protection, or his or  
35 her deputy, shall make a reinspection of such premises. Whenever the  
36 nursing home to be licensed meets with the approval of the (~~chief of~~  
37 ~~the Washington state patrol~~) director of the department of public

1 safety, through the director of fire protection, he or she shall submit  
2 to the department, a written report approving same with respect to fire  
3 protection before a full license can be issued. The (~~chief of the~~  
4 ~~Washington state patrol~~) director of the department of public safety,  
5 through the director of fire protection, shall make or cause to be made  
6 inspections of such nursing homes at least every eighteen months.

7 In cities which have in force a comprehensive building code, the  
8 provisions of which are determined by the (~~chief of the Washington~~  
9 ~~state patrol~~) director of the department of public safety, through the  
10 director of fire protection, to be equal to the minimum standards of  
11 the code for nursing homes adopted by the (~~chief of the Washington~~  
12 ~~state patrol~~) director of the department of public safety, through the  
13 director of fire protection, the chief of the fire department, provided  
14 the latter is a paid chief of a paid fire department, shall make the  
15 inspection with the (~~chief of the Washington state patrol~~) director  
16 of the department of public safety, through the director of fire  
17 protection, or his or her deputy and they shall jointly approve the  
18 premises before a full license can be issued.

19 **Sec. 741.** RCW 18.51.145 and 1995 c 369 s 7 are each amended to  
20 read as follows:

21 Inspections of nursing homes by local authorities shall be  
22 consistent with the requirements of chapter 19.27 RCW, the state  
23 building code. Findings of a serious nature shall be coordinated with  
24 the department and the (~~chief of the Washington state patrol~~)  
25 director of the department of public safety, through the director of  
26 fire protection, for determination of appropriate actions to ensure a  
27 safe environment for nursing home residents. The (~~chief of the~~  
28 ~~Washington state patrol~~) director of the department of public safety,  
29 through the director of fire protection, shall have exclusive authority  
30 to determine appropriate corrective action under this section.

31 **Sec. 742.** RCW 18.165.070 and 1995 c 277 s 25 are each amended to  
32 read as follows:

33 (1) Applications for licenses required under this chapter shall be  
34 filed with the director on a form provided by the director. The  
35 director may require any information and documentation that reasonably

1 relates to the need to determine whether the applicant meets the  
2 criteria.

3 (2) After receipt of an application for a license, the director  
4 shall conduct an investigation to determine whether the facts set forth  
5 in the application are true and shall request that the Washington  
6 (~~state patrol~~) bureau of investigation compare the fingerprints  
7 submitted with the application to fingerprint records available to the  
8 Washington (~~state patrol~~) bureau of investigation. The Washington  
9 (~~state patrol~~) bureau of investigation shall forward the fingerprints  
10 of applicants for an armed private investigator license to the federal  
11 bureau of investigation for a national criminal history records check.  
12 The director may require that fingerprint cards of licensees be  
13 periodically reprocessed to identify criminal convictions subsequent to  
14 registration.

15 (3) The director shall solicit comments from the chief law  
16 enforcement officer of the county and city or town in which the  
17 applicant's employer is located on issuance of a permanent private  
18 investigator license.

19 (4) A summary of the information acquired under this section, to  
20 the extent that it is public information, may be forwarded by the  
21 department to the applicant's employer.

22 **Sec. 743.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to  
23 read as follows:

24 (1) Applications for licenses required under this chapter shall be  
25 filed with the director on a form provided by the director. The  
26 director may require any information and documentation that reasonably  
27 relates to the need to determine whether the applicant meets the  
28 criteria.

29 (2) After receipt of an application for a license, the director  
30 shall conduct an investigation to determine whether the facts set forth  
31 in the application are true and shall request that the Washington  
32 (~~state patrol~~) bureau of investigation compare the fingerprints  
33 submitted with the application to fingerprint records available to the  
34 Washington (~~state patrol~~) bureau of investigation. The Washington  
35 (~~state patrol~~) bureau of investigation shall forward the fingerprints  
36 of applicants for an armed private security guard license to the  
37 Federal Bureau of Investigation for a national criminal history records

1 check. The director may require that fingerprint cards of licensees be  
2 periodically reprocessed to identify criminal convictions subsequent to  
3 registration.

4 (3) The director shall solicit comments from the chief law  
5 enforcement officer of the county and city or town in which the  
6 applicant's employer is located on issuance of a permanent private  
7 security guard license.

8 (4) A summary of the information acquired under this section, to  
9 the extent that it is public information, shall be forwarded by the  
10 department to the applicant's employer.

11 **Sec. 744.** RCW 18.185.040 and 2004 c 186 s 4 are each amended to  
12 read as follows:

13 (1) Applications for licenses required under this chapter shall be  
14 filed with the director on a form provided by the director. The  
15 director may require any information and documentation that reasonably  
16 relates to the need to determine whether the applicant meets the  
17 criteria, including fingerprints.

18 (2) Applicants for licensure or endorsement as a bail bond recovery  
19 agent must complete a records check through the Washington (~~state~~  
20 ~~patrol~~) bureau of investigation criminal identification system and  
21 through the federal bureau of investigation at the applicant's expense.  
22 Such record check shall include a fingerprint check using a Washington  
23 (~~state patrol~~) bureau of investigation approved fingerprint card.  
24 The Washington (~~state patrol~~) bureau of investigation shall forward  
25 the fingerprints of applicants to the federal bureau of investigation  
26 for a national criminal history records check. The director may accept  
27 proof of a recent national crime information center/III criminal  
28 background report or any national or interstate criminal background  
29 report in addition to fingerprints to accelerate the licensing and  
30 endorsement process. The director is authorized to periodically  
31 perform a background investigation of licensees to identify criminal  
32 convictions subsequent to the renewal of a license or endorsement.

33 **Sec. 745.** RCW 18.185.250 and 2004 c 186 s 3 are each amended to  
34 read as follows:

35 An applicant must meet the following requirements to obtain a bail  
36 bond recovery agent license:

1 (1) Submit a fully completed application that includes proper  
2 identification on a form prescribed by the director;

3 (2) Pass an examination determined by the director to measure his  
4 or her knowledge and competence in the bail recovery business;

5 (3) Be at least twenty-one years old;

6 (4) Be a citizen or legal resident alien of the United States;

7 (5) Not have been convicted of a crime in any jurisdiction, if the  
8 director determines that the applicant's particular crime directly  
9 relates to a capacity to perform the duties of a bail bond recovery  
10 agent, and that the license should be withheld to protect the citizens  
11 of Washington state. The director shall make the director's  
12 determination to withhold a license because of previous convictions  
13 notwithstanding the restoration of employment rights act, chapter 9.96A  
14 RCW;

15 (6) Submit a receipt showing payment for a background check through  
16 the Washington (~~state patrol~~) bureau of investigation and the federal  
17 bureau of investigation;

18 (7) Have a current firearms certificate issued by the commission if  
19 carrying a firearm in the performance of his or her duties as a bail  
20 bond recovery agent;

21 (8)(a) Have a current license to carry a concealed pistol if  
22 carrying a firearm in the performance of his or her duties as a bail  
23 bond recovery agent;

24 (b) A resident alien must provide a copy of his or her alien  
25 firearm license if carrying a firearm in the performance of his or her  
26 duties as a bail bond recovery agent; and

27 (9)(a) Pay the required nonrefundable fee for each application for  
28 a bail bond recovery agent license;

29 (b) A bail bond agent or qualified agent who wishes to perform the  
30 duties of a bail bond recovery agent must first obtain a bail bond  
31 recovery agent endorsement to his or her bail bond agent or agency  
32 license in order to act as a bail bond recovery agent, and pay the  
33 required nonrefundable fee for each application for a bail bond  
34 recovery agent endorsement.

35 **Sec. 746.** RCW 19.27A.110 and 1995 c 369 s 8 are each amended to  
36 read as follows:

37 The (~~chief of the Washington state patrol~~) director of the

1 department of public safety, through the director of fire protection,  
2 is the only authority having jurisdiction over the approval of portable  
3 oil-fueled heaters. The sale and use of portable oil-fueled heaters is  
4 governed exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED,  
5 That cities and counties may adopt local standards as provided in RCW  
6 19.27.040.

7 **Sec. 747.** RCW 19.220.010 and 2003 c 268 s 1 are each amended to  
8 read as follows:

9 (1) Each international matchmaking organization doing business in  
10 Washington state shall disseminate to a recruit, upon request, state  
11 background check information and personal history information relating  
12 to any Washington state resident about whom any information is provided  
13 to the recruit, in the recruit's native language. The organization  
14 shall notify all recruits that background check and personal history  
15 information is available upon request. The notice that background  
16 check and personal history information is available upon request shall  
17 be in the recruit's native language and shall be displayed in a manner  
18 that separates it from other information, is highly noticeable, and in  
19 lettering not less than one-quarter of an inch high.

20 (2) If an international matchmaking organization receives a request  
21 for information from a recruit pursuant to subsection (1) of this  
22 section, the organization shall notify the Washington state resident of  
23 the request. Upon receiving notification, the Washington state  
24 resident shall obtain from the (~~state patrol~~) Washington bureau of  
25 investigation and provide to the organization the complete transcript  
26 of any background check information provided pursuant to RCW 43.43.760  
27 (as recodified by this act) based on a submission of fingerprint  
28 impressions and provided pursuant to RCW 43.43.838 (as recodified by  
29 this act) and shall provide to the organization his or her personal  
30 history information. The organization shall require the resident to  
31 affirm that personal history information is complete and accurate. The  
32 organization shall refrain from knowingly providing any further  
33 services to the recruit or the Washington state resident in regards to  
34 facilitating future interaction between the recruit and the Washington  
35 state resident until the organization has obtained the requested  
36 information and provided it to the recruit.

1 (3) This section does not apply to a traditional matchmaking  
2 organization of a religious nature that otherwise operates in  
3 compliance with the laws of the countries of the recruits of such  
4 organization and the laws of the United States nor to any organization  
5 that does not charge a fee to any party for the service provided.

6 (4) As used in this section:

7 (a) "International matchmaking organization" means a corporation,  
8 partnership, business, or other legal entity, whether or not organized  
9 under the laws of the United States or any state, that does business in  
10 the United States and for profit offers to Washington state residents,  
11 including aliens lawfully admitted for permanent residence and residing  
12 in Washington state, dating, matrimonial, or social referral services  
13 involving citizens of a foreign country or countries who are not  
14 residing in the United States, by: (i) An exchange of names, telephone  
15 numbers, addresses, or statistics; (ii) selection of photographs; or  
16 (iii) a social environment provided by the organization in a country  
17 other than the United States.

18 (b) "Personal history information" means a declaration of the  
19 person's current marital status, the number of previous marriages,  
20 annulments, and dissolutions for the person, and whether any previous  
21 marriages occurred as a result of receiving services from an  
22 international matchmaking organization; founded allegations of child  
23 abuse or neglect; and any existing orders under chapter 10.14, 10.99,  
24 or 26.50 RCW. Personal history information shall include information  
25 from the state of Washington and any information from other states or  
26 countries.

27 (c) "Recruit" means a noncitizen, nonresident person, recruited by  
28 an international matchmaking organization for the purpose of providing  
29 dating, matrimonial, or social referral services.

30 **Sec. 748.** RCW 26.10.135 and 2003 c 105 s 1 are each amended to  
31 read as follows:

32 (1) Before granting any order regarding the custody of a child  
33 under this chapter, the court shall consult the judicial information  
34 system, if available, to determine the existence of any information and  
35 proceedings that are relevant to the placement of the child.

36 (2) Before entering a final order, the court shall:

1 (a) Direct the department of social and health services to release  
2 information as provided under RCW 13.50.100; and

3 (b) Require the petitioner to provide the results of an examination  
4 of state and national criminal identification data provided by the  
5 Washington (~~state patrol~~) bureau of investigation criminal  
6 identification system as described in chapter (~~43.43~~) 43.--- RCW (the  
7 new chapter created in section 906 of this act) for the petitioner and  
8 adult members of the petitioner's household.

9 **Sec. 749.** RCW 26.33.190 and 1991 c 136 s 3 are each amended to  
10 read as follows:

11 (1) Any person may at any time request an agency, the department,  
12 an individual approved by the court, or a qualified salaried court  
13 employee to prepare a preplacement report. A certificate signed under  
14 penalty of perjury by the person preparing the report specifying his or  
15 her qualifications as required in this chapter shall be attached to or  
16 filed with each preplacement report and shall include a statement of  
17 training or experience that qualifies the person preparing the report  
18 to discuss relevant adoption issues. A person may have more than one  
19 preplacement report prepared. All preplacement reports shall be filed  
20 with the court in which the petition for adoption is filed.

21 (2) The preplacement report shall be a written document setting  
22 forth all relevant information relating to the fitness of the person  
23 requesting the report as an adoptive parent. The report shall be based  
24 on a study which shall include an investigation of the home  
25 environment, family life, health, facilities, and resources of the  
26 person requesting the report. The report shall include a list of the  
27 sources of information on which the report is based. The report shall  
28 include a recommendation as to the fitness of the person requesting the  
29 report to be an adoptive parent. The report shall also verify that the  
30 following issues were discussed with the prospective adoptive parents:

31 (a) The concept of adoption as a lifelong developmental process and  
32 commitment;

33 (b) The potential for the child to have feelings of identity  
34 confusion and loss regarding separation from the birth parents;

35 (c) Disclosure of the fact of adoption to the child;

36 (d) The child's possible questions about birth parents and  
37 relatives; and

1 (e) The relevance of the child's racial, ethnic, and cultural  
2 heritage.

3 (3) All preplacement reports shall include an investigation of the  
4 conviction record, pending charges, or disciplinary board final  
5 decisions of prospective adoptive parents. The investigation shall  
6 include an examination of state and national criminal identification  
7 data provided by the Washington (~~state patrol~~) bureau of  
8 investigation criminal identification system as described in chapter  
9 (~~43.43~~) 43.--- RCW (the new chapter created in section 906 of this  
10 act).

11 (4) An agency, the department, or a court approved individual may  
12 charge a reasonable fee based on the time spent in conducting the study  
13 and preparing the preplacement report. The court may set a reasonable  
14 fee for conducting the study and preparing the report when a court  
15 employee has prepared the report. An agency, the department, a court  
16 approved individual, or the court may reduce or waive the fee if the  
17 financial condition of the person requesting the report so warrants.  
18 An agency's, the department's, or court approved individual's, fee is  
19 subject to review by the court upon request of the person requesting  
20 the report.

21 (5) The person requesting the report shall designate to the agency,  
22 the department, the court approved individual, or the court in writing  
23 the county in which the preplacement report is to be filed. If the  
24 person requesting the report has not filed a petition for adoption, the  
25 report shall be indexed in the name of the person requesting the report  
26 and a cause number shall be assigned. A fee shall not be charged for  
27 filing the report. The applicable filing fee may be charged at the  
28 time a petition governed by this chapter is filed. Any subsequent  
29 preplacement reports shall be filed together with the original report.

30 (6) A copy of the completed preplacement report shall be delivered  
31 to the person requesting the report.

32 (7) A person may request that a report not be completed. A  
33 reasonable fee may be charged for the value of work done.

34 **Sec. 750.** RCW 26.44.020 and 2005 c 512 s 5 are each amended to  
35 read as follows:

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

- 1 (1) "Court" means the superior court of the state of Washington,  
2 juvenile department.
- 3 (2) "Law enforcement agency" means the police department, the  
4 prosecuting attorney, the (~~state patrol~~) department of public safety,  
5 the local jurisdiction's director of public safety, or the office of  
6 the sheriff.
- 7 (3) "Practitioner of the healing arts" or "practitioner" means a  
8 person licensed by this state to practice podiatric medicine and  
9 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
10 medicine and surgery, or medicine and surgery or to provide other  
11 health services. The term "practitioner" includes a duly accredited  
12 Christian Science practitioner: PROVIDED, HOWEVER, That a person who  
13 is being furnished Christian Science treatment by a duly accredited  
14 Christian Science practitioner will not be considered, for that reason  
15 alone, a neglected person for the purposes of this chapter.
- 16 (4) "Institution" means a private or public hospital or any other  
17 facility providing medical diagnosis, treatment or care.
- 18 (5) "Department" means the state department of social and health  
19 services.
- 20 (6) "Child" or "children" means any person under the age of  
21 eighteen years of age.
- 22 (7) "Professional school personnel" include, but are not limited  
23 to, teachers, counselors, administrators, child care facility  
24 personnel, and school nurses.
- 25 (8) "Social service counselor" means anyone engaged in a  
26 professional capacity during the regular course of employment in  
27 encouraging or promoting the health, welfare, support or education of  
28 children, or providing social services to adults or families, including  
29 mental health, drug and alcohol treatment, and domestic violence  
30 programs, whether in an individual capacity, or as an employee or agent  
31 of any public or private organization or institution.
- 32 (9) "Psychologist" means any person licensed to practice psychology  
33 under chapter 18.83 RCW, whether acting in an individual capacity or as  
34 an employee or agent of any public or private organization or  
35 institution.
- 36 (10) "Pharmacist" means any registered pharmacist under chapter  
37 18.64 RCW, whether acting in an individual capacity or as an employee  
38 or agent of any public or private organization or institution.

1 (11) "Clergy" means any regularly licensed or ordained minister,  
2 priest, or rabbi of any church or religious denomination, whether  
3 acting in an individual capacity or as an employee or agent of any  
4 public or private organization or institution.

5 (12) "Abuse or neglect" means sexual abuse, sexual exploitation, or  
6 injury of a child by any person under circumstances which cause harm to  
7 the child's health, welfare, or safety, excluding conduct permitted  
8 under RCW 9A.16.100; or the negligent treatment or maltreatment of a  
9 child by a person responsible for or providing care to the child. An  
10 abused child is a child who has been subjected to child abuse or  
11 neglect as defined in this section.

12 (13) "Child protective services section" means the child protective  
13 services section of the department.

14 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or  
15 encouraging a child to engage in prostitution by any person; or (b)  
16 allowing, permitting, encouraging, or engaging in the obscene or  
17 pornographic photographing, filming, or depicting of a child by any  
18 person.

19 (15) "Negligent treatment or maltreatment" means an act or a  
20 failure to act, or the cumulative effects of a pattern of conduct,  
21 behavior, or inaction, that evidences a serious disregard of  
22 consequences of such magnitude as to constitute a clear and present  
23 danger to a child's health, welfare, or safety. When considering  
24 whether a clear and present danger exists, evidence of a parent's  
25 substance abuse as a contributing factor to negligent treatment or  
26 maltreatment shall be given great weight. The fact that siblings share  
27 a bedroom is not, in and of itself, negligent treatment or  
28 maltreatment. Poverty, homelessness, or exposure to domestic violence  
29 as defined in RCW 26.50.010 that is perpetrated against someone other  
30 than the child (~~do~~ ~~does~~) does not constitute negligent treatment or  
31 maltreatment in and of (~~themselves~~ ~~itself~~) itself.

32 (16) "Child protective services" means those services provided by  
33 the department designed to protect children from child abuse and  
34 neglect and safeguard such children from future abuse and neglect, and  
35 conduct investigations of child abuse and neglect reports.  
36 Investigations may be conducted regardless of the location of the  
37 alleged abuse or neglect. Child protective services includes referral  
38 to services to ameliorate conditions that endanger the welfare of

1 children, the coordination of necessary programs and services relevant  
2 to the prevention, intervention, and treatment of child abuse and  
3 neglect, and services to children to ensure that each child has a  
4 permanent home. In determining whether protective services should be  
5 provided, the department shall not decline to provide such services  
6 solely because of the child's unwillingness or developmental inability  
7 to describe the nature and severity of the abuse or neglect.

8 (17) "Malice" or "maliciously" means an evil intent, wish, or  
9 design to vex, annoy, or injure another person. Such malice may be  
10 inferred from an act done in willful disregard of the rights of  
11 another, or an act wrongfully done without just cause or excuse, or an  
12 act or omission of duty betraying a willful disregard of social duty.

13 (18) "Sexually aggressive youth" means a child who is defined in  
14 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

15 (19) "Unfounded" means available information indicates that, more  
16 likely than not, child abuse or neglect did not occur. No unfounded  
17 allegation of child abuse or neglect may be disclosed to a child-  
18 placing agency, private adoption agency, or any other provider licensed  
19 under chapter 74.15 RCW.

20 **Sec. 751.** RCW 28A.195.080 and 1999 c 187 s 1 are each amended to  
21 read as follows:

22 (1) The legislature finds additional safeguards are necessary to  
23 ensure safety of school children attending private schools in the state  
24 of Washington. Private schools approved under this chapter are  
25 authorized to require that employees who have regularly scheduled  
26 unsupervised access to children, whether current employees on May 5,  
27 1999, or applicants for employment on or after May 5, 1999, undergo a  
28 record check through the Washington (~~state patrol~~) bureau of  
29 investigation criminal identification system under RCW 43.43.830  
30 through 43.43.838 (as recodified by this act), 10.97.030, and 10.97.050  
31 and through the federal bureau of investigation. The record check  
32 shall include a fingerprint check using a complete Washington state  
33 criminal identification fingerprint card. Employees or applicants for  
34 employment who have completed a record check in accordance with RCW  
35 28A.410.010 shall not be required to undergo a record check under this  
36 section. The superintendent of public instruction shall provide a copy  
37 of the record report to the employee or applicant. If an employee or

1 applicant has undergone a record check as authorized under this  
2 section, additional record checks shall not be required unless required  
3 by other provisions of law.

4 (2) The approved private school, the employee, or the applicant  
5 shall pay the costs associated with the record check authorized in this  
6 section.

7 (3) Applicants may be employed on a conditional basis pending  
8 completion of the investigation. If the employee or applicant has had  
9 a record check within the previous two years, the approved private  
10 school or contractor may waive any record check required by the  
11 approved private school under subsection (1) of this section.

12 **Sec. 752.** RCW 28A.400.303 and 2001 c 296 s 3 are each amended to  
13 read as follows:

14 School districts, educational service districts, the state school  
15 for the deaf, the state school for the blind, and their contractors  
16 hiring employees who will have regularly scheduled unsupervised access  
17 to children shall require a record check through the Washington ((state  
18 patrol)) bureau of investigation criminal identification system under  
19 RCW 43.43.830 through 43.43.834 (as recodified by this act), 10.97.030,  
20 and 10.97.050 and through the federal bureau of investigation before  
21 hiring an employee. The record check shall include a fingerprint check  
22 using a complete Washington state criminal identification fingerprint  
23 card. The requesting entity shall provide a copy of the record report  
24 to the applicant. When necessary, applicants may be employed on a  
25 conditional basis pending completion of the investigation. If the  
26 applicant has had a record check within the previous two years, the  
27 district, the state school for the deaf, the state school for the  
28 blind, or contractor may waive the requirement. The district, pursuant  
29 to chapter 41.59 or 41.56 RCW, the state school for the deaf, the state  
30 school for the blind, or contractor hiring the employee shall determine  
31 who shall pay costs associated with the record check.

32 **Sec. 753.** RCW 28A.400.306 and 1995 c 335 s 504 are each amended to  
33 read as follows:

34 The ((state patrol)) Washington bureau of investigation shall  
35 accept fingerprints obtained under this chapter only if it can ensure  
36 that the ((patrol)) Washington bureau of investigation will not retain

1 a record of the fingerprints after the check is complete. It shall not  
2 forward fingerprints obtained under this chapter to the federal bureau  
3 of investigation unless it can ensure that the federal bureau of  
4 investigation will not retain a record of the fingerprints after the  
5 check is complete.

6 **Sec. 754.** RCW 28A.410.010 and 2005 c 497 s 203 are each amended to  
7 read as follows:

8 The Washington professional educator standards board shall  
9 establish, publish, and enforce rules determining eligibility for and  
10 certification of personnel employed in the common schools of this  
11 state, including certification for emergency or temporary, substitute  
12 or provisional duty and under such certificates or permits as the board  
13 shall deem proper or as otherwise prescribed by law. The rules shall  
14 require that the initial application for certification shall require a  
15 record check of the applicant through the Washington (~~state patrol~~)  
16 bureau of investigation criminal identification system and through the  
17 federal bureau of investigation at the applicant's expense. The record  
18 check shall include a fingerprint check using a complete Washington  
19 state criminal identification fingerprint card. The superintendent of  
20 public instruction may waive the record check for any applicant who has  
21 had a record check within the two years before application. The rules  
22 shall permit a holder of a lapsed certificate but not a revoked or  
23 suspended certificate to be employed on a conditional basis by a school  
24 district with the requirement that the holder must complete any  
25 certificate renewal requirements established by the state board of  
26 education within two years of initial reemployment.

27 In establishing rules pertaining to the qualifications of  
28 instructors of American sign language the board shall consult with the  
29 national association of the deaf, "sign instructors guidance network"  
30 (s.i.g.n.), and the Washington state association of the deaf for  
31 evaluation and certification of sign language instructors.

32 The superintendent of public instruction shall act as the  
33 administrator of any such rules and have the power to issue any  
34 certificates or permits and revoke the same in accordance with board  
35 rules.

1           **Sec. 755.** RCW 29A.08.651 and 2005 c 246 s 16 are each amended to  
2 read as follows:

3           (1) The office of the secretary of state shall create and maintain  
4 a statewide voter registration data base. This data base must be a  
5 single, uniform, official, centralized, interactive computerized  
6 statewide voter registration list defined, maintained, and administered  
7 at the state level that contains the name and registration information  
8 of every legally registered voter in the state and assigns a unique  
9 identifier to each legally registered voter in the state.

10           (2) The computerized list must serve as the single system for  
11 storing and maintaining the official list of registered voters  
12 throughout the state.

13           (3) The computerized list must contain the name and registration  
14 information of every legally registered voter in the state.

15           (4) Under the computerized list, a unique identifier is assigned to  
16 each legally registered voter in the state.

17           (5) The computerized list must be coordinated with other agency  
18 data bases within the state, including but not limited to the  
19 department of corrections, the department of licensing, the department  
20 of health, the Washington (~~state patrol~~) bureau of investigation, and  
21 the office of the administrator for the courts. The computerized list  
22 may also be coordinated with the data bases of election officials in  
23 other states.

24           (6) Any election officer in the state, including any local election  
25 officer, may obtain immediate electronic access to the information  
26 contained in the computerized list.

27           (7) All voter registration information obtained by any local  
28 election officer in the state must be electronically entered into the  
29 computerized list on an expedited basis at the time the information is  
30 provided to the local officer.

31           (8) The chief state election officer shall provide support, as may  
32 be required, so that local election officers are able to enter  
33 information as described in subsection (3) of this section.

34           (9) The computerized list serves as the official voter registration  
35 list for the conduct of all elections.

36           (10) The secretary of state has data authority on all voter  
37 registration data.

1 (11) The voter registration data base must be designed to  
2 accomplish at a minimum, the following:

3 (a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

4 (b) Identify duplicate voter registrations;

5 (c) Identify suspected duplicate voters;

6 (d) Screen against the department of corrections, the Washington  
7 (~~state patrol~~) bureau of investigation, and other appropriate state  
8 agency data bases to aid in the cancellation of voter registration of  
9 felons, of persons who have declined to serve on juries by virtue of  
10 not being citizens of the United States, and of persons determined to  
11 be legally incompetent to vote;

12 (e) Provide up-to-date signatures of voters for the purposes of  
13 initiative signature checking;

14 (f) Provide for a comparison between the voter registration data  
15 base and the department of licensing change of address data base;

16 (g) Provide online access for county auditors with the goal of real  
17 time duplicate checking and update capabilities; and

18 (h) Provide for the cancellation of voter registration for persons  
19 who have moved to other states and surrendered their Washington state  
20 drivers' licenses.

21 (12) In order to maintain the statewide voter registration data  
22 base, the secretary of state may, upon agreement with other appropriate  
23 jurisdictions, screen against data bases maintained by election  
24 officials in other states and data bases maintained by federal agencies  
25 including, but not limited to, the federal bureau of investigation, the  
26 federal court system, the federal bureau of prisons, and the bureau of  
27 citizenship and immigration services.

28 (13) The secretary of state shall retain information regarding  
29 previous successful appeals of proposed cancellations of registrations  
30 in order to avoid repeated cancellations for the same reason.

31 (14) The secretary of state must review and update the records of  
32 all registered voters on the computerized list on a quarterly basis to  
33 make additions and corrections.

34 **Sec. 756.** RCW 34.12.035 and 1984 c 141 s 6 are each amended to  
35 read as follows:

36 The chief administrative law judge shall designate an

1 administrative law judge to serve, as the need arises, as presiding  
2 officer in (~~state patrol~~) disciplinary hearings conducted under RCW  
3 43.43.090 (as recodified by this act).

4 **Sec. 757.** RCW 34.12.060 and 1989 c 175 s 34 are each amended to  
5 read as follows:

6 When an administrative law judge presides at a hearing under this  
7 chapter and a majority of the officials of the agency who are to render  
8 the final decision have not heard substantially all of the oral  
9 testimony and read all exhibits submitted by any party, it shall be the  
10 duty of such judge, or in the event of his unavailability or  
11 incapacity, of another judge appointed by the chief administrative law  
12 judge, to issue an initial decision or proposal for decision including  
13 findings of fact and conclusions of law in accordance with RCW  
14 34.05.461 or 34.05.485. However, this section does not apply to a  
15 (~~state patrol~~) disciplinary hearing conducted under RCW 43.43.090 (as  
16 recodified by this act).

17 **Sec. 758.** RCW 35A.21.161 and 1983 c 3 s 59 are each amended to  
18 read as follows:

19 All code cities shall observe and enforce, in addition to its local  
20 regulations, the provisions of state laws relating to the conduct,  
21 location and limitation on activities as regulated by state law and  
22 shall supply police information to the section on identification of the  
23 (~~state patrol~~) Washington bureau of investigation as required by  
24 chapter (~~43.43~~) 43.--- RCW (the new chapter created in section 906 of  
25 this act).

26 **Sec. 759.** RCW 36.27.110 and 1989 c 271 s 237 are each amended to  
27 read as follows:

28 There is established a statewide advisory committee comprised of  
29 the attorney general, the (~~chief of the Washington state patrol~~)  
30 director of the department of public safety, both United States  
31 attorneys whose offices are located in Washington state, and three  
32 county prosecuting attorneys appointed by the Washington association of  
33 prosecuting attorneys, who will also act as supervising attorneys. The  
34 statewide advisory committee shall select one of the supervising

1 attorneys to act as project director of the drug prosecution assistance  
2 program.

3 **Sec. 760.** RCW 36.28A.070 and 2003 c 102 s 3 are each amended to  
4 read as follows:

5 (1) The Washington association of sheriffs and police chiefs in  
6 consultation with the Washington state emergency management office, the  
7 Washington association of county officials, the Washington association  
8 of cities, the information services board, the Washington state fire  
9 chiefs' association, and the (~~Washington state patrol~~) department of  
10 public safety shall convene a committee to establish guidelines related  
11 to the statewide first responder building mapping information system.  
12 The committee shall have the following responsibilities:

13 (a) Develop the type of information to be included in the statewide  
14 first responder building mapping information system. The information  
15 shall include, but is not limited to: Floor plans, fire protection  
16 information, evacuation plans, utility information, known hazards, and  
17 text and digital images showing emergency personnel contact  
18 information;

19 (b) Develop building mapping software standards that must be  
20 utilized by all entities participating in the statewide first responder  
21 building mapping information system;

22 (c) Determine the order in which buildings shall be mapped when  
23 funding is received;

24 (d) Develop guidelines on how the information shall be made  
25 available. These guidelines shall include detailed procedures and  
26 security systems to ensure that the information is only made available  
27 to the government entity that either owns the building or is responding  
28 to an incident at the building;

29 (e) Recommend training guidelines regarding using the statewide  
30 first responder building mapping information system to the criminal  
31 justice training commission and the (~~Washington state patrol~~)  
32 department of public safety fire protection bureau.

33 (2)(a) Nothing in this section supersedes the authority of the  
34 information services board under chapter 43.105 RCW.

35 (b) Nothing in this section supersedes the authority of state  
36 agencies and local governments to control and maintain access to  
37 information within their independent systems.

1       **Sec. 761.** RCW 38.52.040 and 1995 c 269 s 1202 are each amended to  
2 read as follows:

3       (1) There is hereby created the emergency management council  
4 (hereinafter called the council), to consist of not more than seventeen  
5 members who shall be appointed by the governor. The membership of the  
6 council shall include, but not be limited to, representatives of city  
7 and county governments, sheriffs and police chiefs, the (~~Washington~~  
8 ~~state patrol~~) department of public safety, the military department,  
9 the department of ecology, state and local fire chiefs, seismic safety  
10 experts, state and local emergency management directors, search and  
11 rescue volunteers, medical professions who have expertise in emergency  
12 medical care, building officials, and private industry. The  
13 representatives of private industry shall include persons knowledgeable  
14 in emergency and hazardous materials management. The council members  
15 shall elect a chairman from within the council membership. The members  
16 of the council shall serve without compensation, but may be reimbursed  
17 for their travel expenses incurred in the performance of their duties  
18 in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or~~  
19 ~~hereafter amended~~).

20       (2) The emergency management council shall advise the governor and  
21 the director on all matters pertaining to state and local emergency  
22 management. The council may appoint such ad hoc committees,  
23 subcommittees, and working groups as are required to develop specific  
24 recommendations for the improvement of emergency management practices,  
25 standards, policies, or procedures. The council shall ensure that the  
26 governor receives an annual assessment of statewide emergency  
27 preparedness including, but not limited to, specific progress on hazard  
28 mitigation and reduction efforts, implementation of seismic safety  
29 improvements, reduction of flood hazards, and coordination of hazardous  
30 materials planning and response activities. The council or a  
31 subcommittee thereof shall periodically convene in special session and  
32 serve during those sessions as the state emergency response commission  
33 required by P.L. 99-499, the emergency planning and community right-to-  
34 know act. When sitting in session as the state emergency response  
35 commission, the council shall confine its deliberations to those items  
36 specified in federal statutes and state administrative rules governing  
37 the coordination of hazardous materials policy. The council shall

1 review administrative rules governing state and local emergency  
2 management practices and recommend necessary revisions to the director.

3 **Sec. 762.** RCW 43.06.270 and 1969 ex.s. c 186 s 9 are each amended  
4 to read as follows:

5 The governor may in his or her discretion order the state militia  
6 pursuant to chapter 38.08 RCW or the (~~state patrol~~) department of  
7 public safety to assist local officials to restore order in the area  
8 described in the proclamation of a state of emergency.

9 **Sec. 763.** RCW 43.08.250 and 2005 c 518 s 926, 2005 c 457 s 8, and  
10 2005 c 282 s 44 are each reenacted and amended to read as follows:

11 (1) The money received by the state treasurer from fees, fines,  
12 forfeitures, penalties, reimbursements or assessments by any court  
13 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be  
14 deposited in the public safety and education account which is hereby  
15 created in the state treasury. The legislature shall appropriate the  
16 funds in the account to promote traffic safety education, highway  
17 safety, criminal justice training, crime victims' compensation,  
18 judicial education, the judicial information system, civil  
19 representation of indigent persons under RCW 2.53.030, winter  
20 recreation parking, drug court operations, and state game programs.  
21 During the fiscal biennium ending June 30, 2007, the legislature may  
22 appropriate moneys from the public safety and education account for  
23 purposes of appellate indigent defense and other operations of the  
24 office of public defense, the criminal litigation unit of the attorney  
25 general's office, the treatment alternatives to street crimes program,  
26 crime victims advocacy programs, justice information network  
27 telecommunication planning, treatment for supplemental security income  
28 clients, sexual assault treatment, operations of the administrative  
29 office of the courts, security in the common schools, alternative  
30 school start-up grants, programs for disruptive students, criminal  
31 justice data collection, (~~Washington state patrol~~) department of  
32 public safety criminal justice activities, drug court operations,  
33 unified family courts, local court backlog assistance, financial  
34 assistance to local jurisdictions for extraordinary costs incurred in  
35 the adjudication of criminal cases, domestic violence treatment and  
36 related services, the department of corrections' costs in implementing

1 chapter 196, Laws of 1999, reimbursement of local governments for costs  
2 associated with implementing criminal and civil justice legislation,  
3 the replacement of the department of corrections' offender-based  
4 tracking system, secure and semi-secure crisis residential centers,  
5 HOPE beds, the family policy council and community public health and  
6 safety networks, the street youth program, public notification about  
7 registered sex offenders, and narcotics or methamphetamine-related  
8 enforcement, education, training, and drug and alcohol treatment  
9 services.

10 (2)(a) The equal justice subaccount is created as a subaccount of  
11 the public safety and education account. The money received by the  
12 state treasurer from the increase in fees imposed by sections 9, 10,  
13 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in  
14 the equal justice subaccount and shall be appropriated only for:

15 (i) Criminal indigent defense assistance and enhancement at the  
16 trial court level, including a criminal indigent defense pilot program;

17 (ii) Representation of parents in dependency and termination  
18 proceedings;

19 (iii) Civil legal representation of indigent persons; and

20 (iv) Contribution to district court judges' salaries and to  
21 eligible elected municipal court judges' salaries.

22 (b) For the 2005-07 fiscal biennium, an amount equal to twenty-five  
23 percent of revenues to the equal justice subaccount, less one million  
24 dollars, shall be appropriated from the equal justice subaccount to the  
25 administrator for the courts for purposes of (a)(iv) of this  
26 subsection. For the 2007-09 fiscal biennium and subsequent fiscal  
27 biennia, an amount equal to fifty percent of revenues to the equal  
28 justice subaccount shall be appropriated from the equal justice  
29 subaccount to the administrator for the courts for the purposes of  
30 (a)(iv) of this subsection.

31 **Sec. 764.** RCW 43.79.445 and 2005 c 166 s 3 are each amended to  
32 read as follows:

33 There is established an account in the state treasury referred to  
34 as the "death investigations account" which shall exist for the purpose  
35 of receiving, holding, investing, and disbursing funds appropriated or  
36 provided in RCW 70.58.107 and any moneys appropriated or otherwise  
37 provided thereafter.

1 Moneys in the death investigations account shall be disbursed by  
2 the state treasurer once every year on December 31 and at any other  
3 time determined by the treasurer. The treasurer shall make  
4 disbursements to: The state toxicology laboratory, counties for the  
5 cost of autopsies, the (~~state patrol~~) department of public safety for  
6 providing partial funding for the state dental identification system,  
7 the criminal justice training commission for training county coroners,  
8 medical examiners and their staff, and the state forensic  
9 investigations council. Funds from the death investigations account  
10 may be appropriated during the 1997-99 biennium for the purposes of  
11 statewide child mortality reviews administered by the department of  
12 health.

13 **Sec. 765.** RCW 43.79.470 and 2003 c 360 s 1501 are each amended to  
14 read as follows:

15 The state patrol nonappropriated airplane revolving account is  
16 created in the custody of the state treasurer. All receipts from  
17 aircraft user fees paid by other agencies and private users as  
18 reimbursement for the use of the patrol's aircraft that are primarily  
19 for purposes other than highway patrol must be deposited into the  
20 account. Expenditures from the account may be used only for expenses  
21 related to these aircraft. Only the (~~chief~~) director of the  
22 (~~Washington state patrol~~) department of public safety or the  
23 (~~chief's~~) director's designee may authorize expenditures from the  
24 account. The account is subject to allotment procedures under chapter  
25 43.88 RCW, but an appropriation is not required for expenditures.

26 **Sec. 766.** RCW 43.89.010 and 2000 2nd sp.s. c 4 s 7 are each  
27 amended to read as follows:

28 The (~~chief of the Washington state patrol~~) director of the  
29 department of public safety is hereby authorized to establish a  
30 communications network which will inter-connect the law enforcement  
31 agencies of the state and its political subdivisions into a unified  
32 written communications system. The (~~chief of the Washington state~~  
33 ~~patrol~~) director of the department of public safety is authorized to  
34 lease or purchase such facilities and equipment as may be necessary to  
35 establish and maintain the communications network.

1 (1) The communications network shall be used exclusively for the  
2 official business of the state, and the official business of any city,  
3 county, city and county, or other public agency.

4 (2) This section does not prohibit the occasional use of the  
5 state's communications network by any other state or public agency  
6 thereof when the messages transmitted relate to the enforcement of the  
7 criminal laws of the state.

8 (3) The (~~chief of the Washington state patrol~~) director of the  
9 department of public safety shall fix the monthly operational charge to  
10 be paid by any department or agency of state government, or any city,  
11 county, city and county, or other public agency participating in the  
12 communications network: PROVIDED, That in computing charges to be made  
13 against a city, county, or city and county the state shall bear at  
14 least fifty percent of the costs of such service as its share in  
15 providing a modern unified communications network to the law  
16 enforcement agencies of the state. Of the fees collected pursuant to  
17 this section, one-half shall be deposited in the motor vehicle fund and  
18 one-half shall be deposited in the state patrol highway account.

19 (4) The (~~chief of the Washington state patrol~~) director of the  
20 department of public safety is authorized to arrange for the connection  
21 of the communications network with the law enforcement communications  
22 system of any adjacent state, or the Province of British Columbia,  
23 Canada.

24 **Sec. 767.** RCW 43.89.030 and 1965 ex.s. c 60 s 4 are each amended  
25 to read as follows:

26 Any city, county, city and county, or other public agency may  
27 connect with and participate in the teletypewriter communications  
28 network subject to the rules, regulations, procedures and methods of  
29 operation adopted by the state communications advisory committee:  
30 PROVIDED, That such city, county, city and county, or other public  
31 agency shall first agree to pay such installation charges as may be  
32 necessary for such connection and such monthly operational charges as  
33 may be established by the (~~chief of the Washington state patrol~~)  
34 director of the department of public safety.

35 **Sec. 768.** RCW 43.101.030 and 1999 c 97 s 1 are each amended to  
36 read as follows:

1 The commission shall consist of fourteen members, who shall be  
2 selected as follows:

3 (1) The governor shall appoint two incumbent sheriffs and two  
4 incumbent chiefs of police.

5 (2) The governor shall appoint one officer at or below the level of  
6 first line supervisor from a county law enforcement agency and one  
7 officer at or below the level of first line supervisor from a municipal  
8 law enforcement agency. Each appointee under this subsection (2) shall  
9 have at least ten years experience as a law enforcement officer.

10 (3) The governor shall appoint one person employed in a county  
11 correctional system and one person employed in the state correctional  
12 system.

13 (4) The governor shall appoint one incumbent county prosecuting  
14 attorney or municipal attorney.

15 (5) The governor shall appoint one elected official of a local  
16 government.

17 (6) The governor shall appoint one private citizen.

18 (7) The three remaining members shall be:

19 (a) The attorney general;

20 (b) The special agent in charge of the Seattle office of the  
21 federal bureau of investigation; and

22 (c) The (~~chief of the state patrol~~) director of the department of  
23 public safety.

24 **Sec. 769.** RCW 43.101.380 and 2001 c 167 s 10 are each amended to  
25 read as follows:

26 (1) The procedures governing adjudicative proceedings before  
27 agencies under chapter 34.05 RCW, the administrative procedure act,  
28 govern hearings before the commission and govern all other actions  
29 before the commission unless otherwise provided in this chapter. The  
30 standard of proof in actions before the commission is clear, cogent,  
31 and convincing evidence.

32 (2) On all appeals brought under RCW 43.101.155, a five-member  
33 hearings panel shall both hear the case and make the commission's final  
34 administrative decision. Members of the commission or the board on law  
35 enforcement training standards and education may but need not be  
36 appointed to the hearings panels. The commission shall appoint as

1 follows two or more panels to hear appeals from decertification  
2 actions:

3 (a) When an appeal is filed in relation to decertification of a  
4 Washington peace officer who is not a peace officer of the Washington  
5 state patrol or the Washington bureau of investigation, the commission  
6 shall appoint to the panel: (i) One police chief; (ii) one sheriff;  
7 (iii) two peace officers who are at or below the level of first line  
8 supervisor, who are from city or county law enforcement agencies, and  
9 who have at least ten years' experience as peace officers; and (iv) one  
10 person who is not currently a peace officer and who represents a  
11 community college or four-year college or university.

12 (b) When an appeal is filed in relation to decertification of a  
13 peace officer of the Washington state patrol, the commission shall  
14 appoint to the panel: (i) Either one police chief or one sheriff; (ii)  
15 one administrator of the state patrol; (iii) one peace officer who is  
16 at or below the level of first line supervisor, who is from a city or  
17 county law enforcement agency, and who has at least ten years'  
18 experience as a peace officer; (iv) one state patrol officer who is at  
19 or below the level of first line supervisor, and who has at least ten  
20 years' experience as a peace officer; and (v) one person who is not  
21 currently a peace officer and who represents a community college or  
22 four-year college or university.

23 (c) When an appeal is filed in relation to decertification of a  
24 peace officer of the Washington bureau of investigation, the commission  
25 shall appoint to the panel: (i) Either one police chief or one  
26 sheriff; (ii) one administrator of the Washington bureau of  
27 investigation; (iii) one peace officer who is at or below the level of  
28 first line supervisor, who is from a city or county law enforcement  
29 agency, and who has at least ten years' experience as a peace officer;  
30 (iv) one Washington bureau of investigation agent who is at or below  
31 the level of first line supervisor, and who has at least ten years'  
32 experience as a peace officer; and (v) one person who is not currently  
33 a peace officer and who represents a community college or four-year  
34 college or university.

35 (d) Persons appointed to hearings panels by the commission shall,  
36 in relation to any decertification matter on which they sit, have the  
37 powers, duties, and immunities, and are entitled to the emoluments,

1 including travel expenses in accordance with RCW 43.03.050 and  
2 43.03.060, of regular commission members.

3 (3) Where the charge upon which revocation or denial is based is  
4 that a peace officer was "discharged for disqualifying misconduct," and  
5 the discharge is "final," within the meaning of RCW 43.101.105(~~(+4)~~)  
6 (1)(d), and the officer received a civil service hearing or arbitration  
7 hearing culminating in an affirming decision following separation from  
8 service by the employer, the hearings panel may revoke or deny  
9 certification if the hearings panel determines that the discharge  
10 occurred and was based on disqualifying misconduct; the hearings panel  
11 need not redetermine the underlying facts but may make this  
12 determination based solely on review of the records and decision  
13 relating to the employment separation proceeding. However, the  
14 hearings panel may, in its discretion, consider additional evidence to  
15 determine whether such a discharge occurred and was based on such  
16 disqualifying misconduct. The hearings panel shall, upon written  
17 request by the subject peace officer, allow the peace officer to  
18 present additional evidence of extenuating circumstances.

19 Where the charge upon which revocation or denial of certification  
20 is based is that a peace officer "has been convicted at any time of a  
21 felony offense" within the meaning of RCW 43.101.105(~~(+3)~~) (1)(c), the  
22 hearings panel shall revoke or deny certification if it determines that  
23 the peace officer was convicted of a felony. The hearings panel need  
24 not redetermine the underlying facts but may make this determination  
25 based solely on review of the records and decision relating to the  
26 criminal proceeding. However, the hearings panel shall, upon the  
27 panel's determination of relevancy, consider additional evidence to  
28 determine whether the peace officer was convicted of a felony.

29 Where the charge upon which revocation or denial is based is under  
30 RCW 43.101.105(1)(~~(, (2), (5), or (6)~~) (a), (b), (e), or (f), the  
31 hearings panel shall determine the underlying facts relating to the  
32 charge upon which revocation or denial of certification is based.

33 (4) The commission's final administrative decision is subject to  
34 judicial review under RCW 34.05.510 through 34.05.598.

35 **Sec. 770.** RCW 43.103.020 and 1999 c 40 s 3 are each amended to  
36 read as follows:

1 As used in this chapter, the following terms have the meanings  
2 indicated unless the context clearly requires otherwise.

3 (1) "Council" means the Washington state forensic investigations  
4 council.

5 (2) "Crime laboratory" means the Washington (~~(state patrol)~~) bureau  
6 of investigation crime laboratory system created in RCW 43.43.670 (as  
7 recodified by this act) and under the bureau of forensic laboratory  
8 services of the Washington (~~(state patrol)~~) bureau of investigation.

9 (3) "State toxicology laboratory" means the Washington state  
10 toxicology laboratory and under the bureau of forensic laboratory  
11 services of the Washington (~~(state patrol)~~) bureau of investigation.

12 **Sec. 771.** RCW 43.103.030 and 2005 c 166 s 2 are each amended to  
13 read as follows:

14 There is created the Washington state forensic investigations  
15 council. The council shall oversee the (~~(bureau of)~~) forensic  
16 laboratory services division of the Washington bureau of investigation  
17 and, in consultation with the (~~(chief of the Washington state patrol)~~)  
18 director of the department of public safety or the (~~(chief's)~~)  
19 director's designee, control the operation and establish policies of  
20 the (~~(bureau of)~~) forensic laboratory services division. The council  
21 may also study and recommend cost-efficient improvements to the death  
22 investigation system in Washington and report its findings to the  
23 legislature.

24 The forensic investigations council shall be responsible for the  
25 oversight of any state forensic pathology program authorized by the  
26 legislature.

27 The forensic investigations council shall be actively involved in  
28 the preparation of the (~~(bureau of)~~) forensic laboratory services  
29 division budget and shall approve the (~~(bureau of)~~) forensic laboratory  
30 services division budget prior to its formal submission to the office  
31 of financial management pursuant to RCW 43.88.030.

32 **Sec. 772.** RCW 43.103.040 and 1995 c 398 s 5 are each amended to  
33 read as follows:

34 The council shall consist of twelve members who shall be selected  
35 as follows: One county coroner; one county prosecutor; one county  
36 prosecutor who also serves as ex officio county coroner; one county

1 medical examiner; one county sheriff; one chief of police; the ((chief  
2 of the state patrol)) director of the department of public safety; two  
3 members of a county legislative authority; one pathologist who is  
4 currently in private practice; and two members of a city legislative  
5 authority.

6 The governor shall appoint members to the council from among the  
7 nominees submitted for each position as follows: The Washington  
8 association of county officials shall submit two nominees each for the  
9 coroner position and the medical examiner position; the Washington  
10 state association of counties shall submit two nominees each for the  
11 two county legislative authority positions; the association of  
12 Washington cities shall submit two nominees each for the two city  
13 legislative authority positions; the Washington association of  
14 prosecuting attorneys shall submit two nominees each for the county  
15 prosecutor-ex officio county coroner and for the county prosecutor  
16 position; the Washington association of sheriffs and police chiefs  
17 shall submit two nominees each for the county sheriff position and the  
18 chief of police position; and the Washington association of  
19 pathologists shall submit two nominees for the private pathologist  
20 position.

21 **Sec. 773.** RCW 43.103.090 and 1999 c 142 s 1 and 1999 c 40 s 5 are  
22 each reenacted and amended to read as follows:

23 (1) The council may:

24 (a) Meet at such times and places as may be designated by a  
25 majority vote of the council members or, if a majority cannot agree, by  
26 the chair;

27 (b) Adopt rules governing the council and the conduct of its  
28 meetings;

29 (c) Require reports from the ((chief)) director of the Washington  
30 ((state patrol)) bureau of investigation on matters pertaining to the  
31 ((bureau of)) forensic laboratory services division;

32 (d) Authorize the expenditure of up to two hundred fifty thousand  
33 dollars per biennium from the council's death investigations account  
34 appropriation for the purpose of assisting local jurisdictions in the  
35 investigation of multiple deaths involving unanticipated,  
36 extraordinary, and catastrophic events, or involving multiple

1 jurisdictions. The council shall adopt rules consistent with this  
2 subsection for the purposes of authorizing expenditure of the funds;

3 (e) Do anything, necessary or convenient, which enables the council  
4 to perform its duties and to exercise its powers; and

5 (f) Be actively involved in the preparation of the (~~bureau of~~)  
6 forensic laboratory services division budget and approve the (~~bureau~~  
7 ~~of~~) forensic laboratory services division budget prior to formal  
8 submission to the office of financial management pursuant to RCW  
9 43.88.030.

10 (2) The council shall:

11 (a) Prescribe qualifications for the position of director of the  
12 (~~bureau of~~) forensic laboratory services division, after consulting  
13 with the (~~chief~~) director of the Washington (~~state patrol~~) bureau  
14 of investigation. The council shall submit to the (~~chief~~) director  
15 of the Washington (~~state patrol~~) bureau of investigation a list  
16 containing the names of up to three persons who the council believes  
17 meet its qualifications to serve as director of the (~~bureau of~~)  
18 forensic laboratory services division. Minimum qualifications for the  
19 director of the (~~bureau of~~) forensic laboratory services division  
20 must include successful completion of a background investigation and  
21 polygraph examination. If requested by the (~~chief~~) director of the  
22 Washington (~~state patrol~~) bureau of investigation, the forensic  
23 investigations council shall submit one additional list of up to three  
24 persons who the forensic investigations council believes meet its  
25 qualifications. The appointment must be from one of the lists of  
26 persons submitted by the forensic investigations council, and the  
27 director of the (~~bureau of~~) forensic laboratory services division  
28 shall report to the office of the (~~chief~~) director of the Washington  
29 (~~state patrol~~) bureau of investigation;

30 (b) After consulting with the (~~chief~~) director of the Washington  
31 (~~state patrol~~) bureau of investigation and the director of the  
32 (~~bureau of~~) forensic laboratory services division, the council shall  
33 appoint a toxicologist as state toxicologist, who shall report to the  
34 director of the (~~bureau of~~) forensic laboratory services division.  
35 The appointee shall meet the minimum standards for employment with the  
36 (~~Washington state patrol~~) department of public safety including  
37 successful completion of a background investigation and polygraph  
38 examination;

1 (c) Establish, after consulting with the (~~chief~~) director of the  
2 Washington (~~state patrol~~) bureau of investigation, the policies,  
3 objectives, and priorities of the (~~bureau of~~) forensic laboratory  
4 services division, to be implemented and administered within  
5 constraints established by budgeted resources by the director of the  
6 (~~bureau of~~) forensic laboratory services division;

7 (d) Set the salary for the director of the (~~bureau of~~) forensic  
8 laboratory services division; and

9 (e) Set the salary for the state toxicologist.

10 **Sec. 774.** RCW 43.105.330 and 2003 c 18 s 4 are each amended to  
11 read as follows:

12 (1) The board shall appoint a state interoperability executive  
13 committee, the membership of which must include, but not be limited to,  
14 representatives of the military department, the (~~Washington state~~  
15 ~~patrol~~) department of public safety, the department of transportation,  
16 the department of information services, the department of natural  
17 resources, city and county governments, state and local fire chiefs,  
18 police chiefs, and sheriffs, and state and local emergency management  
19 directors. The chair and legislative members of the board will serve  
20 as nonvoting ex officio members of the committee. Voting membership  
21 may not exceed fifteen members.

22 (2) The chair of the board shall appoint the chair of the committee  
23 from among the voting members of the committee.

24 (3) The (~~strategic [state]~~) state interoperability executive  
25 committee has the following responsibilities:

26 (a) Develop policies and make recommendations to the board for  
27 technical standards for state wireless radio communications systems,  
28 including emergency communications systems. The standards must  
29 address, among other things, the interoperability of systems, taking  
30 into account both existing and future systems and technologies;

31 (b) Coordinate and manage on behalf of the board the licensing and  
32 use of state-designated and state-licensed radio frequencies, including  
33 the spectrum used for public safety and emergency communications, and  
34 serve as the point of contact with the federal communications  
35 commission on matters relating to allocation, use, and licensing of  
36 radio spectrum;

1 (c) Seek support, including possible federal or other funding, for  
2 state-sponsored wireless communications systems;

3 (d) Develop recommendations for legislation that may be required to  
4 promote interoperability of state wireless communications systems;

5 (e) Foster cooperation and coordination among public safety and  
6 emergency response organizations;

7 (f) Work with wireless communications groups and associations to  
8 ensure interoperability among all public safety and emergency response  
9 wireless communications systems; and

10 (g) Perform such other duties as may be assigned by the board to  
11 promote interoperability of wireless communications systems.

12 **Sec. 775.** RCW 46.04.040 and 1987 c 330 s 701 are each amended to  
13 read as follows:

14 "Authorized emergency vehicle" means any vehicle of any fire  
15 department, police department, sheriff's office, coroner, prosecuting  
16 attorney, (~~Washington state patrol~~) department of public safety,  
17 ambulance service, public or private, which need not be classified,  
18 registered or authorized by the state patrol, or any other vehicle  
19 authorized in writing by the state patrol.

20 **Sec. 776.** RCW 46.08.065 and 1998 c 111 s 4 are each amended to  
21 read as follows:

22 (1) It is unlawful for any public officer having charge of any  
23 vehicle owned or controlled by any county, city, town, or public body  
24 in this state other than the state of Washington and used in public  
25 business to operate the same upon the public highways of this state  
26 unless and until there shall be displayed upon such automobile or other  
27 motor vehicle in letters of contrasting color not less than one and  
28 one-quarter inches in height in a conspicuous place on the right and  
29 left sides thereof, the name of such county, city, town, or other  
30 public body, together with the name of the department or office upon  
31 the business of which the said vehicle is used. This section shall not  
32 apply to vehicles of a sheriff's office, local police department, or  
33 any vehicles used by local peace officers under public authority for  
34 special undercover or confidential investigative purposes. This  
35 subsection shall not apply to: (a) Any municipal transit vehicle  
36 operated for purposes of providing public mass transportation; (b) any

1 vehicle governed by the requirements of subsection (4) of this section;  
2 nor to (c) any motor vehicle on loan to a school district for driver  
3 training purposes. It shall be lawful and constitute compliance with  
4 the provisions of this section, however, for the governing body of the  
5 appropriate county, city, town, or public body other than the state of  
6 Washington or its agencies to adopt and use a distinctive insignia  
7 which shall be not less than six inches in diameter across its smallest  
8 dimension and which shall be displayed conspicuously on the right and  
9 left sides of the vehicle. Such insignia shall be in a color or colors  
10 contrasting with the vehicle to which applied for maximum visibility.  
11 The name of the public body owning or operating the vehicle shall also  
12 be included as part of or displayed above such approved insignia in  
13 colors contrasting with the vehicle in letters not less than one and  
14 one-quarter inches in height. Immediately below the lettering  
15 identifying the public entity and agency operating the vehicle or below  
16 an approved insignia shall appear the words "for official use only" in  
17 letters at least one inch high in a color contrasting with the color of  
18 the vehicle. The appropriate governing body may provide by rule or  
19 ordinance for marking of passenger motor vehicles as prescribed in  
20 subsection (2) of this section or for exceptions to the marking  
21 requirements for local governmental agencies for the same purposes and  
22 under the same circumstances as permitted for state agencies under  
23 subsection (3) of this section.

24 (2) Except as provided by subsections (3) and (4) of this section,  
25 passenger motor vehicles owned or controlled by the state of  
26 Washington, and purchased after July 1, 1989, must be plainly and  
27 conspicuously marked on the lower left-hand corner of the rear window  
28 with the name of the operating agency or institution or the words  
29 "state motor pool," as appropriate, the words "state of Washington --  
30 for official use only," and the seal of the state of Washington or the  
31 appropriate agency or institution insignia, approved by the department  
32 of general administration. Markings must be on a transparent adhesive  
33 material and conform to the standards established by the department of  
34 general administration. For the purposes of this section, "passenger  
35 motor vehicles" means sedans, station wagons, vans, light trucks, or  
36 other motor vehicles under ten thousand pounds gross vehicle weight.

37 (3) Subsection (2) of this section shall not apply to vehicles used  
38 by the (~~Washington state patrol~~) department of public safety for

1 general undercover or confidential investigative purposes. Traffic  
2 control vehicles of the Washington state patrol may be exempted from  
3 the requirements of subsection (2) of this section at the discretion of  
4 the chief of the Washington state patrol. The department of general  
5 administration shall adopt general rules permitting other exceptions to  
6 the requirements of subsection (2) of this section for other vehicles  
7 used for law enforcement, confidential public health work, and public  
8 assistance fraud or support investigative purposes, for vehicles leased  
9 or rented by the state on a casual basis for a period of less than  
10 ninety days, and those provided for in RCW 46.08.066(3). The  
11 exceptions in this subsection, subsection (4) of this section, and  
12 those provided for in RCW 46.08.066(3) shall be the only exceptions  
13 permitted to the requirements of subsection (2) of this section.

14 (4) Any motorcycle, vehicle over 10,000 pounds gross vehicle  
15 weight, or other vehicle that for structural reasons cannot be marked  
16 as required by subsection (1) or (2) of this section that is owned or  
17 controlled by the state of Washington or by any county, city, town, or  
18 other public body in this state and used for public purposes on the  
19 public highways of this state shall be conspicuously marked in letters  
20 of a contrasting color with the words "State of Washington" or the name  
21 of such county, city, town, or other public body, together with the  
22 name of the department or office that owns or controls the vehicle.

23 (5) All motor vehicle markings required under the terms of this  
24 chapter shall be maintained in a legible condition at all times.

25 **Sec. 777.** RCW 46.12.047 and 2002 c 246 s 1 are each amended to  
26 read as follows:

27 The department shall institute software and systems modifications  
28 to enable a WACIC/NCIC stolen vehicle search of out-of-state vehicles  
29 as part of the title transaction. During the stolen vehicle search, if  
30 the information obtained indicates the vehicle is stolen, that  
31 information shall be immediately reported to the (~~state patrol~~)  
32 Washington bureau of investigation and the applicant shall not be  
33 issued a certificate of ownership for the vehicle. Vehicles for which  
34 the stolen vehicle check is negative shall be issued a certificate of  
35 ownership if the department is satisfied that all other requirements  
36 have been met.

1       **Sec. 778.** RCW 46.52.065 and 1977 ex.s. c 50 s 1 are each amended  
2 to read as follows:

3       Every coroner or other official performing like functions shall  
4 submit to the state toxicologist a blood sample taken from all drivers  
5 and all pedestrians who are killed in any traffic accident where the  
6 death occurred within four hours after the accident. Blood samples  
7 shall be taken and submitted in the manner prescribed by the state  
8 toxicologist. The state toxicologist shall analyze these blood samples  
9 to determine the concentration of alcohol and, where feasible, the  
10 presence of drugs or other toxic substances. The reports and records  
11 of the state toxicologist relating to analyses made pursuant to this  
12 section shall be confidential: PROVIDED, That the results of these  
13 analyses shall be reported to the (~~state patrol~~) Washington bureau of  
14 investigation and made available to the prosecuting attorney or law  
15 enforcement agency having jurisdiction: PROVIDED FURTHER, That the  
16 results of these analyses may be admitted in evidence in any civil or  
17 criminal action where relevant and shall be made available to the  
18 parties to any such litigation on application to the court.

19       **Sec. 779.** RCW 46.72A.090 and 1996 c 87 s 12 are each amended to  
20 read as follows:

21       The limousine carrier shall certify to the appropriate regulating  
22 authority that each chauffeur hired to operate a limousine meets the  
23 following criteria: (1) Is at least twenty-one years of age; (2) holds  
24 a valid Washington state driver's license; (3) has successfully  
25 completed a training course approved by the department; (4) has  
26 successfully passed a written examination; (5) has successfully  
27 completed a background check performed by the Washington (~~state~~  
28 ~~patrol~~) bureau of investigation; and (6) has submitted a medical  
29 certificate certifying the individual's fitness as a chauffeur. Upon  
30 initial application and every three years thereafter, a chauffeur must  
31 file a physician's certification with the limousine carrier validating  
32 the individual's fitness to drive a limousine. The department shall  
33 determine the scope of the examination. The director may require a  
34 chauffeur to be reexamined at any time.

35       The limousine carrier shall keep on file and make available for  
36 inspection all documents required by this section.

1       **Sec. 780.** RCW 46.82.325 and 2002 c 195 s 4 are each amended to  
2 read as follows:

3       (1) Persons instructing students under eighteen years of age are  
4 required to have a background check through the Washington ((~~state~~  
5 ~~patrol~~)) bureau of investigation criminal identification system and  
6 through the federal bureau of investigation. The background check  
7 shall also include a fingerprint check using a fingerprint card.

8       (2) The cost of the background check shall be paid by the  
9 instructor.

10       (3) The department may waive the background check for any applicant  
11 who has had a background check within two years before applying to  
12 become an instructor.

13       **Sec. 781.** RCW 48.05.320 and 1995 c 369 s 24 are each amended to  
14 read as follows:

15       (1) Each authorized insurer shall promptly report to the ((~~chief~~))  
16 director of the ((~~Washington state patrol~~)) department of public  
17 safety, through the director of fire protection, upon forms as  
18 prescribed and furnished by him or her, each fire loss of property in  
19 this state reported to it and whether the loss is due to criminal  
20 activity or to undetermined causes.

21       (2) Each such insurer shall likewise report to the ((~~chief~~))  
22 director of the ((~~Washington state patrol~~)) department of public  
23 safety, through the director of fire protection, upon claims paid by it  
24 for loss or damage by fire in this state. Copies of all reports  
25 required by this section shall be promptly transmitted to the state  
26 insurance commissioner.

27       **Sec. 782.** RCW 48.06.040 and 2002 c 227 s 1 are each amended to  
28 read as follows:

29       To apply for a solicitation permit the person shall:

30       (1) File with the commissioner a request showing:

31       (a) Name, type, and purpose of insurer, corporation, or syndicate  
32 proposed to be formed;

33       (b) Names, addresses, fingerprints for submission to the Washington  
34 ((~~state patrol~~)) bureau of investigation, the federal bureau of  
35 investigation, and any governmental agency or entity authorized to  
36 receive this information for a state and national criminal history

1 background check, and business records of each person associated or to  
2 be associated in the formation of the proposed insurer, corporation, or  
3 syndicate;

4 (c) Full disclosure of the terms of all understandings and  
5 agreements existing or proposed among persons so associated relative to  
6 the proposed insurer, corporation, or syndicate, or the formation  
7 thereof;

8 (d) The plan according to which solicitations are to be made; and

9 (e) Additional information as the commissioner may reasonably  
10 require.

11 (2) File with the commissioner:

12 (a) Original and copies in triplicate of proposed articles of  
13 incorporation, or syndicate agreement; or, if the proposed insurer is  
14 a reciprocal, original and duplicate of the proposed subscribers'  
15 agreement and attorney in fact agreement;

16 (b) Original and duplicate copy of any proposed bylaws;

17 (c) Copy of any security proposed to be issued and copy of  
18 application or subscription agreement for that security;

19 (d) Copy of any insurance contract proposed to be offered and copy  
20 of application for that contract;

21 (e) Copy of any prospectus, advertising, or literature proposed to  
22 be used; and

23 (f) Copy of proposed form of any escrow agreement required.

24 (3) Deposit with the commissioner the fees required by law to be  
25 paid for the application including fees associated with the state and  
26 national criminal history background check, for filing of the articles  
27 of incorporation of an insurer, for filing the subscribers' agreement  
28 and attorney in fact agreement if the proposed insurer is a reciprocal,  
29 for the solicitation permit, if granted, and for filing articles of  
30 incorporation with the secretary of state.

31 **Sec. 783.** RCW 48.15.070 and 2002 c 227 s 3 are each amended to  
32 read as follows:

33 Any individual while a resident of this state, or any firm or any  
34 corporation that has in its employ a qualified individual who is a  
35 resident of this state and who is authorized to exercise the powers of  
36 the firm or corporation, deemed by the commissioner to be competent and

1 trustworthy, and while maintaining an office at a designated location  
2 in this state, may be licensed as a surplus line broker in accordance  
3 with this section.

4 (1) Application to the commissioner for the license shall be made  
5 on forms furnished by the commissioner. As part of, or in connection  
6 with, this application, the applicant shall furnish information  
7 concerning his or her identity, including fingerprints for submission  
8 to the Washington (~~state patrol~~) bureau of investigation, the federal  
9 bureau of investigation, and any governmental agency or entity  
10 authorized to receive this information for a state and national  
11 criminal history background check; personal history; experience;  
12 business records; purposes; and other pertinent information, as the  
13 commissioner may reasonably require.

14 (2) The license shall expire if not timely renewed. Surplus line  
15 brokers licenses shall be valid for the time period established by the  
16 commissioner unless suspended or revoked at an earlier date.

17 (3) Prior to issuance of license the applicant shall file with the  
18 commissioner a bond in favor of the state of Washington in the penal  
19 sum of twenty thousand dollars, with authorized corporate sureties  
20 approved by the commissioner, conditioned that he or she will conduct  
21 business under the license in accordance with the provisions of this  
22 chapter and that he or she will promptly remit the taxes provided by  
23 RCW 48.15.120. The licensee shall maintain such bond in force for as  
24 long as the license remains in effect.

25 (4) Every applicant for a surplus line broker's license or for the  
26 renewal of a surplus line broker's license shall file with the  
27 application or request for renewal a bond in favor of the people of the  
28 state of Washington, executed by an authorized corporate surety  
29 approved by the commissioner, in the amount of one hundred thousand  
30 dollars and shall be the bonding requirement for new licensees. The  
31 licensee shall maintain such bond in force while so licensed. The bond  
32 may be continuous in form, and total aggregate liability on the bond  
33 may be limited to the amount stated in the bond. The bond shall be  
34 contingent on the accounting by the surplus line broker to any person  
35 requesting such broker to obtain insurance, for moneys or premiums  
36 collected in connection therewith. A bond issued in accordance with  
37 RCW 48.17.250 or with this subsection will satisfy the requirements of

1 both RCW 48.17.250 and this subsection if the limit of liability is not  
2 less than the greater of the requirement of RCW 48.17.250 or the  
3 requirement of this subsection.

4 (5) Any bond issued pursuant to subsection (3) or (4) of this  
5 section shall remain in force until the surety is released from  
6 liability by the commissioner, or until the bond is canceled by the  
7 surety. Without prejudice to any liability accrued prior to such  
8 cancellation, the surety may cancel the bond upon thirty days' advance  
9 notice in writing filed with the commissioner.

10 (6) If in the process of verifying fingerprints under subsection  
11 (1) of this section, business records, or other information the  
12 commissioner's office incurs fees or charges from another governmental  
13 agency or from a business firm, the amount of the fees or charges shall  
14 be paid to the commissioner's office by the applicant.

15 (7) For the purposes of this section, a "qualified individual" is  
16 a natural person who has met all the requirements that must be met by  
17 an individual surplus line broker.

18 **Sec. 784.** RCW 48.17.090 and 2002 c 227 s 2 are each amended to  
19 read as follows:

20 (1) Application for a license to be an agent, broker, solicitor, or  
21 adjuster shall be made to the commissioner upon forms furnished by the  
22 commissioner. As a part of or in connection with any such application,  
23 the applicant shall furnish information concerning his or her identity,  
24 including fingerprints for submission to the Washington ((~~state~~  
25 ~~patrol~~)) bureau of investigation, the federal bureau of investigation,  
26 and any governmental agency or entity authorized to receive this  
27 information for a state and national criminal history background check,  
28 personal history, experience, business record, purposes, and other  
29 pertinent facts, as the commissioner may reasonably require.

30 (2) Persons resident in the United States but not in Washington may  
31 apply for such a license on a form prepared by the national association  
32 of insurance commissioners or others, if those forms are approved by  
33 the commissioner by rule. An applicant shall also furnish any other  
34 information required to be submitted but not provided for in that form.

35 (3) Any person willfully misrepresenting any fact required to be  
36 disclosed in any such application shall be liable to penalties as  
37 provided by this code.

1 (4) If in the process of verifying fingerprints under subsection  
2 (1) of this section, business records, or other information the  
3 commissioner's office incurs fees or charges from another governmental  
4 agency or from a business firm, the amount of such fees or charges  
5 shall be paid to the commissioner's office by the applicant.

6 **Sec. 785.** RCW 48.48.030 and 1995 c 369 s 25 are each amended to  
7 read as follows:

8 (1) The (~~chief of the Washington state patrol~~) director of the  
9 department of public safety, through the director of fire protection or  
10 his or her authorized deputy, shall have authority at all times of day  
11 and night, in the performance of duties imposed by this chapter, to  
12 enter upon and examine any building or premises where any fire has  
13 occurred and other buildings and premises adjoining or near thereto.

14 (2) The (~~chief of the Washington state patrol~~) director of the  
15 department of public safety, through the director of fire protection or  
16 his or her authorized deputy, shall have authority at any reasonable  
17 hour to enter into any public building or premises or any building or  
18 premises used for public purposes to inspect for fire hazards.

19 **Sec. 786.** RCW 48.48.040 and 1995 c 369 s 26 are each amended to  
20 read as follows:

21 (1) The (~~chief of the Washington state patrol~~) director of the  
22 department of public safety, through the director of fire protection or  
23 his or her authorized deputy, shall have authority to enter upon all  
24 premises and into all buildings except private dwellings for the  
25 purpose of inspection to ascertain if any fire hazard exists, and to  
26 require conformance with minimum standards for the prevention of fire  
27 and for the protection of life and property against fire and panic as  
28 to use of premises, and may adopt by reference nationally recognized  
29 standards applicable to local conditions.

30 (2) The (~~chief of the Washington state patrol~~) director of the  
31 department of public safety, through the director of fire protection  
32 or his or her authorized deputy, may, upon request by the chief fire  
33 official or the local governing body or of taxpayers of such area,  
34 assist in the enforcement of any such code.

1           **Sec. 787.** RCW 48.48.050 and 1995 c 369 s 27 are each amended to  
2 read as follows:

3           (1) If the (~~chief of the Washington state patrol~~) director of the  
4 department of public safety, through the director of fire protection or  
5 his or her authorized deputy, finds in any building or premises subject  
6 to their inspection under this chapter, any combustible material or  
7 flammable conditions or fire hazards dangerous to the safety of the  
8 building, premises, or to the public, he or she shall by written order  
9 require such condition to be remedied, and such order shall forthwith  
10 be complied with by the owner or occupant of the building or premises.

11           (2) An owner or occupant aggrieved by any such order made by the  
12 (~~chief of the Washington state patrol~~) director of the department of  
13 public safety, through the director of fire protection or his or her  
14 deputy, may appeal such order pursuant to chapter 34.05 RCW. If the  
15 order is confirmed, the order shall remain in force and be complied  
16 with by the owner or occupant.

17           (3) Any owner or occupant failing to comply with any such order not  
18 appealed from or with any order so confirmed shall be punishable by a  
19 fine of not less than ten dollars nor more than fifty dollars for each  
20 day such failure exists.

21           **Sec. 788.** RCW 48.48.060 and 1996 c 161 s 1 are each amended to  
22 read as follows:

23           (1) The responsibility for investigating the origin, cause,  
24 circumstances, and extent of loss of all fires shall be assigned as  
25 follows:

26           (a) Within any city or town, the chief of the fire department;

27           (b) Within unincorporated areas of a county, the county fire  
28 marshal, or other fire official so designated by the county legislative  
29 authority.

30           (2) No fire marshal, or other person, may enter the scene of an  
31 emergency until permitted by the officer in charge of the emergency  
32 incident.

33           (3) Nothing shall prevent any city, town, county, or fire  
34 protection district, or any combination thereof, from entering into  
35 interlocal agreements to meet the responsibility required by this  
36 section.

1 (4) When any fire investigation indicates that the cause of the  
2 fire is determined to be suspicious or criminal in nature, the person  
3 responsible for the fire investigation shall immediately report the  
4 results of said investigation to the local law enforcement agency and  
5 the ~~((chief of the Washington state patrol))~~ director of the department  
6 of public safety, through the ~~((state))~~ director of fire ~~((marshal))~~  
7 protection.

8 (5) In addition to the responsibility imposed by this section, any  
9 law enforcement agency, sheriff, or chief of police may assist in the  
10 investigation of the origin, cause, circumstances, and extent of loss  
11 of all fires within his or her respective jurisdiction.

12 (6) The ~~((chief of the Washington state patrol))~~ director of the  
13 department of public safety, through the director of fire protection or  
14 his or her deputy, may investigate any fire for the purpose of  
15 determining its cause, origin, and the extent of the loss. The ~~((chief~~  
16 ~~of the Washington state patrol))~~ director of the department of public  
17 safety, through the director of fire protection or his or her deputy,  
18 shall assist in the investigation of those fires of criminal,  
19 suspected, or undetermined cause when requested by the reporting  
20 agency. In the investigation of any fire of criminal, suspected, or  
21 undetermined cause, the ~~((chief of the Washington state patrol))~~  
22 director of the department of public safety and the director of fire  
23 protection or his or her deputy, are vested with police powers to  
24 enforce the laws of this state. To exercise these powers, authorized  
25 deputies must receive prior written authorization from the ~~((chief of~~  
26 ~~the Washington state patrol))~~ director of the department of public  
27 safety, through the director of fire protection, and shall have  
28 completed a course of training prescribed by the Washington state  
29 criminal justice training commission.

30 **Sec. 789.** RCW 48.48.065 and 1999 c 231 s 1 are each amended to  
31 read as follows:

32 (1) The chief of each organized fire department, or the sheriff or  
33 other designated county official having jurisdiction over areas not  
34 within the jurisdiction of any fire department, shall report  
35 statistical information and data to the ~~((chief of the Washington state~~  
36 ~~patrol))~~ director of the department of public safety, through the  
37 director of fire protection, on each fire occurring within the

1 official's jurisdiction and, within two business days, report any death  
2 resulting from fire. Reports shall be consistent with the national  
3 fire incident reporting system developed by the United States fire  
4 administration and rules established by the (~~chief of the Washington~~  
5 ~~state patrol~~) director of the department of public safety, through the  
6 director of fire protection. The (~~chief of the Washington state~~  
7 ~~patrol~~) director of the department of public safety, through the  
8 director of fire protection, and the department of natural resources  
9 shall jointly determine the statistical information to be reported on  
10 fires on land under the jurisdiction of the department of natural  
11 resources.

12 (2) The (~~chief of the Washington state patrol~~) director of the  
13 department of public safety, through the director of fire protection,  
14 shall analyze the information and data reported, compile a report, and  
15 distribute a copy annually by July 1st to each chief fire official in  
16 the state. Upon request, the (~~chief of the Washington state patrol~~)  
17 director of the department of public safety, through the director of  
18 fire protection, shall also furnish a copy of the report to any other  
19 interested person at cost.

20 (3) In carrying out the duties relating to collecting, analyzing,  
21 and reporting statistical fire data, the fire protection policy board  
22 may purchase statistical fire data from a qualified individual or  
23 organization. The information shall meet the diverse needs of state  
24 and local fire reporting agencies and shall be (a) defined in  
25 understandable terms of common usage in the fire community; (b)  
26 adaptable to the varying levels of resources available; (c) maintained  
27 in a manner that will foster both technical support and resource  
28 sharing; and (d) designed to meet both short and long-term needs.

29 **Sec. 790.** RCW 48.48.070 and 1995 c 369 s 30 are each amended to  
30 read as follows:

31 In the conduct of any investigation into the cause, origin, or loss  
32 resulting from any fire, the (~~chief of the Washington state patrol~~)  
33 director of the department of public safety and the director of fire  
34 protection shall have the same power and rights relative to securing  
35 the attendance of witnesses and the taking of testimony under oath as  
36 is conferred upon the insurance commissioner under RCW 48.03.070.

1 False swearing by any such witness shall be deemed to be perjury and  
2 shall be subject to punishment as such.

3 **Sec. 791.** RCW 48.48.080 and 1995 c 369 s 31 are each amended to  
4 read as follows:

5 If as the result of any such investigation, or because of any  
6 information received, the (~~chief of the Washington state patrol~~)  
7 director of the department of public safety, through the director of  
8 fire protection, is of the opinion that there is evidence sufficient to  
9 charge any person with any crime, he or she may cause such person to be  
10 arrested and charged with such offense, and shall furnish to the  
11 prosecuting attorney of the county in which the offense was committed,  
12 the names of witnesses and all pertinent and material evidence and  
13 testimony within his or her possession relative to the offense.

14 **Sec. 792.** RCW 48.48.090 and 1995 c 369 s 32 are each amended to  
15 read as follows:

16 The (~~chief of the Washington state patrol~~) director of the  
17 department of public safety, through the director of fire protection,  
18 shall keep on file all reports of fires made to him or her pursuant to  
19 this code. Such records shall at all times during business hours be  
20 open to public inspection; except, that any testimony taken in a fire  
21 investigation may, in the discretion of the (~~chief of the Washington~~  
22 ~~state patrol~~) director of the department of public safety, through the  
23 director of fire protection, be withheld from public scrutiny. The  
24 (~~chief of the Washington state patrol~~) director of the department of  
25 public safety, through the director of fire protection, may destroy any  
26 such report after five years from its date.

27 **Sec. 793.** RCW 48.48.110 and 1995 c 369 s 33 are each amended to  
28 read as follows:

29 The (~~chief of the Washington state patrol~~) director of the  
30 department of public safety, through the director of fire protection,  
31 shall submit annually a report to the governor of this state. The  
32 report shall contain a statement of his or her official acts pursuant  
33 to this chapter.

1       **Sec. 794.** RCW 48.48.140 and 1995 c 369 s 34 are each amended to  
2 read as follows:

3       (1) Smoke detection devices shall be installed inside all dwelling  
4 units:

5       (a) Occupied by persons other than the owner on and after December  
6 31, 1981; or

7       (b) Built or manufactured in this state after December 31, 1980.

8       (2) The smoke detection devices shall be designed, manufactured,  
9 and installed inside dwelling units in conformance with:

10       (a) Nationally accepted standards; and

11       (b) As provided by the administrative procedure act, chapter 34.05  
12 RCW, rules and regulations promulgated by the (~~chief of the Washington~~  
13 ~~state patrol~~) director of the department of public safety, through the  
14 director of fire protection.

15       (3) Installation of smoke detection devices shall be the  
16 responsibility of the owner. Maintenance of smoke detection devices,  
17 including the replacement of batteries where required for the proper  
18 operation of the smoke detection device, shall be the responsibility of  
19 the tenant, who shall maintain the device as specified by the  
20 manufacturer. At the time of a vacancy, the owner shall insure that  
21 the smoke detection device is operational prior to the reoccupancy of  
22 the dwelling unit.

23       (4) Any owner or tenant failing to comply with this section shall  
24 be punished by a fine of not more than two hundred dollars.

25       (5) For the purposes of this section:

26       (a) "Dwelling unit" means a single unit providing complete,  
27 independent living facilities for one or more persons including  
28 permanent provisions for living, sleeping, eating, cooking, and  
29 sanitation; and

30       (b) "Smoke detection device" means an assembly incorporating in one  
31 unit a device which detects visible or invisible particles of  
32 combustion, the control equipment, and the alarm-sounding device,  
33 operated from a power supply either in the unit or obtained at the  
34 point of installation.

35       **Sec. 795.** RCW 48.48.150 and 1995 c 369 s 35 are each amended to  
36 read as follows:

37       (1) All premises guarded by guard animals, which are animals

1 professionally trained to defend and protect premises or the occupants  
2 of the premises, shall be registered with the local fire department.  
3 Front entrances to residences and all entrances to business premises  
4 shall be posted in a visible location with signs approved by the  
5 (~~chief of the Washington state patrol~~) director of the department of  
6 public safety, through the director of fire protection, indicating that  
7 guard animals are present.

8 (2) A fire fighter, who reasonably believes that his or her safety  
9 is endangered by the presence of a guard animal, may without liability:  
10 (a) Refuse to enter the premises, or (b) take any reasonable action  
11 necessary to protect himself or herself from attack by the guard  
12 animal.

13 (3) If the person responsible for the guard animal being on the  
14 premises does not comply with subsection (1) of this section, that  
15 person may be held liable for any injury to the fire fighter caused by  
16 the presence of the guard animal.

17 **Sec. 796.** RCW 48.48.160 and 2000 c 191 s 20 are each amended to  
18 read as follows:

19 (1) The (~~chief of the Washington state patrol~~) director of the  
20 department of public safety, through the director of fire protection or  
21 his or her authorized deputy, shall, in consultation with the emergency  
22 management program within the state military department, the department  
23 of ecology, the utilities and transportation commission, and local  
24 emergency services organizations:

25 (a) Evaluate the preparedness of local first responders in meeting  
26 emergency management demands under subsection (2) of this section; and

27 (b) Conduct an assessment of the equipment and personnel needed by  
28 local first responders to meet emergency management demands related to  
29 pipelines.

30 (2) The (~~chief of the Washington state patrol~~) director of the  
31 department of public safety, through the director of fire protection or  
32 his or her deputy, shall develop curricula for training local first  
33 responders to deal with hazardous liquid and gas pipeline accidents.  
34 The curricula shall be developed in conjunction with pipeline companies  
35 and local first responders, and shall include a timetable and costs for  
36 providing training as defined in the curricula to all communities  
37 housing pipelines. Separate curricula shall be developed for hazardous

1 liquid and gas pipelines so that the differences between pipelines may  
2 be recognized and appropriate accident responses provided. The need  
3 for a training program for regional incident management teams shall  
4 also be evaluated.

5 (3) In consultation with other relevant agencies, the (~~chief of~~  
6 ~~the Washington state patrol~~) director of the department of public  
7 safety, through the director of fire protection or his or her deputy,  
8 shall identify the need and means for achieving consistent application  
9 of the national interagency incident management system.

10 (4) For the purposes of this section, "local first responders"  
11 means police, fire, emergency medical staff, and volunteers.

12 **Sec. 797.** RCW 48.50.020 and 2000 c 254 s 1 are each amended to  
13 read as follows:

14 As used in this chapter the following terms have the meanings  
15 indicated unless the context clearly requires otherwise.

16 (1) "Authorized agency" means a public agency or its official  
17 representative having legal authority to investigate criminal activity  
18 or the cause of a fire or to initiate criminal proceedings, including  
19 the following persons and agencies:

20 (a) The (~~chief of the Washington state patrol~~) director of the  
21 department of public safety and the director of fire protection;

22 (b) The prosecuting attorney of the county where the criminal  
23 activity occurred;

24 (c) State, county, and local law enforcement agencies;

25 (d) The state attorney general;

26 (e) The Federal Bureau of Investigation, or any other federal law  
27 enforcement agency;

28 (f) The United States attorney's office; and

29 (g) The office of the insurance commissioner.

30 (2) "Insurer" means any insurer, as defined in RCW 48.01.050 and  
31 any self-insurer.

32 (3) "Relevant information" means information having any tendency to  
33 make the existence of any fact that is of consequence to the  
34 investigation or determination of criminal activity or the cause of any  
35 fire more probable or less probable than it would be without the  
36 information.

1       **Sec. 798.** RCW 48.50.040 and 2000 c 254 s 2 are each amended to  
2 read as follows:

3       (1) When an insurer has reason to believe that a fire loss reported  
4 to the insurer may be of other than accidental cause, the insurer shall  
5 notify the (~~chief of the Washington state patrol~~) director of the  
6 department of public safety, through the director of fire protection,  
7 in the manner prescribed under RCW 48.05.320 concerning the  
8 circumstances of the fire loss, including any and all relevant material  
9 developed from the insurer's inquiry into the fire loss.

10       (2) Notification of the (~~chief of the Washington state patrol~~)  
11 director of the department of public safety, through the director of  
12 fire protection, under subsection (1) of this section does not relieve  
13 the insurer of the duty to respond to a request for information from  
14 any other authorized agency and does not bar an insurer from other  
15 reporting under RCW 48.50.030(2).

16       **Sec. 799.** RCW 48.53.020 and 1995 c 369 s 38 are each amended to  
17 read as follows:

18       (1) The (~~chief of the Washington state patrol~~) director of the  
19 department of public safety, through the director of fire protection,  
20 may designate certain classes of occupancy within a geographic area or  
21 may designate geographic areas as having an abnormally high incidence  
22 of arson. This designation shall not be a valid reason for  
23 cancellation, refusal to issue or renew, modification, or increasing  
24 the premium for any fire insurance policy.

25       (2) A fire insurance policy may not be issued to insure any  
26 property within a class of occupancy within a geographic area or within  
27 a geographic area designated by the (~~chief of the Washington state~~  
28 ~~patrol~~) director of the department of public safety, through the  
29 director of fire protection, as having an abnormally high incidence of  
30 arson until the applicant has submitted an anti-arson application and  
31 the insurer or the insurer's representative has inspected the property.  
32 The application shall be prescribed by the (~~chief of the Washington~~  
33 ~~state patrol~~) director of the department of public safety, through the  
34 director of fire protection, and shall contain but not be limited to  
35 the following:

36       (a) The name and address of the prospective insured and any

1 mortgagees or other parties having an ownership interest in the  
2 property to be insured;

3 (b) The amount of insurance requested and the method of valuation  
4 used to establish the amount of insurance;

5 (c) The dates and selling prices of the property, if any, during  
6 the previous three years;

7 (d) Fire losses exceeding one thousand dollars during the previous  
8 five years for property in which the prospective insured held an equity  
9 interest or mortgage;

10 (e) Current corrective orders pertaining to fire, safety, health,  
11 building, or construction codes that have not been complied with within  
12 the time period or any extension of such time period authorized by the  
13 authority issuing such corrective order applicable to the property to  
14 be insured;

15 (f) Present or anticipated occupancy of the structure, and whether  
16 a certificate of occupancy has been issued;

17 (g) Signature and title, if any, of the person submitting the  
18 application.

19 (3) If the facts required to be reported by subsection (2) of this  
20 section materially change, the insured shall notify the insurer of any  
21 such change within fourteen days.

22 (4) An anti-arson application is not required for: (a) Fire  
23 insurance policies covering one to four-unit owner-occupied residential  
24 dwellings; (b) policies existing as of June 10, 1982; or (c) the  
25 renewal of these policies.

26 (5) An anti-arson application shall contain a notice stating:  
27 "Designation of a class of occupancy within a geographic area or  
28 geographic areas as having an abnormally high incidence of arson shall  
29 not be a valid reason for cancellation, refusal to issue or renew,  
30 modification, or increasing the premium for any fire insurance policy."

31 **Sec. 800.** RCW 48.53.060 and 1995 c 369 s 39 are each amended to  
32 read as follows:

33 Rules designating geographic areas or classes of occupancy as  
34 having an abnormally high incidence of arson, and any other rules  
35 necessary to implement this chapter shall be adopted by the (~~chief of~~  
36 ~~the Washington state patrol~~) director of the department of public

1 safety, through the director of fire protection, under chapter 34.05  
2 RCW.

3 **Sec. 801.** RCW 48.56.030 and 2002 c 227 s 4 are each amended to  
4 read as follows:

5 (1) No person shall engage in the business of financing insurance  
6 premiums in the state without first having obtained a license as a  
7 premium finance company from the commissioner. Any person who shall  
8 engage in the business of financing insurance premiums in the state  
9 without obtaining a license as provided hereunder shall, upon  
10 conviction, be guilty of a misdemeanor and shall be subject to the  
11 penalties provided in this chapter.

12 (2)(a) Application to the commissioner for the license shall be  
13 made on forms furnished by the commissioner. As part of, or in  
14 connection with, this application, the applicant and, at the  
15 commissioner's discretion, any or all stockholders, directors,  
16 partners, officers, and employees of the business shall furnish  
17 information concerning his or her identity, including fingerprints for  
18 submission to the Washington (~~state patrol~~) bureau of investigation,  
19 the federal bureau of investigation, and any governmental agency or  
20 entity authorized to receive this information for a state and national  
21 criminal history background check; personal history; experience;  
22 business records; purposes; and other pertinent information, as the  
23 commissioner may reasonably require.

24 (b) The annual license fee shall be one hundred dollars. Licenses  
25 may be renewed from year to year as of the first day of May of each  
26 year upon payment of the fee of one hundred dollars. The fee for the  
27 license shall be paid to the insurance commissioner.

28 (3) The person to whom the license or the renewal may be issued  
29 shall file sworn answers, subject to the penalties of perjury, to such  
30 interrogatories as the commissioner may require. The commissioner  
31 shall have authority, at any time, to require the applicant to disclose  
32 fully the identity of all stockholders, directors, partners, officers,  
33 and employees and may, in his or her discretion, refuse to issue or  
34 renew a license in the name of any firm, partnership, or corporation if  
35 he or she finds that any officer, employee, stockholder, or partner who  
36 may materially influence the applicant's conduct does not meet the  
37 standards of this chapter.

1 (4) This section shall not apply to any savings and loan  
2 association, bank, trust company, consumer loan company, industrial  
3 loan company or credit union authorized to do business in this state  
4 but RCW 48.56.080 through 48.56.130 and any rules adopted by the  
5 commissioner pertaining to such sections shall be applicable to such  
6 organizations, if otherwise eligible, under all premium finance  
7 transactions wherein an insurance policy, other than a life or  
8 disability insurance policy, or any rights thereunder is made the  
9 security or collateral for the repayment of the debt, however, neither  
10 this section nor the provisions of this chapter shall be applicable to  
11 the inclusion of insurance in a retail installment transaction or to  
12 insurance purchased in connection with a real estate transaction,  
13 mortgage, deed of trust, or other security instrument or an insurance  
14 company authorized to do business in this state unless the insurance  
15 company elects to become a licensee.

16 (5) If in the process of verifying fingerprints under subsection  
17 (2) of this section, business records, or other information the  
18 commissioner's office incurs fees or charges from another governmental  
19 agency or from a business firm, the amount of the fees or charges shall  
20 be paid to the commissioner's office by the applicant.

21 **Sec. 802.** RCW 48.102.015 and 2002 c 227 s 5 are each amended to  
22 read as follows:

23 (1) The commissioner may suspend, revoke, or refuse to issue or  
24 renew the license of any viatical settlement broker or viatical  
25 settlement provider if the commissioner finds that:

26 (a) There was any misrepresentation, intentional or otherwise, in  
27 the application for the license or for renewal of a license;

28 (b) The applicant for, or holder of any such license, is or has  
29 been subject to a final administrative action for being, or is  
30 otherwise shown to be, untrustworthy or incompetent to act as either a  
31 viatical settlement broker or a viatical settlement provider;

32 (c) The applicant for, or holder of any such license, demonstrates  
33 a pattern of unreasonable payments to viators;

34 (d) The applicant for, or holder of any such license, has been  
35 convicted of a felony or of any criminal misdemeanor of which criminal  
36 fraud is an element; or

1 (e) The applicant for, or holder of any such license, has violated  
2 any provision of this title.

3 (2) The commissioner may require an applicant or the holder of any  
4 license issued under this chapter to supply current information on the  
5 identity or capacity of stockholders, partners, officers, and  
6 employees, including but not limited to the following: Fingerprints,  
7 personal history, business experience, business records, and any other  
8 information which the commissioner may require. If required, the  
9 applicant or licensee shall furnish his or her fingerprints for  
10 submission to the Washington (~~(state patrol)~~) bureau of investigation,  
11 the federal bureau of investigation, and any governmental agency or  
12 entity authorized to receive this information for a state and national  
13 criminal history background check.

14 (3) Before the commissioner suspends or revokes any license issued  
15 under this chapter, the commissioner shall conduct a hearing, if the  
16 applicant or licensee requests this in writing. The hearing shall be  
17 in accordance with chapters 34.05 and 48.04 RCW.

18 (4) After a hearing or with the consent of any party licensed under  
19 this chapter and in addition to or in lieu of the suspension,  
20 revocation, or refusal to renew any license under this chapter, the  
21 commissioner may levy a fine upon the viatical settlement provider in  
22 an amount not more than ten thousand dollars, for each violation of  
23 this chapter. The order levying the fine shall specify the period  
24 within which the fine shall be fully paid, and that period shall not be  
25 less than fifteen nor more than thirty days from the date of the order.  
26 Upon failure to pay the fine when due, the commissioner may revoke the  
27 license if not already revoked, and the fine may be recovered in a  
28 civil action brought in behalf of the commissioner by the attorney  
29 general. Any fine so collected shall be deposited into the general  
30 fund.

31 (5) If in the process of verifying fingerprints under subsection  
32 (2) of this section, business records, or other information the  
33 commissioner's office incurs fees or charges from another governmental  
34 agency or from a business firm, the amount of the fees or charges shall  
35 be paid to the commissioner's office by the applicant or licensee.

36 **Sec. 803.** RCW 48.125.050 and 2004 c 260 s 7 are each amended to  
37 read as follows:

1 A self-funded multiple employer welfare arrangement must apply for  
2 a certificate of authority on a form prescribed by the commissioner and  
3 must submit the application, together with the following documents, to  
4 the commissioner:

5 (1) A copy of all articles, bylaws, agreements, trusts, or other  
6 documents or instruments describing the rights and obligations of the  
7 employers, employees, and beneficiaries of the arrangement;

8 (2) A copy of the summary plan description or summary plan  
9 descriptions of the arrangement, including those filed or required to  
10 be filed with the United States department of labor, together with any  
11 amendments to the description;

12 (3) Evidence of coverage of or letters of intent to participate  
13 executed by at least twenty employers providing allowable benefits to  
14 at least seventy-five employees;

15 (4) A copy of the arrangement's most recent year's financial  
16 statements that must include, at a minimum, a balance sheet, an income  
17 statement, a statement of changes in financial position, and an  
18 actuarial opinion signed by a qualified actuary stating that the unpaid  
19 claim liability of the arrangement satisfies the standards under this  
20 title;

21 (5) Proof that the arrangement maintains or will maintain fidelity  
22 bonds required by the United States department of labor under the  
23 employee retirement income security act of 1974, 29 U.S.C. Sec. 1001 et  
24 seq.;

25 (6) A copy of any excess of loss insurance coverage policies  
26 maintained or proposed to be maintained by the arrangement;

27 (7) Biographical reports on forms prescribed by the national  
28 association of insurance commissioners evidencing the general  
29 trustworthiness and competence of each individual who is serving or who  
30 will serve as an officer, director, trustee, employee, or fiduciary of  
31 the arrangement;

32 (8) Fingerprint cards and current fees payable to the Washington  
33 (~~state patrol~~) bureau of investigation to perform a state and  
34 national criminal history background check of any person who exercises  
35 control over the financial dealings and operations of the self-funded  
36 multiple employer welfare arrangement, including collection of employer  
37 contributions, investment of assets, payment of claims, rate setting,  
38 and claims adjudication. The fingerprints and any additional

1 information may be submitted to the federal bureau of investigation and  
2 any results of the check must be returned to the office of the  
3 insurance commissioner. The results may be disseminated to any  
4 governmental agency or entity authorized to receive them; and

5 (9) A statement executed by a representative of the arrangement  
6 certifying, to the best knowledge and belief of the representative,  
7 that:

8 (a) The arrangement is in compliance with RCW 48.125.030;

9 (b) The arrangement is in compliance with the requirements of the  
10 employee retirement income security act of 1974, 29 U.S.C. Sec. 1001 et  
11 seq., or a statement of any requirements with which the arrangement is  
12 not in compliance and a statement of proposed corrective actions; and

13 (c) The arrangement is in compliance with RCW 48.125.060 and  
14 48.125.070.

15 **Sec. 804.** RCW 63.35.010 and 1989 c 222 s 1 are each amended to  
16 read as follows:

17 Unless the context clearly requires otherwise, the definitions in  
18 this section apply throughout this chapter.

19 (1) "Agency" means the (~~Washington state patrol~~) department of  
20 public safety.

21 (2) (~~"Chief"~~) "Director" means the (~~chief~~) director of the  
22 (~~Washington state patrol~~) department of public safety or the  
23 director's designee.

24 (3) "Personal property" or "property" includes both corporeal and  
25 incorporeal personal property and includes, among other property,  
26 contraband and money.

27 (4) "Contraband" means any property which is unlawful to produce or  
28 possess.

29 (5) "Money" means all currency, script, personal checks, money  
30 orders, or other negotiable instruments.

31 (6) "Owner" means the person in whom is vested the ownership,  
32 dominion, or title of the property.

33 (7) "Unclaimed" means that no owner of the property has been  
34 identified or has requested, in writing, the release of the property to  
35 themselves nor has the owner of the property designated an individual  
36 to receive the property or paid the required postage to effect delivery  
37 of the property.

1 (8) "Illegal items" means those items unlawful to be possessed.

2 **Sec. 805.** RCW 63.35.020 and 1989 c 222 s 2 are each amended to  
3 read as follows:

4 Whenever any personal property shall come into the possession of  
5 the officers or agents of the (~~state patrol~~) department of public  
6 safety in connection with the official performance of their duties and  
7 said personal property shall remain unclaimed or not taken away for a  
8 period of sixty days from the date of written notice to the owner  
9 thereof, if known, which notice shall inform the owner of the  
10 disposition which may be made of the property under this section and  
11 the time that the owner has to claim the property and in all other  
12 cases for a period of sixty days from the time said property came into  
13 the possession of the state agency, unless said property has been held  
14 as evidence in any court, then, in that event, after sixty days from  
15 date when said case has been finally disposed of and said property  
16 released as evidence by order of the court, said agency may:

17 (1) At any time thereafter sell said personal property at public  
18 auction to the highest and best bidder for cash in the manner  
19 hereinafter provided;

20 (2) Retain the property for the use of the (~~state patrol~~)  
21 department of public safety subject to giving notice in the manner  
22 prescribed in RCW 63.35.030 and the right of the owner, or the owner's  
23 legal representative, to reclaim the property within one year after  
24 receipt of notice, without compensation for ordinary wear and tear if,  
25 in the opinion of the (~~chief~~) director, the property consists of  
26 firearms or other items specifically usable in law enforcement work:  
27 PROVIDED, That at the end of each calendar year during which there has  
28 been such a retention, the (~~state patrol~~) department of public safety  
29 shall provide the office of financial management and retain for public  
30 inspection a list of such retained items and an estimation of each  
31 item's replacement value;

32 (3) Destroy an item of personal property at the discretion of the  
33 (~~chief~~) director if the (~~chief~~) director determines that the  
34 following circumstances have occurred:

35 (a) The property has no substantial commercial value, or the  
36 probable cost of sale exceeds the value of the property;

1 (b) The item has been unclaimed by any person after notice  
2 procedures have been met, as prescribed in this section; and

3 (c) The (~~chief~~) director has determined that the item is illegal  
4 to possess or sell or unsafe and unable to be made safe for use by any  
5 member of the general public;

6 (4) If the item is not unsafe or illegal to possess or sell, such  
7 item, after satisfying the notice requirements as prescribed in this  
8 section may be offered by the (~~chief~~) director to bona fide dealers,  
9 in trade for law enforcement equipment, which equipment shall be  
10 treated as retained property for purpose of annual listing requirements  
11 of subsection (2) of this section; or

12 (5) At the end of one year, any unclaimed firearm shall be disposed  
13 of pursuant to RCW 9.41.098(2). Any other item which is not unsafe or  
14 illegal to possess or sell, but has been, or may be used, in the  
15 judgment of the (~~chief~~) director, in a manner that is illegal, may be  
16 destroyed.

17 **Sec. 806.** RCW 63.35.060 and 1989 c 222 s 6 are each amended to  
18 read as follows:

19 (1) Chapter 63.24 RCW, unclaimed property in hands of bailee, does  
20 not apply to personal property in the possession of the (~~state~~  
21 ~~patrol~~) department of public safety.

22 (2) The uniform unclaimed property act, chapter 63.29 RCW, does not  
23 apply to personal property in the possession of the (~~state patrol~~)  
24 department of public safety.

25 **Sec. 807.** RCW 66.08.030 and 2002 c 119 s 2 are each amended to  
26 read as follows:

27 (1) For the purpose of carrying into effect the provisions of this  
28 title according to their true intent or of supplying any deficiency  
29 therein, the board may make such (~~regulations~~) rules not inconsistent  
30 with the spirit of this title as are deemed necessary or advisable.  
31 All (~~regulations~~) rules so made shall be a public record and shall be  
32 filed in the office of the code reviser, and thereupon shall have the  
33 same force and effect as if incorporated in this title. Such  
34 (~~regulations~~) rules, together with a copy of this title, shall be  
35 published in pamphlets and shall be distributed as directed by the  
36 board.

1 (2) Without thereby limiting the generality of the provisions  
2 contained in subsection (1), it is declared that the power of the board  
3 to make ((~~regulations~~)) rules in the manner set out in that subsection  
4 shall extend to:

5 (a) Regulating the equipment and management of stores and  
6 warehouses in which state liquor is sold or kept, and prescribing the  
7 books and records to be kept therein and the reports to be made thereon  
8 to the board;

9 (b) Prescribing the duties of the employees of the board, and  
10 regulating their conduct in the discharge of their duties;

11 (c) Governing the purchase of liquor by the state and the  
12 furnishing of liquor to stores established under this title;

13 (d) Determining the classes, varieties, and brands of liquor to be  
14 kept for sale at any store;

15 (e) Prescribing, subject to RCW 66.16.080, the hours during which  
16 the state liquor stores shall be kept open for the sale of liquor;

17 (f) Providing for the issuing and distributing of price lists  
18 showing the price to be paid by purchasers for each variety of liquor  
19 kept for sale under this title;

20 (g) Prescribing an official seal and official labels and stamps and  
21 determining the manner in which they shall be attached to every package  
22 of liquor sold or sealed under this title, including the prescribing of  
23 different official seals or different official labels for different  
24 classes of liquor;

25 (h) Providing for the payment by the board in whole or in part of  
26 the carrying charges on liquor shipped by freight or express;

27 (i) Prescribing forms to be used for purposes of this title or the  
28 ((~~regulations~~)) rules, and the terms and conditions to be contained in  
29 permits and licenses issued under this title, and the qualifications  
30 for receiving a permit or license issued under this title, including a  
31 criminal history record information check. The board may submit the  
32 criminal history record information check to the Washington ((~~state~~  
33 ~~patrol~~)) bureau of investigation and to the identification division of  
34 the federal bureau of investigation in order that these agencies may  
35 search their records for prior arrests and convictions of the  
36 individual or individuals who filled out the forms. The board shall  
37 require fingerprinting of any applicant whose criminal history record  
38 information check is submitted to the federal bureau of investigation;

1 (j) Prescribing the fees payable in respect of permits and licenses  
2 issued under this title for which no fees are prescribed in this title,  
3 and prescribing the fees for anything done or permitted to be done  
4 under the regulations;

5 (k) Prescribing the kinds and quantities of liquor which may be  
6 kept on hand by the holder of a special permit for the purposes named  
7 in the permit, regulating the manner in which the same shall be kept  
8 and disposed of, and providing for the inspection of the same at any  
9 time at the instance of the board;

10 (l) Regulating the sale of liquor kept by the holders of licenses  
11 which entitle the holder to purchase and keep liquor for sale;

12 (m) Prescribing the records of purchases or sales of liquor kept by  
13 the holders of licenses, and the reports to be made thereon to the  
14 board, and providing for inspection of the records so kept;

15 (n) Prescribing the kinds and quantities of liquor for which a  
16 prescription may be given, and the number of prescriptions which may be  
17 given to the same patient within a stated period;

18 (o) Prescribing the manner of giving and serving notices required  
19 by this title or the (~~regulations~~) rules, where not otherwise  
20 provided for in this title;

21 (p) Regulating premises in which liquor is kept for export from the  
22 state, or from which liquor is exported, prescribing the books and  
23 records to be kept therein and the reports to be made thereon to the  
24 board, and providing for the inspection of the premises and the books,  
25 records and the liquor so kept;

26 (q) Prescribing the conditions and qualifications requisite for the  
27 obtaining of club licenses and the books and records to be kept and the  
28 returns to be made by clubs, prescribing the manner of licensing clubs  
29 in any municipality or other locality, and providing for the inspection  
30 of clubs;

31 (r) Prescribing the conditions, accommodations, and qualifications  
32 requisite for the obtaining of licenses to sell beer and wines, and  
33 regulating the sale of beer and wines thereunder;

34 (s) Specifying and regulating the time and periods when, and the  
35 manner, methods, and means by which manufacturers shall deliver liquor  
36 within the state; and the time and periods when, and the manner,  
37 methods, and means by which liquor may lawfully be conveyed or carried  
38 within the state;

1 (t) Providing for the making of returns by brewers of their sales  
2 of beer shipped within the state, or from the state, showing the gross  
3 amount of such sales and providing for the inspection of brewers' books  
4 and records, and for the checking of the accuracy of any such returns;

5 (u) Providing for the making of returns by the wholesalers of beer  
6 whose breweries are located beyond the boundaries of the state;

7 (v) Providing for the making of returns by any other liquor  
8 manufacturers, showing the gross amount of liquor produced or  
9 purchased, the amount sold within and exported from the state, and to  
10 whom so sold or exported, and providing for the inspection of the  
11 premises of any such liquor manufacturers, their books and records, and  
12 for the checking of any such return;

13 (w) Providing for the giving of fidelity bonds by any or all of the  
14 employees of the board: PROVIDED, That the premiums therefor shall be  
15 paid by the board;

16 (x) Providing for the shipment by mail or common carrier of liquor  
17 to any person holding a permit and residing in any unit which has, by  
18 election pursuant to this title, prohibited the sale of liquor therein;

19 (y) Prescribing methods of manufacture, conditions of sanitation,  
20 standards of ingredients, quality and identity of alcoholic beverages  
21 manufactured, sold, bottled, or handled by licensees and the board; and  
22 conducting from time to time, in the interest of the public health and  
23 general welfare, scientific studies and research relating to alcoholic  
24 beverages and the use and effect thereof;

25 (z) Seizing, confiscating and destroying all alcoholic beverages  
26 manufactured, sold, or offered for sale within this state which do not  
27 conform in all respects to the standards prescribed by this title or  
28 the (~~regulations~~) rules of the board: PROVIDED, Nothing herein  
29 contained shall be construed as authorizing the liquor board to  
30 prescribe, alter, limit or in any way change the present law as to the  
31 quantity or percentage of alcohol used in the manufacturing of wine or  
32 other alcoholic beverages.

33 **Sec. 808.** RCW 66.24.010 and 2004 c 133 s 1 are each amended to  
34 read as follows:

35 (1) Every license shall be issued in the name of the applicant, and  
36 the holder thereof shall not allow any other person to use the license.

1 (2) For the purpose of considering any application for a license,  
2 the board may cause an inspection of the premises to be made, and may  
3 inquire into all matters in connection with the construction and  
4 operation of the premises. For the purpose of reviewing any  
5 application for a license and for considering the denial, suspension or  
6 revocation of any license, the liquor control board may consider any  
7 prior criminal conduct of the applicant including a criminal history  
8 record information check. The board may submit the criminal history  
9 record information check to the Washington (~~state patrol~~) bureau of  
10 investigation and to the identification division of the federal bureau  
11 of investigation in order that these agencies may search their records  
12 for prior arrests and convictions of the individual or individuals who  
13 filled out the forms. The board shall require fingerprinting of any  
14 applicant whose criminal history record information check is submitted  
15 to the federal bureau of investigation. The provisions of RCW 9.95.240  
16 and of chapter 9.96A RCW shall not apply to such cases. The board may,  
17 in its discretion, grant or refuse the license applied for. Authority  
18 to approve an uncontested or unopposed license may be granted by the  
19 board to any staff member the board designates in writing. Conditions  
20 for granting such authority shall be adopted by rule. No retail  
21 license of any kind may be issued to:

22 (a) A person who has not resided in the state for at least one  
23 month prior to making application, except in cases of licenses issued  
24 to dining places on railroads, boats, or aircraft;

25 (b) A copartnership, unless all of the members thereof are  
26 qualified to obtain a license, as provided in this section;

27 (c) A person whose place of business is conducted by a manager or  
28 agent, unless such manager or agent possesses the same qualifications  
29 required of the licensee;

30 (d) A corporation or a limited liability company, unless it was  
31 created under the laws of the state of Washington or holds a  
32 certificate of authority to transact business in the state of  
33 Washington.

34 (3)(a) The board may, in its discretion, subject to the provisions  
35 of RCW 66.08.150, suspend or cancel any license; and all rights of the  
36 licensee to keep or sell liquor thereunder shall be suspended or  
37 terminated, as the case may be.

1 (b) The board shall immediately suspend the license or certificate  
2 of a person who has been certified pursuant to RCW 74.20A.320 by the  
3 department of social and health services as a person who is not in  
4 compliance with a support order. If the person has continued to meet  
5 all other requirements for reinstatement during the suspension,  
6 reissuance of the license or certificate shall be automatic upon the  
7 board's receipt of a release issued by the department of social and  
8 health services stating that the licensee is in compliance with the  
9 order.

10 (c) The board may request the appointment of administrative law  
11 judges under chapter 34.12 RCW who shall have power to administer  
12 oaths, issue subpoenas for the attendance of witnesses and the  
13 production of papers, books, accounts, documents, and testimony,  
14 examine witnesses, and to receive testimony in any inquiry,  
15 investigation, hearing, or proceeding in any part of the state, under  
16 such rules and regulations as the board may adopt.

17 (d) Witnesses shall be allowed fees and mileage each way to and  
18 from any such inquiry, investigation, hearing, or proceeding at the  
19 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees  
20 need not be paid in advance of appearance of witnesses to testify or to  
21 produce books, records, or other legal evidence.

22 (e) In case of disobedience of any person to comply with the order  
23 of the board or a subpoena issued by the board, or any of its members,  
24 or administrative law judges, or on the refusal of a witness to testify  
25 to any matter regarding which he or she may be lawfully interrogated,  
26 the judge of the superior court of the county in which the person  
27 resides, on application of any member of the board or administrative  
28 law judge, shall compel obedience by contempt proceedings, as in the  
29 case of disobedience of the requirements of a subpoena issued from said  
30 court or a refusal to testify therein.

31 (4) Upon receipt of notice of the suspension or cancellation of a  
32 license, the licensee shall forthwith deliver up the license to the  
33 board. Where the license has been suspended only, the board shall  
34 return the license to the licensee at the expiration or termination of  
35 the period of suspension. The board shall notify all vendors in the  
36 city or place where the licensee has its premises of the suspension or  
37 cancellation of the license; and no employee may allow or cause any

1 liquor to be delivered to or for any person at the premises of that  
2 licensee.

3 (5)(a) At the time of the original issuance of a spirits, beer, and  
4 wine restaurant license, the board shall prorate the license fee  
5 charged to the new licensee according to the number of calendar  
6 quarters, or portion thereof, remaining until the first renewal of that  
7 license is required.

8 (b) Unless sooner canceled, every license issued by the board shall  
9 expire at midnight of the thirtieth day of June of the fiscal year for  
10 which it was issued. However, if the board deems it feasible and  
11 desirable to do so, it may establish, by rule pursuant to chapter 34.05  
12 RCW, a system for staggering the annual renewal dates for any and all  
13 licenses authorized by this chapter. If such a system of staggered  
14 annual renewal dates is established by the board, the license fees  
15 provided by this chapter shall be appropriately prorated during the  
16 first year that the system is in effect.

17 (6) Every license issued under this section shall be subject to all  
18 conditions and restrictions imposed by this title or by the regulations  
19 in force from time to time. All conditions and restrictions imposed by  
20 the board in the issuance of an individual license shall be listed on  
21 the face of the individual license along with the trade name, address,  
22 and expiration date.

23 (7) Every licensee shall post and keep posted its license, or  
24 licenses, in a conspicuous place on the premises.

25 (8)(a) Unless (b) of this subsection applies, before the board  
26 issues a license to an applicant it shall give notice of such  
27 application to the chief executive officer of the incorporated city or  
28 town, if the application is for a license within an incorporated city  
29 or town, or to the county legislative authority, if the application is  
30 for a license outside the boundaries of incorporated cities or towns.

31 (b) If the application for a special occasion license is for an  
32 event held during a county, district, or area fair as defined by RCW  
33 15.76.120, and the county, district, or area fair is located on  
34 property owned by the county but located within an incorporated city or  
35 town, the county legislative authority shall be the entity notified by  
36 the board under (a) of this subsection. The board shall send a  
37 duplicate notice to the incorporated city or town within which the fair  
38 is located.

1 (c) The incorporated city or town through the official or employee  
2 selected by it, or the county legislative authority or the official or  
3 employee selected by it, shall have the right to file with the board  
4 within twenty days after date of transmittal of such notice, written  
5 objections against the applicant or against the premises for which the  
6 license is asked.

7 (d) The written objections shall include a statement of all facts  
8 upon which such objections are based, and in case written objections  
9 are filed, may request and the liquor control board may in its  
10 discretion hold a formal hearing subject to the applicable provisions  
11 of Title 34 RCW.

12 (e) Upon the granting of a license under this title the board shall  
13 send a duplicate of the license or written notification to the chief  
14 executive officer of the incorporated city or town in which the license  
15 is granted, or to the county legislative authority if the license is  
16 granted outside the boundaries of incorporated cities or towns. When  
17 the license is for a special occasion license for an event held during  
18 a county, district, or area fair as defined by RCW 15.76.120, and the  
19 county, district, or area fair is located on county-owned property but  
20 located within an incorporated city or town, the duplicate shall be  
21 sent to both the incorporated city or town and the county legislative  
22 authority.

23 (9) Before the board issues any license to any applicant, it shall  
24 give (a) due consideration to the location of the business to be  
25 conducted under such license with respect to the proximity of churches,  
26 schools, and public institutions and (b) written notice by certified  
27 mail of the application to churches, schools, and public institutions  
28 within five hundred feet of the premises to be licensed. The board  
29 shall issue no beer retailer license for either on-premises or off-  
30 premises consumption or wine retailer license for either on-premises or  
31 off-premises consumption or spirits, beer, and wine restaurant license  
32 covering any premises not now licensed, if such premises are within  
33 five hundred feet of the premises of any tax-supported public  
34 elementary or secondary school measured along the most direct route  
35 over or across established public walks, streets, or other public  
36 passageway from the outer property line of the school grounds to the  
37 nearest public entrance of the premises proposed for license, and if,  
38 after receipt by the school or public institution of the notice as

1 provided in this subsection, the board receives written notice, within  
2 twenty days after posting such notice, from an official representative  
3 or representatives of the school within five hundred feet of said  
4 proposed licensed premises, indicating to the board that there is an  
5 objection to the issuance of such license because of proximity to a  
6 school. For the purpose of this section, church shall mean a building  
7 erected for and used exclusively for religious worship and schooling or  
8 other activity in connection therewith. No liquor license may be  
9 issued or reissued by the board to any motor sports facility or  
10 licensee operating within the motor sports facility unless the motor  
11 sports facility enforces a program reasonably calculated to prevent  
12 alcohol or alcoholic beverages not purchased within the facility from  
13 entering the facility and such program is approved by local law  
14 enforcement agencies. It is the intent under this subsection that a  
15 retail license shall not be issued by the board where doing so would,  
16 in the judgment of the board, adversely affect a private school meeting  
17 the requirements for private schools under Title 28A RCW, which school  
18 is within five hundred feet of the proposed licensee. The board shall  
19 fully consider and give substantial weight to objections filed by  
20 private schools. If a license is issued despite the proximity of a  
21 private school, the board shall state in a letter addressed to the  
22 private school the board's reasons for issuing the license.

23 (10) The restrictions set forth in subsection (9) of this section  
24 shall not prohibit the board from authorizing the assumption of  
25 existing licenses now located within the restricted area by other  
26 persons or licenses or relocations of existing licensed premises within  
27 the restricted area. In no case may the licensed premises be moved  
28 closer to a church or school than it was before the assumption or  
29 relocation.

30 (11) Nothing in this section prohibits the board, in its  
31 discretion, from issuing a temporary retail or distributor license to  
32 an applicant assuming an existing retail or distributor license to  
33 continue the operation of the retail or distributor premises during the  
34 period the application for the license is pending and when the  
35 following conditions exist:

36 (a) The licensed premises has been operated under a retail or  
37 distributor license within ninety days of the date of filing the  
38 application for a temporary license;

1 (b) The retail or distributor license for the premises has been  
2 surrendered pursuant to issuance of a temporary operating license;

3 (c) The applicant for the temporary license has filed with the  
4 board an application to assume the retail or distributor license at  
5 such premises to himself or herself; and

6 (d) The application for a temporary license is accompanied by a  
7 temporary license fee established by the board by rule.

8 A temporary license issued by the board under this section shall be  
9 for a period not to exceed sixty days. A temporary license may be  
10 extended at the discretion of the board for an additional sixty-day  
11 period upon payment of an additional fee and upon compliance with all  
12 conditions required in this section.

13 Refusal by the board to issue or extend a temporary license shall  
14 not entitle the applicant to request a hearing. A temporary license  
15 may be canceled or suspended summarily at any time if the board  
16 determines that good cause for cancellation or suspension exists. RCW  
17 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

18 Application for a temporary license shall be on such form as the  
19 board shall prescribe. If an application for a temporary license is  
20 withdrawn before issuance or is refused by the board, the fee which  
21 accompanied such application shall be refunded in full.

22 **Sec. 809.** RCW 66.24.025 and 2002 c 119 s 4 are each amended to  
23 read as follows:

24 (1) If the board approves, a license may be transferred, without  
25 charge, to the surviving spouse only of a deceased licensee if the  
26 parties were maintaining a marital community and the license was issued  
27 in the names of one or both of the parties. For the purpose of  
28 considering the qualifications of the surviving party or parties to  
29 receive a liquor license, the liquor control board may require a  
30 criminal history record information check. The board may submit the  
31 criminal history record information check to the Washington (~~state~~  
32 ~~patrol~~) bureau of investigation and to the identification division of  
33 the federal bureau of investigation in order that these agencies may  
34 search their records for prior arrests and convictions of the  
35 individual or individuals who filled out the forms. The board shall  
36 require fingerprinting of any applicant whose criminal history record  
37 information check is submitted to the federal bureau of investigation.

1 (2) The proposed sale of more than ten percent of the outstanding  
2 and/or issued stock of a licensed corporation or any proposed change in  
3 the officers of a licensed corporation must be reported to the board,  
4 and board approval must be obtained before such changes are made. A  
5 fee of seventy-five dollars will be charged for the processing of such  
6 change of stock ownership and/or corporate officers.

7 **Sec. 810.** RCW 66.32.090 and 1993 c 26 s 2 are each amended to read  
8 as follows:

9 In every case in which liquor is seized by a sheriff or deputy of  
10 any county or by a police officer of any municipality or by a member of  
11 the Washington state patrol or the Washington bureau of investigation,  
12 or any other authorized peace officer or inspector, it shall be the  
13 duty of the sheriff or deputy of any county, or chief of police of the  
14 municipality, or the chief of the Washington state patrol, or the  
15 director of the Washington bureau of investigation, as the case may be,  
16 to forthwith report in writing to the board of particulars of such  
17 seizure.

18 **Sec. 811.** RCW 68.50.107 and 1999 c 281 s 13 and 1999 c 40 s 8 are  
19 each reenacted and amended to read as follows:

20 There shall be established in conjunction with the ((~~chief of the~~  
21 ~~Washington state patrol~~)) director of the Washington bureau of  
22 investigation and under the authority of the state forensic  
23 investigations council a state toxicological laboratory under the  
24 direction of the state toxicologist whose duty it will be to perform  
25 all necessary toxicologic procedures requested by all coroners, medical  
26 examiners, and prosecuting attorneys. The state forensic  
27 investigations council, after consulting with the ((~~chief~~)) director of  
28 the Washington ((~~state patrol~~)) bureau of investigation and director of  
29 the ((~~bureau of~~)) forensic laboratory services division, shall appoint  
30 a toxicologist as state toxicologist, who shall report to the director  
31 of the ((~~bureau of~~)) forensic laboratory services division and the  
32 office of the ((~~chief~~)) director of the Washington ((~~state patrol~~))  
33 bureau of investigation. Toxicological services shall be funded by  
34 disbursement from the spirits, beer, and wine restaurant; spirits,  
35 beer, and wine private club; and sports entertainment facility license

1 fees as provided in RCW 66.08.180 and by appropriation from the death  
2 investigations account as provided in RCW 43.79.445.

3 **Sec. 812.** RCW 68.50.310 and 1987 c 331 s 65 are each amended to  
4 read as follows:

5 A dental identification system is established in the identification  
6 section of the Washington (~~state patrol~~) bureau of investigation.  
7 The dental identification system shall act as a repository or computer  
8 center or both for dental examination records and it shall be  
9 responsible for comparing such records with dental records filed under  
10 RCW 68.50.330. It shall also determine which scoring probabilities are  
11 the highest for purposes of identification and shall submit such  
12 information to the coroner or medical examiner who prepared and  
13 forwarded the dental examination records. Once the dental  
14 identification system is established, operating funds shall come from  
15 the state general fund.

16 **Sec. 813.** RCW 68.50.320 and 2001 c 223 s 1 are each amended to  
17 read as follows:

18 When a person reported missing has not been found within thirty  
19 days of the report, the sheriff, chief of police, county coroner or  
20 county medical examiner, or other law enforcement authority initiating  
21 and conducting the investigation for the missing person shall ask the  
22 missing person's family or next of kin to give written consent to  
23 contact the dentist or dentists of the missing person and request the  
24 person's dental records.

25 When a person reported missing has not been found within thirty  
26 days, the sheriff, chief of police, or other law enforcement authority  
27 initiating and conducting the investigation for the missing person  
28 shall confer with the county coroner or medical examiner prior to the  
29 preparation of a missing person's report. After conferring with the  
30 coroner or medical examiner, the sheriff, chief of police, or other law  
31 enforcement authority shall submit a missing person's report and the  
32 dental records received under this section to the dental identification  
33 system of the (~~state patrol~~) Washington bureau of investigation  
34 identification, child abuse, vulnerable adult abuse, and criminal  
35 history section on forms supplied by the (~~state patrol~~) Washington  
36 bureau of investigation for such purpose.

1       When a person reported missing has been found, the sheriff, chief  
2 of police, coroner or medical examiner, or other law enforcement  
3 authority shall report such information to the ((~~state patrol~~))  
4 Washington bureau of investigation.

5       The dental identification system shall maintain a file of  
6 information regarding persons reported to it as missing. The file  
7 shall contain the information referred to in this section and such  
8 other information as the ((~~state patrol~~)) Washington bureau of  
9 investigation finds relevant to assist in the location of a missing  
10 person.

11       The files of the dental identification system shall, upon request,  
12 be made available to law enforcement agencies attempting to locate  
13 missing persons.

14       **Sec. 814.** RCW 68.50.330 and 2001 c 172 s 1 are each amended to  
15 read as follows:

16       If the county coroner or county medical examiner investigating a  
17 death is unable to establish the identity of a body or human remains by  
18 visual means, fingerprints, or other identifying data, he or she shall  
19 have a qualified dentist, as determined by the county coroner or county  
20 medical examiner, carry out a dental examination of the body or human  
21 remains. If the county coroner or county medical examiner with the aid  
22 of the dental examination and other identifying findings is still  
23 unable to establish the identity of the body or human remains, he or  
24 she shall prepare and forward such dental examination records within  
25 thirty days of the date the body or human remains were found to the  
26 dental identification system of the ((~~state patrol~~)) Washington bureau  
27 of investigation identification, child abuse, vulnerable adult abuse,  
28 and criminal history section on forms supplied by the ((~~state patrol~~))  
29 Washington bureau of investigation for such purposes.

30       The dental identification system shall act as a repository or  
31 computer center or both with respect to such dental examination  
32 records. It shall compare such dental examination records with dental  
33 records filed with it and shall determine which scoring probabilities  
34 are the highest for the purposes of identification. It shall then  
35 submit such information to the county coroner or county medical  
36 examiner who prepared and forwarded the dental examination records.

1       **Sec. 815.** RCW 69.43.170 and 2005 c 388 s 8 are each amended to  
2 read as follows:

3       (1) The state board of pharmacy, using procedures under chapter  
4 34.05 RCW, shall implement and conduct a statewide pilot project  
5 requiring the collection and maintenance of written or electronic logs  
6 or other alternative means of recording retail transactions involving  
7 ephedrine, pseudoephedrine, or phenylpropanolamine. The rules  
8 implementing the pilot project shall be in place by January 1, 2006.

9       (2) The pilot project shall be designed to address:

10       (a) Whether a log or other means of recording a transaction is an  
11 effective law enforcement tool;

12       (b) What information is needed to make logs or other means of  
13 recording a transaction useful as a deterrent to criminal activity;

14       (c) The most effective method of obtaining, recording, and storing  
15 log or other electronic data in the least intrusive manner available;

16       (d) How long the information recorded in the logs or other means of  
17 recording a transaction should be maintained; and

18       (e) How logs or other means of recording a transaction can be most  
19 effectively transmitted to law enforcement and the state board of  
20 pharmacy.

21       (3) The board shall convene a work group to evaluate the data  
22 collected during the pilot project. The work group shall consist of:

23       (a) One representative from law enforcement appointed by the  
24 Washington association of sheriffs and police chiefs;

25       (b) One representative from the Washington (~~state patrol~~) bureau  
26 of investigation;

27       (c) One representative appointed by the Washington association of  
28 prosecuting attorneys;

29       (d) One representative appointed by the office of the attorney  
30 general;

31       (e) One representative appointed by the state board of pharmacy;  
32 and

33       (f) Two representatives from the retail industry.

34       (4) The state board of pharmacy shall begin data collection for the  
35 pilot project no later than January 1, 2006, and report to the  
36 legislature no later than November 1, 2007, regarding the findings of  
37 the work group along with any recommendations or proposed legislation.

1 (5) Any orders and rules adopted under this section not in conflict  
2 with state law continue in effect until modified, superseded, or  
3 repealed. The board may implement rule changes based upon the results  
4 of the pilot project and recommendations of the work group.

5 (6)(a) The records required by this section are for the  
6 confidential use of the pharmacy, shopkeeper, or itinerant vendor,  
7 except that:

8 (i) Every pharmacy, shopkeeper, or itinerant vendor shall produce  
9 the records in court whenever lawfully required to do so;

10 (ii) The records shall be open for inspection by the board of  
11 pharmacy; and

12 (iii) The records shall be open for inspection by any general or  
13 limited authority Washington peace officer to enforce the provisions of  
14 this chapter.

15 (b) A person violating this subsection is guilty of a misdemeanor.

16 **Sec. 816.** RCW 69.43.180 and 2005 c 388 s 3 are each amended to  
17 read as follows:

18 (1) The Washington association of sheriffs and police chiefs or the  
19 Washington (~~state patrol~~) bureau of investigation may petition the  
20 state board of pharmacy to apply the log requirements in RCW 69.43.170  
21 to one or more products that contain ephedrine, pseudoephedrine, or  
22 phenylpropanolamine, or their salts, isomers, or salts of isomers, that  
23 is not the only active ingredient and that is in liquid, liquid  
24 capsule, or gel capsule form. The petition shall establish that:

25 (a) Ephedrine, pseudoephedrine, or phenylpropanolamine can be  
26 effectively extracted from the product and converted into  
27 methamphetamine or another controlled dangerous substance; and

28 (b) Law enforcement, the Washington (~~state patrol~~) bureau of  
29 investigation, or the department of ecology are finding substantial  
30 evidence that the product is being used for the illegal manufacture of  
31 methamphetamine or another controlled dangerous substance.

32 (2) The board of pharmacy shall adopt rules when a petition  
33 establishes that requiring the application of the log requirements in  
34 RCW 69.43.170 to the sale of the product at retail is warranted based  
35 upon the effectiveness and extent of use of the product for the illegal  
36 manufacture of methamphetamine or other controlled dangerous substances  
37 and the extent of the burden of any restrictions upon consumers. The

1 board of pharmacy may adopt emergency rules to apply the log  
2 requirements to the sale of a product when the petition establishes  
3 that the immediate restriction of the product is necessary in order to  
4 protect public health and safety.

5 **Sec. 817.** RCW 70.41.080 and 2004 c 261 s 3 are each amended to  
6 read as follows:

7 Standards for fire protection and the enforcement thereof, with  
8 respect to all hospitals to be licensed hereunder shall be the  
9 responsibility of the ((chief)) director of the ((~~Washington state~~  
10 ~~patrol~~)) department of public safety, through the director of fire  
11 protection, who shall adopt, after approval by the department, such  
12 recognized standards as may be applicable to hospitals for the  
13 protection of life against the cause and spread of fire and fire  
14 hazards. Such standards shall be consistent with the standards adopted  
15 by the federal centers for medicare and medicaid services for hospitals  
16 that care for medicare or medicaid beneficiaries. The department upon  
17 receipt of an application for a license, shall submit to the director  
18 of fire protection in writing, a request for an inspection, giving the  
19 applicant's name and the location of the premises to be licensed. Upon  
20 receipt of such a request, the ((chief)) director of the ((~~Washington~~  
21 ~~state patrol~~)) department of public safety, through the director of  
22 fire protection, or his or her deputy, shall make an inspection of the  
23 hospital to be licensed, and if it is found that the premises do not  
24 comply with the required safety standards and fire regulations as  
25 adopted pursuant to this chapter, he or she shall promptly make a  
26 written report to the hospital and to the department listing the  
27 corrective actions required and the time allowed for accomplishing such  
28 corrections. The applicant or licensee shall notify the ((chief))  
29 director of the ((~~Washington state patrol~~)) department of public  
30 safety, through the director of fire protection, upon completion of any  
31 corrections required by him or her, and the ((chief)) director of the  
32 ((~~Washington state patrol~~)) department of public safety, through the  
33 director of fire protection, or his or her deputy, shall make a  
34 reinspection of such premises. Whenever the hospital to be licensed  
35 meets with the approval of the ((chief)) director of the ((~~Washington~~  
36 ~~state patrol~~)) department of public safety, through the director of  
37 fire protection, he or she shall submit to the department a written

1 report approving the hospital with respect to fire protection, and such  
2 report is required before a full license can be issued. The ((chief))  
3 director of the ((Washington state patrol)) department of public  
4 safety, through the director of fire protection, shall make or cause to  
5 be made inspections of such hospitals at least once a year.

6 In cities which have in force a comprehensive building code, the  
7 provisions of which are determined by the ((chief)) director of the  
8 ((Washington state patrol)) department of public safety, through the  
9 director of fire protection, to be equal to the minimum standards of  
10 the code for hospitals adopted by the ((chief)) director of the  
11 ((Washington state patrol)) department of public safety, through the  
12 director of fire protection, the chief of the fire department, provided  
13 the latter is a paid chief of a paid fire department, shall make the  
14 inspection with the ((chief)) director of the ((Washington state  
15 patrol)) department of public safety, through the director of fire  
16 protection, or his or her deputy and they shall jointly approve the  
17 premises before a full license can be issued.

18 **Sec. 818.** RCW 70.74.191 and 2002 c 370 s 2 are each amended to  
19 read as follows:

20 The laws contained in this chapter and ((regulations)) rules  
21 prescribed by the department of labor and industries pursuant to this  
22 chapter shall not apply to:

23 (1) Explosives or blasting agents in the course of transportation  
24 by way of railroad, water, highway, or air under the jurisdiction of,  
25 and in conformity with, regulations adopted by the federal department  
26 of transportation, and rules adopted by the Washington state utilities  
27 and transportation commission((7)) and the ((Washington state patrol))  
28 department of public safety;

29 (2) The laboratories of schools, colleges, and similar institutions  
30 if confined to the purpose of instruction or research and if not  
31 exceeding the quantity of one pound;

32 (3) Explosives in the forms prescribed by the official United  
33 States Pharmacopoeia;

34 (4) The transportation, storage, and use of explosives or blasting  
35 agents in the normal and emergency operations of United States agencies  
36 and departments including the regular United States military  
37 departments on military reservations; arsenals, navy yards, depots, or

1 other establishments owned by, operated by, or on behalf of, the United  
2 States; or the duly authorized militia of any state; or to emergency  
3 operations of any state department or agency, any police, or any  
4 municipality or county;

5 (5) A hazardous devices technician when carrying out normal and  
6 emergency operations, handling evidence, and operating and maintaining  
7 a specially designed emergency response vehicle that carries no more  
8 than ten pounds of explosive material or when conducting training and  
9 whose employer possesses the minimum safety equipment prescribed by the  
10 federal bureau of investigation for hazardous devices work. For  
11 purposes of this section, a hazardous devices technician is a person  
12 who is a graduate of the federal bureau of investigation hazardous  
13 devices school and who is employed by a state, county, or municipality;

14 (6) The importation, sale, possession, and use of fireworks as  
15 defined in chapter 70.77 RCW, signaling devices, flares, fuses, and  
16 torpedoes;

17 (7) The transportation, storage, and use of explosives or blasting  
18 agents in the normal and emergency avalanche control procedures as  
19 conducted by trained and licensed ski area operator personnel.  
20 However, the storage, transportation, and use of explosives and  
21 blasting agents for such use shall meet the requirements of regulations  
22 adopted by the director of labor and industries;

23 (8) The storage of consumer fireworks as defined in chapter 70.77  
24 RCW pursuant to a forfeiture or seizure under chapter 70.77 RCW by the  
25 ((chief)) director of the ((Washington state patrol)) department of  
26 public safety, through the director of fire protection, or his or her  
27 deputy, or by state agencies or local governments having general law  
28 enforcement authority; and

29 (9) Any violation under this chapter if any existing ordinance of  
30 any city, municipality, or county is more stringent than this chapter.

31 **Sec. 819.** RCW 70.74.360 and 1988 c 198 s 3 are each amended to  
32 read as follows:

33 (1) The director of labor and industries shall require, as a  
34 condition precedent to the original issuance or renewal of any  
35 explosive license, fingerprinting and criminal history record  
36 information checks of every applicant. In the case of a corporation,  
37 fingerprinting and criminal history record information checks shall be

1 required for the management officials directly responsible for the  
2 operations where explosives are used if such persons have not  
3 previously had their fingerprints recorded with the department of labor  
4 and industries. In the case of a partnership, fingerprinting and  
5 criminal history record information checks shall required of all  
6 general partners. Such fingerprints as are required by the department  
7 of labor and industries shall be submitted on forms provided by the  
8 department to the identification section of the Washington ((~~state~~  
9 ~~patrol~~)) bureau of investigation and to the identification division of  
10 the federal bureau of investigation in order that these agencies may  
11 search their records for prior convictions of the individuals  
12 fingerprinted. The Washington ((~~state patrol~~)) bureau of investigation  
13 shall provide to the director of labor and industries such criminal  
14 record information as the director may request. The applicant shall  
15 give full cooperation to the department of labor and industries and  
16 shall assist the department of labor and industries in all aspects of  
17 the fingerprinting and criminal history record information check. The  
18 applicant may be required to pay a fee not to exceed twenty dollars to  
19 the agency that performs the fingerprinting and criminal history  
20 process.

21 (2) The director of labor and industries shall not issue a license  
22 to manufacture, purchase, store, use, or deal with explosives to:

23 (a) Any person under twenty-one years of age;

24 (b) Any person whose license is suspended or whose license has been  
25 revoked, except as provided in RCW 70.74.370;

26 (c) Any person who has been convicted in this state or elsewhere of  
27 a violent offense as defined in RCW 9.94A.030, perjury, false swearing,  
28 or bomb threats or a crime involving a schedule I or II controlled  
29 substance, or any other drug or alcohol related offense, unless such  
30 other drug or alcohol related offense does not reflect a drug or  
31 alcohol dependency. However, the director of labor and industries may  
32 issue a license if the person suffering a drug or alcohol related  
33 dependency is participating in or has completed an alcohol or drug  
34 recovery program acceptable to the department of labor and industries  
35 and has established control of their alcohol or drug dependency. The  
36 director of labor and industries shall require the applicant to provide  
37 proof of such participation and control; or

1 (d) Any person who has previously been adjudged to be mentally ill  
2 or insane, or to be incompetent due to any mental disability or disease  
3 and who has not at the time of application been restored to competency.

4 (3) The director of labor and industries may establish reasonable  
5 licensing fees for the manufacture, dealing, purchase, use, and storage  
6 of explosives.

7 **Sec. 820.** RCW 70.75.020 and 1995 c 369 s 41 are each amended to  
8 read as follows:

9 The standardization of existing fire protection equipment in this  
10 state shall be arranged for and carried out by or under the direction  
11 of the ((chief)) director of the ((Washington state patrol)) department  
12 of public safety, through the director of fire protection. He or she  
13 shall provide the appliances necessary for carrying on this work, shall  
14 proceed with such standardization as rapidly as possible, and shall  
15 require the completion of such work within a period of five years from  
16 June 8, 1967: PROVIDED, That the ((chief)) director of the  
17 ((Washington state patrol)) department of public safety, through the  
18 director of fire protection, may exempt special purpose fire equipment  
19 and existing fire protection equipment from standardization when it is  
20 established that such equipment is not essential to the coordination of  
21 public fire protection operations.

22 **Sec. 821.** RCW 70.75.030 and 1995 c 369 s 42 are each amended to  
23 read as follows:

24 The ((chief)) director of the ((Washington state patrol))  
25 department of public safety, through the director of fire protection,  
26 shall notify industrial establishments and property owners having  
27 equipment, which may be necessary for fire department use in protecting  
28 the property or putting out fire, of any changes necessary to bring  
29 their equipment up to the requirements of the standard established by  
30 RCW 70.75.020, and shall render such assistance as may be available for  
31 converting substandard equipment to meet standard specifications and  
32 requirements.

33 **Sec. 822.** RCW 70.75.040 and 1995 c 369 s 43 are each amended to  
34 read as follows:

35 Any person who, without approval of the ((chief)) director of the

1 (~~Washington state patrol~~) department of public safety, through the  
2 director of fire protection, sells or offers for sale in Washington any  
3 fire hose, fire engine or other equipment for fire protection purposes  
4 which is fitted or equipped with other than the standard thread is  
5 guilty of a misdemeanor: PROVIDED, That fire equipment for special  
6 purposes, research, programs, forest fire fighting, or special features  
7 of fire protection equipment found appropriate for uniformity within a  
8 particular protection area may be specifically exempted from this  
9 requirement by order of the ((chief)) director of the (~~Washington~~  
10 ~~state patrol~~) department of public safety, through the director of  
11 fire protection.

12 **Sec. 823.** RCW 70.77.170 and 2002 c 370 s 10 are each amended to  
13 read as follows:

14 "License" means a nontransferable formal authorization which the  
15 ((chief)) director of the (~~Washington state patrol~~) department of  
16 public safety, through the director of fire protection, is authorized  
17 to issue under this chapter to allow a person to engage in the act  
18 specifically designated therein.

19 **Sec. 824.** RCW 70.77.236 and 2002 c 370 s 18 are each amended to  
20 read as follows:

21 (1) "New fireworks item" means any fireworks initially classified  
22 or reclassified as articles pyrotechnic, display fireworks, or consumer  
23 fireworks by the United States department of transportation after June  
24 13, 2002, and which comply with the construction, chemical composition,  
25 and labeling regulations of the United States consumer products safety  
26 commission, 16 C.F.R., Parts 1500 and 1507.

27 (2) The ((chief)) director of the (~~Washington state patrol~~)  
28 department of public safety, through the director of fire protection,  
29 shall classify any new fireworks item in the same manner as the item is  
30 classified by the United States department of transportation and the  
31 United States consumer product safety commission. The ((chief))  
32 director of the (~~Washington state patrol~~) department of public  
33 safety, through the director of fire protection, may determine, stating  
34 reasonable grounds, that the item should not be so classified.

1       **Sec. 825.** RCW 70.77.250 and 2002 c 370 s 19 are each amended to  
2 read as follows:

3       (1) The ((ehief)) director of the ((~~Washington state patrol~~))  
4 department of public safety, through the director of fire protection,  
5 shall enforce and administer this chapter.

6       (2) The ((ehief)) director of the ((~~Washington state patrol~~))  
7 department of public safety, through the director of fire protection,  
8 shall appoint such deputies and employees as may be necessary and  
9 required to carry out the provisions of this chapter.

10       (3) The ((ehief)) director of the ((~~Washington state patrol~~))  
11 department of public safety, through the director of fire protection,  
12 shall adopt those rules relating to fireworks as are necessary for the  
13 implementation of this chapter.

14       (4) The ((ehief)) director of the ((~~Washington state patrol~~))  
15 department of public safety, through the director of fire protection,  
16 shall adopt those rules as are necessary to ensure statewide minimum  
17 standards for the enforcement of this chapter. Counties and cities  
18 shall comply with these state rules. Any ordinances adopted by a  
19 county or city that are more restrictive than state law shall have an  
20 effective date no sooner than one year after their adoption.

21       (5) The ((ehief)) director of the ((~~Washington state patrol~~))  
22 department of public safety, through the director of fire protection,  
23 may exercise the necessary police powers to enforce the criminal  
24 provisions of this chapter. This grant of police powers does not  
25 prevent any other state agency and city, county, or local government  
26 agency having general law enforcement powers from enforcing this  
27 chapter within the jurisdiction of the agency and city, county, or  
28 local government.

29       (6) The ((ehief)) director of the ((~~Washington state patrol~~))  
30 department of public safety, through the director of fire protection,  
31 shall adopt rules necessary to enforce the civil penalty provisions for  
32 the violations of this chapter. A civil penalty under this subsection  
33 may not exceed one thousand dollars per day for each violation and is  
34 subject to the procedural requirements under RCW 70.77.252.

35       (7) The ((ehief)) director of the ((~~Washington state patrol~~))  
36 department of public safety, through the director of fire protection,  
37 may investigate or cause to be investigated all fires resulting, or  
38 suspected of resulting, from the use of fireworks.

1       **Sec. 826.** RCW 70.77.252 and 2002 c 370 s 20 are each amended to  
2 read as follows:

3       (1) The penalty provided for in RCW 70.77.250(6) shall be imposed  
4 by a notice in writing to the person against whom the civil fine is  
5 assessed and shall describe the violation with reasonable  
6 particularity. The notice shall be personally served in the manner of  
7 service of a summons in a civil action or in a manner which shows proof  
8 of receipt. Any penalty imposed by RCW 70.77.250(6) shall become due  
9 and payable twenty-eight days after receipt of notice unless  
10 application for remission or mitigation is made as provided in  
11 subsection (2) of this section or unless application for an  
12 adjudicative proceeding is filed as provided in subsection (3) of this  
13 section.

14       (2) Within fourteen days after the notice is received, the person  
15 incurring the penalty may apply in writing to the ((~~chief~~)) director of  
16 the ((~~Washington state patrol~~)) department of public safety, through  
17 the director of fire protection, for the remission or mitigation of the  
18 penalty. Upon receipt of the application, the ((~~chief~~)) director of  
19 the ((~~Washington state patrol~~)) department of public safety, through  
20 the director of fire protection, may remit or mitigate the penalty upon  
21 whatever terms the ((~~chief~~)) director of the ((~~Washington state~~  
22 ~~patrol~~)) department of public safety, through the director of fire  
23 protection, deems proper, giving consideration to the degree of hazard  
24 associated with the violation. The ((~~chief~~)) director of the  
25 ((~~Washington state patrol~~)) department of public safety, through the  
26 director of fire protection, may only grant a remission or mitigation  
27 that it deems to be in the best interests of carrying out the purposes  
28 of this chapter. The ((~~chief~~)) director of the ((~~Washington state~~  
29 ~~patrol~~)) department of public safety, through the director of fire  
30 protection, may ascertain the facts regarding all such applications in  
31 a manner it deems proper. When an application for remission or  
32 mitigation is made, any penalty incurred under RCW 70.77.250(6) becomes  
33 due and payable twenty-eight days after receipt of the notice setting  
34 forth the disposition of the application, unless an application for an  
35 adjudicative proceeding to contest the disposition is filed as provided  
36 in subsection (3) of this section.

37       (3) Within twenty-eight days after notice is received, the person  
38 incurring the penalty may file an application for an adjudicative

1 proceeding and may pursue subsequent review as provided in chapter  
2 34.05 RCW and applicable rules of the chief of the Washington state  
3 patrol, through the director of fire protection.

4 (4) Any penalty imposed by final order following an adjudicative  
5 proceeding becomes due and payable upon service of the final order.

6 (5) The attorney general may bring an action in the name of the  
7 ((chief)) director of the ((~~Washington state patrol~~)) department of  
8 public safety, through the director of fire protection, in the superior  
9 court of Thurston county or of any county in which the violator may do  
10 business to collect any penalty imposed under this chapter.

11 (6) All penalties imposed under this section shall be paid to the  
12 state treasury and credited to the fire services trust fund and used as  
13 follows: At least fifty percent is for a statewide public education  
14 campaign developed by the ((chief)) director of the ((~~Washington state~~  
15 ~~patrol~~)) department of public safety, through the director of fire  
16 protection, and the licensed fireworks industry emphasizing the safe  
17 and responsible use of legal fireworks; and the remainder is for  
18 statewide efforts to enforce this chapter.

19 **Sec. 827.** RCW 70.77.270 and 2002 c 370 s 22 are each amended to  
20 read as follows:

21 (1) The governing body of a city or county, or a designee, shall  
22 grant an application for a permit under RCW 70.77.260(1) if the  
23 application meets the standards under this chapter, and the applicable  
24 ordinances of the city or county. The permit shall be granted by June  
25 10, or no less than thirty days after receipt of an application  
26 whichever date occurs first, for sales commencing on June 28 and on  
27 December 27; or by December 10, or no less than thirty days after  
28 receipt of an application whichever date occurs first, for sales  
29 commencing only on December 27.

30 (2) The ((chief)) director of the ((~~Washington state patrol~~))  
31 department of public safety, through the director of fire protection,  
32 shall prescribe uniform, statewide standards for retail fireworks  
33 stands including, but not limited to, the location of the stands,  
34 setback requirements and siting of the stands, types of buildings and  
35 construction material that may be used for the stands, use of the  
36 stands and areas around the stands, cleanup of the area around the  
37 stands, transportation of fireworks to and from the stands, and

1 temporary storage of fireworks associated with the retail fireworks  
2 stands. All cities and counties which allow retail fireworks sales  
3 shall comply with these standards.

4 (3) No retail fireworks permit may be issued to any applicant  
5 unless the retail fireworks stand is covered by a liability insurance  
6 policy with coverage of not less than fifty thousand dollars and five  
7 hundred thousand dollars for bodily injury liability for each person  
8 and occurrence, respectively, and not less than fifty thousand dollars  
9 for property damage liability for each occurrence, unless such  
10 insurance is not readily available from at least three approved  
11 insurance companies. If insurance in this amount is not offered, each  
12 fireworks permit shall be covered by a liability insurance policy in  
13 the maximum amount offered by at least three different approved  
14 insurance companies.

15 No wholesaler may knowingly sell or supply fireworks to any retail  
16 fireworks licensee unless the wholesaler determines that the retail  
17 fireworks licensee is covered by liability insurance in the same, or  
18 greater, amount as provided in this subsection.

19 **Sec. 828.** RCW 70.77.305 and 2002 c 370 s 23 are each amended to  
20 read as follows:

21 The ((chief)) director of the ((~~Washington state patrol~~))  
22 department of public safety, through the director of fire protection,  
23 has the power to issue licenses for the manufacture, importation, sale,  
24 and use of all fireworks in this state, except as provided in RCW  
25 70.77.311 and 70.77.395. A person may be licensed as a manufacturer,  
26 importer, or wholesaler under this chapter only if the person has a  
27 designated agent in this state who is registered with the ((chief))  
28 director of the ((~~Washington state patrol~~)) department of public  
29 safety, through the director of fire protection.

30 **Sec. 829.** RCW 70.77.315 and 2002 c 370 s 25 are each amended to  
31 read as follows:

32 Any person who desires to engage in the manufacture, importation,  
33 sale, or use of fireworks, except use as provided in RCW 70.77.255(4),  
34 70.77.311, and 70.77.395, shall make a written application to the  
35 ((chief)) director of the ((~~Washington state patrol~~)) department of

1 public safety, through the director of fire protection, on forms  
2 provided by him or her. Such application shall be accompanied by the  
3 annual license fee as prescribed in this chapter.

4 **Sec. 830.** RCW 70.77.325 and 1997 c 182 s 11 are each amended to  
5 read as follows:

6 (1) An application for a license shall be made annually by every  
7 person holding an existing license who wishes to continue the activity  
8 requiring the license during an additional year. The application shall  
9 be accompanied by the annual license fees as prescribed in RCW  
10 70.77.343 and 70.77.340.

11 (2) A person applying for an annual license as a retailer under  
12 this chapter shall file an application no later than May 1 for annual  
13 sales commencing on June 28 and on December 27, or no later than  
14 November 1 for sales commencing only on December 27. The ((chief))  
15 director of the ((Washington state patrol)) department of public  
16 safety, through the director of fire protection, shall grant or deny  
17 the license within fifteen days of receipt of the application.

18 (3) A person applying for an annual license as a manufacturer,  
19 importer, or wholesaler under this chapter shall file an application by  
20 January 31 of the current year. The ((chief)) director of the  
21 ((Washington state patrol)) department of public safety, through the  
22 director of fire protection, shall grant or deny the license within  
23 ninety days of receipt of the application.

24 **Sec. 831.** RCW 70.77.330 and 2002 c 370 s 26 are each amended to  
25 read as follows:

26 If the ((chief)) director of the ((Washington state patrol))  
27 department of public safety, through the director of fire protection,  
28 finds that the granting of such license is not contrary to public  
29 safety or welfare, he or she shall issue a license authorizing the  
30 applicant to engage in the particular act or acts upon the payment of  
31 the license fee specified in this chapter. Licensees may transport the  
32 class of fireworks for which they hold a valid license.

33 **Sec. 832.** RCW 70.77.343 and 2002 c 370 s 29 are each amended to  
34 read as follows:

1 (1) License fees, in addition to the fees in RCW 70.77.340, shall  
2 be charged as follows:

3	Manufacturer .....	\$ 1,500.00
4	Importer .....	900.00
5	Wholesaler .....	1,000.00
6	Retailer (for each separate outlet) .....	30.00
7	Public display for display fireworks .....	40.00
8	Pyrotechnic operator for display	5.00
9	fireworks .....	

10 (2) All receipts from the license fees in this section shall be  
11 placed in the fire services trust fund and at least seventy-five  
12 percent of these receipts shall be used to fund a statewide public  
13 education campaign developed by the ((ehief)) director of the  
14 ((~~Washington state patrol~~)) department of public safety and the  
15 licensed fireworks industry emphasizing the safe and responsible use of  
16 legal fireworks and the remaining receipts shall be used to fund  
17 statewide enforcement efforts against the sale and use of fireworks  
18 that are illegal under this chapter.

19 **Sec. 833.** RCW 70.77.355 and 1997 c 182 s 14 are each amended to  
20 read as follows:

21 (1) Any adult person may secure a general license from the  
22 ((ehief)) director of the ((~~Washington state patrol~~)) department of  
23 public safety, through the director of fire protection, for the public  
24 display of fireworks within the state of Washington. A general license  
25 is subject to the provisions of this chapter relative to the securing  
26 of local permits for the public display of fireworks in any city or  
27 county, except that in lieu of filing the bond or certificate of public  
28 liability insurance with the appropriate local official under RCW  
29 70.77.260 as required in RCW 70.77.285, the same bond or certificate  
30 shall be filed with the ((ehief)) director of the ((~~Washington state~~  
31 ~~patrol~~)) department of public safety, through the director of fire  
32 protection. The bond or certificate of insurance for a general license  
33 in addition shall provide that: (a) The insurer will not cancel the  
34 insured's coverage without fifteen days prior written notice to the  
35 ((ehief)) director of the ((~~Washington state patrol~~)) department of

1 public safety, through the director of fire protection; (b) the duly  
2 licensed pyrotechnic operator required by law to supervise and  
3 discharge the public display, acting either as an employee of the  
4 insured or as an independent contractor and the state of Washington,  
5 its officers, agents, employees, and servants are included as  
6 additional insureds, but only insofar as any operations under contract  
7 are concerned; and (c) the state is not responsible for any premium or  
8 assessments on the policy.

9 (2) The ((~~chief~~)) director of the ((~~Washington state patrol~~))  
10 department of public safety, through the director of fire protection,  
11 may issue such general licenses. The holder of a general license shall  
12 file a certificate from the ((~~chief~~)) director of the ((~~Washington~~  
13 ~~state patrol~~)) department of public safety, through the director of  
14 fire protection, evidencing the license with any application for a  
15 local permit for the public display of fireworks under RCW 70.77.260.

16 **Sec. 834.** RCW 70.77.360 and 1995 c 369 s 49 are each amended to  
17 read as follows:

18 If the ((~~chief~~)) director of the ((~~Washington state patrol~~))  
19 department of public safety, through the director of fire protection,  
20 finds that an application for any license under this chapter contains  
21 a material misrepresentation or that the granting of any license would  
22 be contrary to the public safety or welfare, the ((~~chief~~)) director of  
23 the ((~~Washington state patrol~~)) department of public safety, through  
24 the director of fire protection, may deny the application for the  
25 license.

26 **Sec. 835.** RCW 70.77.365 and 1995 c 369 s 50 are each amended to  
27 read as follows:

28 A written report by the ((~~chief~~)) director of the ((~~Washington~~  
29 ~~state patrol~~)) department of public safety, through the director of  
30 fire protection, or a local fire official, or any of their authorized  
31 representatives, disclosing that the applicant for a license, or the  
32 premises for which a license is to apply, do not meet the  
33 qualifications or conditions for a license constitutes grounds for the  
34 denial by the ((~~chief~~)) director of the ((~~Washington state patrol~~))  
35 department of public safety, through the director of fire protection,  
36 of any application for a license.

1           **Sec. 836.** RCW 70.77.375 and 1997 c 182 s 16, 1995 c 369 s 51, and  
2 1995 c 61 s 21 are each reenacted and amended to read as follows:

3           The ((chief)) director of the ((~~Washington state patrol~~))  
4 department of public safety, through the director of fire protection,  
5 upon reasonable opportunity to be heard, may revoke any license issued  
6 pursuant to this chapter, if he or she finds that:

7           (1) The licensee has violated any provisions of this chapter or any  
8 rule made by the ((chief)) director of the ((~~Washington state patrol~~))  
9 department of public safety, through the director of fire protection,  
10 under and with the authority of this chapter;

11           (2) The licensee has created or caused a fire nuisance;

12           (3) Any licensee has failed or refused to file any required  
13 reports; or

14           (4) Any fact or condition exists which, if it had existed at the  
15 time of the original application for such license, reasonably would  
16 have warranted the ((chief)) director of the ((~~Washington state~~  
17 ~~patrol~~)) department of public safety, through the director of fire  
18 protection, in refusing originally to issue such license.

19           **Sec. 837.** RCW 70.77.415 and 1995 c 369 s 52 are each amended to  
20 read as follows:

21           Every public display of fireworks shall be handled or supervised by  
22 a pyrotechnic operator licensed by the ((chief)) director of the  
23 ((~~Washington state patrol~~)) department of public safety, through the  
24 director of fire protection, under RCW 70.77.255.

25           **Sec. 838.** RCW 70.77.430 and 1995 c 369 s 53 are each amended to  
26 read as follows:

27           Notwithstanding RCW 70.77.255, following the revocation or  
28 expiration of a license, a licensee in lawful possession of a lawfully  
29 acquired stock of fireworks may sell such fireworks, but only under  
30 supervision of the ((chief)) director of the ((~~Washington state~~  
31 ~~patrol~~)) department of public safety, through the director of fire  
32 protection. Any sale under this section shall be solely to persons who  
33 are authorized to buy, possess, sell, or use such fireworks.

34           **Sec. 839.** RCW 70.77.435 and 2002 c 370 s 37 are each amended to  
35 read as follows:

1 Any fireworks which are illegally sold, offered for sale, used,  
2 discharged, possessed, or transported in violation of the provisions of  
3 this chapter or the rules or regulations of the ((chief)) director of  
4 the ((~~Washington state patrol~~)) department of public safety, through  
5 the director of fire protection, are subject to seizure by the  
6 ((chief)) director of the ((~~Washington state patrol~~)) department of  
7 public safety, through the director of fire protection, or his or her  
8 deputy, or by state agencies or local governments having general law  
9 enforcement authority.

10 **Sec. 840.** RCW 70.77.440 and 2002 c 370 s 38 are each amended to  
11 read as follows:

12 (1) In the event of seizure under RCW 70.77.435, proceedings for  
13 forfeiture shall be deemed commenced by the seizure. The ((chief))  
14 director of the ((~~Washington state patrol~~)) department of public safety  
15 or a designee, through the director of fire protection or the agency  
16 conducting the seizure, under whose authority the seizure was made  
17 shall cause notice to be served within fifteen days following the  
18 seizure on the owner of the fireworks seized and the person in charge  
19 thereof and any person having any known right or interest therein, of  
20 the seizure and intended forfeiture of the seized property. The notice  
21 may be served by any method authorized by law or court rule including  
22 but not limited to service by certified mail with return receipt  
23 requested. Service by mail shall be deemed complete upon mailing  
24 within the fifteen-day period following the seizure.

25 (2) If no person notifies the ((chief)) director of the  
26 ((~~Washington state patrol~~)) department of public safety, through the  
27 director of fire protection or the agency conducting the seizure, in  
28 writing of the person's claim of lawful ownership or right to lawful  
29 possession of seized fireworks within thirty days of the seizure, the  
30 seized fireworks shall be deemed forfeited.

31 (3) If any person notifies the ((chief)) director of the  
32 ((~~Washington state patrol~~)) department of public safety, through the  
33 director of fire protection or the agency conducting the seizure, in  
34 writing of the person's claim of lawful ownership or possession of the  
35 fireworks within thirty days of the seizure, the person or persons  
36 shall be afforded a reasonable opportunity to be heard as to the claim  
37 or right. The hearing shall be before an administrative law judge

1 appointed under chapter 34.12 RCW, except that any person asserting a  
2 claim or right may remove the matter to a court of competent  
3 jurisdiction if the aggregate value of the seized fireworks is more  
4 than five hundred dollars. The hearing before an administrative law  
5 judge and any appeal therefrom shall be under Title 34 RCW. In a court  
6 hearing between two or more claimants to the article or articles  
7 involved, the prevailing party shall be entitled to a judgment for  
8 costs and reasonable attorneys' fees. The burden of producing evidence  
9 shall be upon the person claiming to have the lawful right to  
10 possession of the seized fireworks. The ((chief)) director of the  
11 ((~~Washington state patrol~~)) department of public safety, through the  
12 director of fire protection or the agency conducting the seizure, shall  
13 promptly return the fireworks to the claimant upon a determination by  
14 the administrative law judge or court that the claimant is lawfully  
15 entitled to possession of the fireworks.

16 (4) When fireworks are forfeited under this chapter the ((chief))  
17 director of the ((~~Washington state patrol~~)) department of public  
18 safety, through the director of fire protection or the agency  
19 conducting the seizure, may:

20 (a) Dispose of the fireworks by summary destruction at any time  
21 subsequent to thirty days from such seizure or ten days from the final  
22 termination of proceedings under this section, whichever is later; or

23 (b) Sell the forfeited fireworks and chemicals used to make  
24 fireworks, that are legal for use and possession under this chapter, to  
25 wholesalers or manufacturers, authorized to possess and use such  
26 fireworks or chemicals under a license issued by the ((chief)) director  
27 of the ((~~Washington state patrol~~)) department of public safety, through  
28 the director of fire protection. Sale shall be by public auction after  
29 publishing a notice of the date, place, and time of the auction in a  
30 newspaper of general circulation in the county in which the auction is  
31 to be held, at least three days before the date of the auction. The  
32 proceeds of the sale of the seized fireworks under this section may be  
33 retained by the agency conducting the seizure and used to offset the  
34 costs of seizure and/or storage costs of the seized fireworks. The  
35 remaining proceeds, if any, shall be deposited in the fire services  
36 trust fund and shall be used as follows: At least fifty percent is for  
37 a statewide public education campaign developed by the ((chief))  
38 director of the ((~~Washington state patrol~~)) department of public

1 safety, through the director of fire protection, and the licensed  
2 fireworks industry emphasizing the safe and responsible use of legal  
3 fireworks; and the remainder is for statewide efforts to enforce this  
4 chapter.

5 **Sec. 841.** RCW 70.77.450 and 1997 c 182 s 22 are each amended to  
6 read as follows:

7 The ((chief)) director of the ((~~Washington state patrol~~))  
8 department of public safety, through the director of fire protection,  
9 may make an examination of the books and records of any licensee, or  
10 other person relative to fireworks, and may visit and inspect the  
11 premises of any licensee he may deem at any time necessary for the  
12 purpose of enforcing the provisions of this chapter. The licensee,  
13 owner, lessee, manager, or operator of any such building or premises  
14 shall permit the ((chief)) director of the ((~~Washington state patrol~~))  
15 department of public safety, through the director of fire protection,  
16 his or her deputies or salaried assistants, the local fire official,  
17 and their authorized representatives to enter and inspect the premises  
18 at the time and for the purpose stated in this section.

19 **Sec. 842.** RCW 70.77.455 and 2005 c 274 s 337 are each amended to  
20 read as follows:

21 (1) All licensees shall maintain and make available to the  
22 ((chief)) director of the ((~~Washington state patrol~~)) department of  
23 public safety, through the director of fire protection, full and  
24 complete records showing all production, imports, exports, purchases,  
25 and sales of fireworks items by class.

26 (2) All records obtained and all reports produced, as required by  
27 this chapter, are not subject to disclosure through the public records  
28 act under chapter 42.56 RCW.

29 **Sec. 843.** RCW 70.77.460 and 1995 c 369 s 55 are each amended to  
30 read as follows:

31 When reports on fireworks transactions or the payments of license  
32 fees or penalties are required to be made on or by specified dates,  
33 they shall be deemed to have been made at the time they are filed with  
34 or paid to the ((chief)) director of the ((~~Washington state patrol~~))

1 department of public safety, through the director of fire protection,  
2 or, if sent by mail, on the date shown by the United States postmark on  
3 the envelope containing the report or payment.

4 **Sec. 844.** RCW 70.77.548 and 2002 c 370 s 48 are each amended to  
5 read as follows:

6 Civil proceedings to enforce this chapter may be brought in the  
7 superior court of Thurston county or the county in which the violation  
8 occurred by the attorney general or the attorney of the city or county  
9 in which the violation occurred on his or her own motion or at the  
10 request of the ((chief)) director of the ((~~Washington state patrol~~)  
11 department of public safety, through the director of fire protection.

12 **Sec. 845.** RCW 70.77.575 and 2002 c 370 s 46 are each amended to  
13 read as follows:

14 (1) The ((chief)) director of the ((~~Washington state patrol~~)  
15 department of public safety, through the director of fire protection,  
16 shall adopt by rule a list of the consumer fireworks that may be sold  
17 to the public in this state pursuant to this chapter. The ((chief))  
18 director of the ((~~Washington state patrol~~) department of public  
19 safety, through the director of fire protection, shall file the list by  
20 October 1st of each year with the code reviser for publication, unless  
21 the previously published list has remained current.

22 (2) The ((chief)) director of the ((~~Washington state patrol~~)  
23 department of public safety, through the director of fire protection,  
24 shall provide the list adopted under subsection (1) of this section by  
25 November 1st of each year to all manufacturers, wholesalers, and  
26 importers licensed under this chapter, unless the previously  
27 distributed list has remained current.

28 **Sec. 846.** RCW 70.77.580 and 2002 c 370 s 47 are each amended to  
29 read as follows:

30 Retailers required to be licensed under this chapter shall post  
31 prominently at each retail location a list of the consumer fireworks  
32 that may be sold to the public in this state pursuant to this chapter.  
33 The posted list shall be in a form approved by the ((chief)) director  
34 of the ((~~Washington state patrol~~) department of public safety, through

1 the director of fire protection. The ((chief)) director of the  
2 ((~~Washington state patrol~~)) department of public safety, through the  
3 director of fire protection, shall make the list available.

4 **Sec. 847.** RCW 70.97.210 and 2005 c 504 s 423 are each amended to  
5 read as follows:

6 (1) Standards for fire protection and the enforcement thereof, with  
7 respect to all facilities licensed under this chapter, are the  
8 responsibility of the ((chief)) director of the ((~~Washington state~~  
9 ~~patrol~~)) department of public safety, through the director of fire  
10 protection, who must adopt recognized standards as applicable to  
11 facilities for the protection of life against the cause and spread of  
12 fire and fire hazards. If the facility to be licensed meets with the  
13 approval of the ((chief)) director of the ((~~Washington state patrol~~))  
14 department of public safety, through the director of fire protection,  
15 the director of fire protection must submit to the department a written  
16 report approving the facility with respect to fire protection before a  
17 full license can be issued. The ((chief)) director of the ((~~Washington~~  
18 ~~state patrol~~)) department of public safety, through the director of  
19 fire protection, shall conduct an unannounced full inspection of  
20 facilities at least once every eighteen months. The statewide average  
21 interval between full facility inspections must be fifteen months.

22 (2) Inspections of facilities by local authorities must be  
23 consistent with the requirements adopted by the ((chief)) director of  
24 the ((~~Washington state patrol~~)) department of public safety, through  
25 the director of fire protection. Findings of a serious nature must be  
26 coordinated with the department and the ((chief)) director of the  
27 ((~~Washington state patrol~~)) department of public safety, through the  
28 director of fire protection, for determination of appropriate actions  
29 to ensure a safe environment for residents. The ((chief)) director of  
30 the ((~~Washington state patrol~~)) department of public safety, through  
31 the director of fire protection, has exclusive authority to determine  
32 appropriate corrective action under this section.

33 **Sec. 848.** RCW 70.108.040 and 1995 c 369 s 59 are each amended to  
34 read as follows:

35 Application for an outdoor music festival permit shall be in  
36 writing and filed with the clerk of the issuing authority wherein the

1 festival is to be held. Said application shall be filed not less than  
2 ninety days prior to the first scheduled day of the festival and shall  
3 be accompanied with a permit fee in the amount of two thousand five  
4 hundred dollars. Said application shall include:

5 (1) The name of the person or other legal entity on behalf of whom  
6 said application is made: PROVIDED, That a natural person applying for  
7 such permit shall be eighteen years of age or older;

8 (2) A financial statement of the applicant;

9 (3) The nature of the business organization of the applicant;

10 (4) Names and addresses of all individuals or other entities having  
11 a ten percent or more proprietary interest in the festival;

12 (5) The principal place of business of applicant;

13 (6) A legal description of the land to be occupied, the name and  
14 address of the owner thereof, together with a document showing the  
15 consent of said owner to the issuance of a permit, if the land be owned  
16 by a person other than the applicant;

17 (7) The scheduled performances and program;

18 (8) Written confirmation from the local health officer that he or  
19 she has reviewed and approved plans for site and development in  
20 accordance with rules(~~(regulations)~~) and standards adopted by the  
21 state board of health. Such rules (~~(and regulations)~~) shall include  
22 criteria as to the following and such other matters as the state board  
23 of health deems necessary to protect the public's health:

24 (a) Submission of plans;i

25 (b) Site;i

26 (c) Water supply;i

27 (d) Sewage disposal;i

28 (e) Food preparation facilities;i

29 (f) Toilet facilities;i

30 (g) Solid waste;i

31 (h) Insect and rodent control;i

32 (i) Shelter;i

33 (j) Dust control;i

34 (k) Lighting;i

35 (l) Emergency medical facilities;i

36 (m) Emergency air evacuation;i

37 (n) Attendant physicians;i and

38 (o) Communication systems;i

1 (9) A written confirmation from the appropriate law enforcement  
2 agency from the area where the outdoor music festival is to take place,  
3 showing that traffic control and crowd protection policing have been  
4 contracted for or otherwise provided by the applicant meeting the  
5 following conditions:

6 (a) One person for each two hundred persons reasonably expected to  
7 be in attendance at any time during the event for purposes of traffic  
8 and crowd control.

9 (b) The names and addresses of all traffic and crowd control  
10 personnel shall be provided to the appropriate law enforcement  
11 authority: PROVIDED, That not less than twenty percent of the traffic  
12 and crowd control personnel shall be commissioned police officers or  
13 deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972  
14 any commissioned police officer or deputy sheriff who is employed and  
15 compensated by the promoter of an outdoor music festival shall not be  
16 eligible and shall not receive any benefits whatsoever from any public  
17 pension or disability plan of which he or she is a member for the time  
18 he is so employed or for any injuries received during the course of  
19 such employment.

20 (c) During the hours that the festival site shall be open to the  
21 public there shall be at least one regularly commissioned police  
22 officer employed by the jurisdiction wherein the festival site is  
23 located for every one thousand persons in attendance and said officer  
24 shall be on duty within the confines of the actual outdoor music  
25 festival site.

26 (d) All law enforcement personnel shall be charged with enforcing  
27 the provisions of this chapter and all existing statutes, ordinances,  
28 and regulations((~~-~~));

29 (10) A written confirmation from the appropriate law enforcement  
30 authority that sufficient access roads are available for ingress and  
31 egress to the parking areas of the outdoor music festival site and that  
32 parking areas are available on the actual site of the festival or  
33 immediately adjacent thereto which are capable of accommodating one  
34 auto for every four persons in estimated attendance at the outdoor  
35 music festival site((~~-~~));

36 (11) A written confirmation from the department of natural  
37 resources, where applicable, and the ((~~chief~~)) director of the

1 ((~~Washington state patrol~~)) department of public safety, through the  
2 director of fire protection, that all fire prevention requirements have  
3 been complied with((~~-~~))i

4 (12) A written statement of the applicant that all state and local  
5 law enforcement officers, fire control officers, and other necessary  
6 governmental personnel shall have free access to the site of the  
7 outdoor music festival((~~-~~))i

8 (13) A statement that the applicant will abide by the provisions of  
9 this chapter((~~-~~))i

10 (14) The verification of the applicant warranting the truth of the  
11 matters set forth in the application to the best of the applicant's  
12 knowledge, under the penalty of perjury.

13 **Sec. 849.** RCW 70.160.060 and 1995 c 369 s 60 are each amended to  
14 read as follows:

15 This chapter is not intended to regulate smoking in a private  
16 enclosed workplace, within a public place, even though such workplace  
17 may be visited by nonsmokers, excepting places in which smoking is  
18 prohibited by the ((~~chief~~)) director of the ((~~Washington state patrol~~))  
19 department of public safety, through the director of fire protection,  
20 or by other law, ordinance, or regulation.

21 **Sec. 850.** RCW 71.09.115 and 1996 c 27 s 1 are each amended to read  
22 as follows:

23 (1) The safety and security needs of the secure facility operated  
24 by the department of social and health services pursuant to RCW  
25 71.09.060(1) make it vital that employees working in the facility meet  
26 necessary character, suitability, and competency qualifications. The  
27 secretary shall require a record check through the Washington ((~~state~~  
28 ~~patrol~~)) bureau of investigation criminal identification system under  
29 chapter 10.97 RCW and through the federal bureau of investigation. The  
30 record check must include a fingerprint check using a complete  
31 Washington state criminal identification fingerprint card. The  
32 criminal history record checks shall be at the expense of the  
33 department. The secretary shall use the information only in making the  
34 initial employment or engagement decision, except as provided in  
35 subsection (2) of this section. Further dissemination or use of the  
36 record is prohibited.

1 (2) This section applies to all current employees hired prior to  
2 June 6, 1996, who have not previously submitted to a department of  
3 social and health services criminal history records check. The  
4 secretary shall use the information only in determining whether the  
5 current employee meets the necessary character, suitability, and  
6 competency requirements for employment or engagement.

7 **Sec. 851.** RCW 71.09.140 and 1995 c 216 s 17 are each amended to  
8 read as follows:

9 (1) At the earliest possible date, and in no event later than  
10 thirty days before conditional release or unconditional discharge,  
11 except in the event of escape, the department of social and health  
12 services shall send written notice of conditional release,  
13 unconditional discharge, or escape, to the following:

14 (a) The chief of police of the city, if any, in which the person  
15 will reside or in which placement will be made under a less restrictive  
16 alternative;

17 (b) The sheriff of the county in which the person will reside or in  
18 which placement will be made under a less restrictive alternative; and

19 (c) The sheriff of the county where the person was last convicted  
20 of a sexually violent offense, if the department does not know where  
21 the person will reside.

22 The department shall notify the (~~state patrol~~) Washington bureau  
23 of investigation of the release of all sexually violent predators and  
24 that information shall be placed in the Washington crime information  
25 center for dissemination to all law enforcement.

26 (2) The same notice as required by subsection (1) of this section  
27 shall be sent to the following if such notice has been requested in  
28 writing about a specific person found to be a sexually violent predator  
29 under this chapter:

30 (a) The victim or victims of any sexually violent offenses for  
31 which the person was convicted in the past or the victim's next of kin  
32 if the crime was a homicide. "Next of kin" as used in this section  
33 means a person's spouse, parents, siblings, and children;

34 (b) Any witnesses who testified against the person in his or her  
35 commitment trial under RCW 71.09.060; and

36 (c) Any person specified in writing by the prosecuting attorney.

1 Information regarding victims, next of kin, or witnesses requesting  
2 the notice, information regarding any other person specified in writing  
3 by the prosecuting attorney to receive the notice, and the notice are  
4 confidential and shall not be available to the committed person.

5 (3) If a person committed as a sexually violent predator under this  
6 chapter escapes from a department of social and health services  
7 facility, the department shall immediately notify, by the most  
8 reasonable and expedient means available, the chief of police of the  
9 city and the sheriff of the county in which the committed person  
10 resided immediately before his or her commitment as a sexually violent  
11 predator, or immediately before his or her incarceration for his or her  
12 most recent offense. If previously requested, the department shall  
13 also notify the witnesses and the victims of the sexually violent  
14 offenses for which the person was convicted in the past or the victim's  
15 next of kin if the crime was a homicide. If the person is recaptured,  
16 the department shall send notice to the persons designated in this  
17 subsection as soon as possible but in no event later than two working  
18 days after the department learns of such recapture.

19 (4) If the victim or victims of any sexually violent offenses for  
20 which the person was convicted in the past or the victim's next of kin,  
21 or any witness is under the age of sixteen, the notice required by this  
22 section shall be sent to the parents or legal guardian of the child.

23 (5) The department of social and health services shall send the  
24 notices required by this chapter to the last address provided to the  
25 department by the requesting party. The requesting party shall furnish  
26 the department with a current address.

27 (6) Nothing in this section shall impose any liability upon a chief  
28 of police of a city or sheriff of a county for failing to request in  
29 writing a notice as provided in subsection (1) of this section.

30 **Sec. 852.** RCW 71.12.485 and 1995 c 369 s 61 are each amended to  
31 read as follows:

32 Standards for fire protection and the enforcement thereof, with  
33 respect to all establishments to be licensed hereunder, shall be the  
34 responsibility of the ((chief)) director of the ((Washington state  
35 patrol)) department of public safety, through the director of fire  
36 protection, who shall adopt such recognized standards as may be  
37 applicable to such establishments for the protection of life against

1 the cause and spread of fire and fire hazards. The department of  
2 health, upon receipt of an application for a license, or renewal of a  
3 license, shall submit to the ((ehief)) director of the ((~~Washington~~  
4 ~~state patrol~~)) department of public safety, through the director of  
5 fire protection, in writing, a request for an inspection, giving the  
6 applicant's name and the location of the premises to be licensed. Upon  
7 receipt of such a request, the ((ehief)) director of the ((~~Washington~~  
8 ~~state patrol~~)) department of public safety, through the director of  
9 fire protection, or his or her deputy shall make an inspection of the  
10 establishment to be licensed, and if it is found that the premises do  
11 not comply with the required safety standards and fire regulations as  
12 promulgated by the ((ehief)) director of the ((~~Washington state~~  
13 ~~patrol~~)) department of public safety, through the director of fire  
14 protection, he or she shall promptly make a written report to the  
15 establishment and the department of health as to the manner and time  
16 allowed in which the premises must qualify for a license and set forth  
17 the conditions to be remedied with respect to fire regulations. The  
18 department of health, applicant or licensee shall notify the ((ehief))  
19 director of the ((~~Washington state patrol~~)) department of public  
20 safety, through the director of fire protection, upon completion of any  
21 requirements made by him or her, and the director of fire protection or  
22 his or her deputy shall make a reinspection of such premises. Whenever  
23 the establishment to be licensed meets with the approval of the  
24 ((ehief)) director of the ((~~Washington state patrol~~)) department of  
25 public safety, through the director of fire protection, he or she shall  
26 submit to the department of health a written report approving same with  
27 respect to fire protection before a full license can be issued. The  
28 ((ehief)) director of the ((~~Washington state patrol~~)) department of  
29 public safety, through the director of fire protection, shall make or  
30 cause to be made inspections of such establishments at least annually.  
31 The department of health shall not license or continue the license of  
32 any establishment unless and until it shall be approved by the  
33 ((ehief)) director of the ((~~Washington state patrol~~)) department of  
34 public safety, through the director of fire protection, as herein  
35 provided.

36 In cities which have in force a comprehensive building code, the  
37 provisions of which are determined by the ((ehief)) director of the  
38 ((~~Washington state patrol~~)) department of public safety, through the

1 director of fire protection, to be equal to the minimum standards of  
2 the ((chief)) director of the ((Washington state patrol)) department of  
3 public safety, through the director of fire protection, for such  
4 establishments, the chief of the fire department, provided the latter  
5 is a paid chief of a paid fire department, shall make the inspection  
6 with the ((chief)) director of the ((Washington state patrol))  
7 department of public safety, through the director of fire protection,  
8 or his or her deputy, and they shall jointly approve the premises  
9 before a full license can be issued.

10 **Sec. 853.** RCW 74.15.030 and 2005 c 490 s 11 are each amended to  
11 read as follows:

12 The secretary shall have the power and it shall be the secretary's  
13 duty:

14 (1) In consultation with the children's services advisory  
15 committee, and with the advice and assistance of persons representative  
16 of the various type agencies to be licensed, to designate categories of  
17 facilities for which separate or different requirements shall be  
18 developed as may be appropriate whether because of variations in the  
19 ages, sex and other characteristics of persons served, variations in  
20 the purposes and services offered or size or structure of the agencies  
21 to be licensed hereunder, or because of any other factor relevant  
22 thereto;

23 (2) In consultation with the children's services advisory  
24 committee, and with the advice and assistance of persons representative  
25 of the various type agencies to be licensed, to adopt and publish  
26 minimum requirements for licensing applicable to each of the various  
27 categories of agencies to be licensed.

28 The minimum requirements shall be limited to:

29 (a) The size and suitability of a facility and the plan of  
30 operation for carrying out the purpose for which an applicant seeks a  
31 license;

32 (b) The character, suitability and competence of an agency and  
33 other persons associated with an agency directly responsible for the  
34 care and treatment of children, expectant mothers or developmentally  
35 disabled persons. In consultation with law enforcement personnel, the  
36 secretary shall investigate the conviction record or pending charges  
37 and dependency record information under chapter ((43.43)) 43.--- RCW

1 (the new chapter created in section 906 of this act) of each agency and  
2 its staff seeking licensure or relicensure. No unfounded allegation of  
3 child abuse or neglect as defined in RCW 26.44.020 may be disclosed to  
4 a child-placing agency, private adoption agency, or any other provider  
5 licensed under this chapter. In order to determine the suitability of  
6 applicants for an agency license, licensees, their employees, and other  
7 persons who have unsupervised access to children in care, and who have  
8 not resided in the state of Washington during the three-year period  
9 before being authorized to care for children shall be fingerprinted.  
10 The fingerprints shall be forwarded to the Washington (~~state patrol~~)  
11 bureau of investigation and federal bureau of investigation for a  
12 criminal history records check. The fingerprint criminal history  
13 records checks will be at the expense of the licensee except that in  
14 the case of a foster family home, if this expense would work a hardship  
15 on the licensee, the department shall pay the expense. The licensee  
16 may not pass this cost on to the employee or prospective employee,  
17 unless the employee is determined to be unsuitable due to his or her  
18 criminal history record. The secretary shall use the information  
19 solely for the purpose of determining eligibility for a license and for  
20 determining the character, suitability, and competence of those persons  
21 or agencies, excluding parents, not required to be licensed who are  
22 authorized to care for children, expectant mothers, and developmentally  
23 disabled persons. Criminal justice agencies shall provide the  
24 secretary such information as they may have and that the secretary may  
25 require for such purpose;

26 (c) The number of qualified persons required to render the type of  
27 care and treatment for which an agency seeks a license;

28 (d) The safety, cleanliness, and general adequacy of the premises  
29 to provide for the comfort, care and well-being of children, expectant  
30 mothers or developmentally disabled persons;

31 (e) The provision of necessary care, including food, clothing,  
32 supervision and discipline; physical, mental and social well-being; and  
33 educational, recreational and spiritual opportunities for those served;

34 (f) The financial ability of an agency to comply with minimum  
35 requirements established pursuant to chapter 74.15 RCW and RCW  
36 74.13.031; and

37 (g) The maintenance of records pertaining to the admission,  
38 progress, health and discharge of persons served;

1 (3) To investigate any person, including relatives by blood or  
2 marriage except for parents, for character, suitability, and competence  
3 in the care and treatment of children, expectant mothers, and  
4 developmentally disabled persons prior to authorizing that person to  
5 care for children, expectant mothers, and developmentally disabled  
6 persons. However, if a child is placed with a relative under RCW  
7 13.34.065 or 13.34.130, and if such relative appears otherwise suitable  
8 and competent to provide care and treatment the criminal history  
9 background check required by this section need not be completed before  
10 placement, but shall be completed as soon as possible after placement;

11 (4) On reports of alleged child abuse and neglect, to investigate  
12 agencies in accordance with chapter 26.44 RCW, including child day-care  
13 centers and family day-care homes, to determine whether the alleged  
14 abuse or neglect has occurred, and whether child protective services or  
15 referral to a law enforcement agency is appropriate;

16 (5) To issue, revoke, or deny licenses to agencies pursuant to  
17 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the  
18 category of care which an agency is authorized to render and the ages,  
19 sex and number of persons to be served;

20 (6) To prescribe the procedures and the form and contents of  
21 reports necessary for the administration of chapter 74.15 RCW and RCW  
22 74.13.031 and to require regular reports from each licensee;

23 (7) To inspect agencies periodically to determine whether or not  
24 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the  
25 requirements adopted hereunder;

26 (8) To review requirements adopted hereunder at least every two  
27 years and to adopt appropriate changes after consultation with affected  
28 groups for child day-care requirements and with the children's services  
29 advisory committee for requirements for other agencies; and

30 (9) To consult with public and private agencies in order to help  
31 them improve their methods and facilities for the care of children,  
32 expectant mothers and developmentally disabled persons.

33 **Sec. 854.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to  
34 read as follows:

35 The ((chief)) director of the ((Washington state patrol))  
36 department of public safety, through the director of fire protection,  
37 shall have the power and it shall be his or her duty:

1 (1) In consultation with the children's services advisory committee  
2 and with the advice and assistance of persons representative of the  
3 various type agencies to be licensed, to adopt recognized minimum  
4 standard requirements pertaining to each category of agency established  
5 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family  
6 homes and child-placing agencies, necessary to protect all persons  
7 residing therein from fire hazards;

8 (2) To make or cause to be made such inspections and investigations  
9 of agencies, other than foster-family homes or child-placing agencies,  
10 as he or she deems necessary;

11 (3) To make a periodic review of requirements under RCW  
12 74.15.030(7) and to adopt necessary changes after consultation as  
13 required in subsection (1) of this section;

14 (4) To issue to applicants for licenses hereunder, other than  
15 foster-family homes or child-placing agencies, who comply with the  
16 requirements, a certificate of compliance, a copy of which shall be  
17 presented to the department of social and health services before a  
18 license shall be issued, except that a (~~provisional~~) initial license  
19 may be issued as provided in RCW 74.15.120.

20 **Sec. 855.** RCW 74.15.080 and 1995 c 369 s 63 are each amended to  
21 read as follows:

22 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall  
23 accord the department of social and health services, the secretary of  
24 health, the (~~chief~~) director of the (~~Washington state patrol~~)  
25 department of public safety, and the director of fire protection, or  
26 their designees, the right of entrance and the privilege of access to  
27 and inspection of records for the purpose of determining whether or not  
28 there is compliance with the provisions of chapter 74.15 RCW and RCW  
29 74.13.031 and the requirements adopted thereunder.

30 **Sec. 856.** RCW 74.18.123 and 2003 c 409 s 11 are each amended to  
31 read as follows:

32 (1) The department shall investigate the conviction records,  
33 pending charges, and disciplinary board final decisions of individuals  
34 acting on behalf of the department who will or may have unsupervised  
35 access to persons with significant disabilities as defined by the  
36 federal rehabilitation act of 1973. This includes:

- 1 (a) Current employees of the department;  
2 (b) Applicants seeking or being considered for any position with  
3 the department; and  
4 (c) Any service provider, contractor, student intern, volunteer, or  
5 other individual acting on behalf of the department.

6 (2) The investigation shall consist of a background check as  
7 allowed through the Washington state criminal records privacy act under  
8 RCW 10.97.050, the Washington (~~state patrol~~) bureau of investigation  
9 criminal identification system under RCW 43.43.832 through 43.43.834  
10 (as recodified by this act), and the federal bureau of investigation.  
11 The background check shall include a fingerprint check using a complete  
12 Washington state criminal identification fingerprint card. If the  
13 applicant or service provider has had a background check within the  
14 previous two years, the department may waive the requirement.

15 (3) When necessary, applicants may be employed and service  
16 providers may be engaged on a conditional basis pending completion of  
17 the background check.

18 (4) The department shall use the information solely to determine  
19 the character, suitability, and competence of employees, applicants,  
20 service providers, contractors, student interns, volunteers, and other  
21 individuals in accordance with RCW 41.06.475.

22 (5) The department shall adopt rules addressing procedures for  
23 undertaking background checks which shall include, but not be limited  
24 to, the following:

25 (a) The manner in which the individual will be provided access to  
26 and review of information obtained based on the background check  
27 required;

28 (b) Assurance that access to background check information shall be  
29 limited to only those individuals processing the information at the  
30 department;

31 (c) Action that shall be taken against a current employee, service  
32 provider, contractor, student intern, or volunteer who is disqualified  
33 from a position because of a background check not previously performed.

34 (6) The department shall determine who will pay costs associated  
35 with the background check.

36 **Sec. 857.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are  
37 each reenacted and amended to read as follows:

1 The commission shall:

2 (1) Have the care, charge, control, and supervision of all parks  
3 and parkways acquired or set aside by the state for park or parkway  
4 purposes.

5 (2) Adopt policies, and adopt, issue, and enforce rules pertaining  
6 to the use, care, and administration of state parks and parkways. The  
7 commission shall cause a copy of the rules to be kept posted in a  
8 conspicuous place in every state park to which they are applicable, but  
9 failure to post or keep any rule posted shall be no defense to any  
10 prosecution for the violation thereof.

11 (3) Permit the use of state parks and parkways by the public under  
12 such rules as shall be adopted.

13 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
14 parks and parkways, and erect structures, buildings, fireplaces, and  
15 comfort stations and build and maintain paths, trails, and roadways  
16 through or on parks and parkways.

17 (5) Grant concessions or leases in state parks and parkways, upon  
18 such rentals, fees, or percentage of income or profits and for such  
19 terms, in no event longer than fifty years, and upon such conditions as  
20 shall be approved by the commission: PROVIDED, That leases exceeding  
21 a twenty-year term shall require a unanimous vote of the commission:  
22 PROVIDED FURTHER, That if, during the term of any concession or lease,  
23 it is the opinion of the commission that it would be in the best  
24 interest of the state, the commission may, with the consent of the  
25 concessionaire or lessee, alter and amend the terms and conditions of  
26 such concession or lease: PROVIDED FURTHER, That television station  
27 leases shall be subject to the provisions of RCW 79A.05.085, only:  
28 PROVIDED FURTHER, That the rates of such concessions or leases shall be  
29 renegotiated at five-year intervals. No concession shall be granted  
30 which will prevent the public from having free access to the scenic  
31 attractions of any park or parkway.

32 (6) Employ such assistance as it deems necessary. Commission  
33 expenses relating to its use of volunteer assistance shall be limited  
34 to premiums or assessments for the insurance of volunteers by the  
35 department of labor and industries, compensation of staff who assist  
36 volunteers, materials and equipment used in authorized volunteer  
37 projects, training, reimbursement of volunteer travel as provided in  
38 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to

1 volunteer recognition. The commission, at its discretion, may waive  
2 commission fees otherwise applicable to volunteers. The commission  
3 shall not use volunteers to replace or supplant classified positions.  
4 The use of volunteers may not lead to the elimination of any employees  
5 or permanent positions in the bargaining unit.

6 (7) By majority vote of its authorized membership select and  
7 purchase or obtain options upon, lease, or otherwise acquire for and in  
8 the name of the state such tracts of land, including shore and tide  
9 lands, for park and parkway purposes as it deems proper. If the  
10 commission cannot acquire any tract at a price it deems reasonable, it  
11 may, by majority vote of its authorized membership, obtain title  
12 thereto, or any part thereof, by condemnation proceedings conducted by  
13 the attorney general as provided for the condemnation of rights of way  
14 for state highways. Option agreements executed under authority of this  
15 subsection shall be valid only if:

16 (a) The cost of the option agreement does not exceed one dollar;  
17 and

18 (b) Moneys used for the purchase of the option agreement are from  
19 (i) funds appropriated therefor, or (ii) funds appropriated for  
20 undesignated land acquisitions, or (iii) funds deemed by the commission  
21 to be in excess of the amount necessary for the purposes for which they  
22 were appropriated; and

23 (c) The maximum amount payable for the property upon exercise of  
24 the option does not exceed the appraised value of the property.

25 (8) Cooperate with the United States, or any county or city of this  
26 state, in any matter pertaining to the acquisition, development,  
27 redevelopment, renovation, care, control, or supervision of any park or  
28 parkway, and enter into contracts in writing to that end. All parks or  
29 parkways, to which the state contributed or in whose care, control, or  
30 supervision the state participated pursuant to the provisions of this  
31 section, shall be governed by the provisions hereof.

32 (9) Within allowable resources, maintain policies that increase the  
33 number of people who have access to free or low-cost recreational  
34 opportunities for physical activity, including noncompetitive physical  
35 activity.

36 (10) Adopt rules establishing the requirements for a criminal  
37 history record information search for the following: Job applicants,  
38 volunteers, and independent contractors who have unsupervised access to

1 children or vulnerable adults, or who will be responsible for  
2 collecting or disbursing cash or processing credit/debit card  
3 transactions. These background checks will be done through the  
4 Washington (~~state patrol~~) bureau of investigation criminal  
5 identification section and may include a national check from the  
6 federal bureau of investigation, which shall be through the submission  
7 of fingerprints. A permanent employee of the commission, employed as  
8 of July 24, 2005, is exempt from the provisions of this subsection.

9 **Sec. 858.** RCW 82.14.310 and 2005 c 282 s 49 are each amended to  
10 read as follows:

11 (1) The county criminal justice assistance account is created in  
12 the state treasury. Beginning in fiscal year 2000, the state treasurer  
13 shall transfer into the county criminal justice assistance account from  
14 the general fund the sum of twenty-three million two hundred thousand  
15 dollars divided into four equal deposits occurring on July 1, October  
16 1, January 1, and April 1. For each fiscal year thereafter, the state  
17 treasurer shall increase the total transfer by the fiscal growth  
18 factor, as defined in RCW 43.135.025, forecast for that fiscal year by  
19 the office of financial management in November of the preceding year.

20 (2) The moneys deposited in the county criminal justice assistance  
21 account for distribution under this section, less any moneys  
22 appropriated for purposes under subsection (4) of this section, shall  
23 be distributed at such times as distributions are made under RCW  
24 82.44.150 and on the relative basis of each county's funding factor as  
25 determined under this subsection.

26 (a) A county's funding factor is the sum of:

27 (i) The population of the county, divided by one thousand, and  
28 multiplied by two-tenths;

29 (ii) The crime rate of the county, multiplied by three-tenths; and

30 (iii) The annual number of criminal cases filed in the county  
31 superior court, for each one thousand in population, multiplied by  
32 five-tenths.

33 (b) Under this section and RCW 82.14.320 and 82.14.330:

34 (i) The population of the county or city shall be as last  
35 determined by the office of financial management;

36 (ii) The crime rate of the county or city is the annual occurrence  
37 of specified criminal offenses, as calculated in the most recent annual

1 report on crime in Washington state as published by the Washington  
2 association of sheriffs and police chiefs, for each one thousand in  
3 population;

4 (iii) The annual number of criminal cases filed in the county  
5 superior court shall be determined by the most recent annual report of  
6 the courts of Washington, as published by the administrative office of  
7 the courts;

8 (iv) Distributions and eligibility for distributions in the 1989-91  
9 biennium shall be based on 1988 figures for both the crime rate as  
10 described under (ii) of this subsection and the annual number of  
11 criminal cases that are filed as described under (iii) of this  
12 subsection. Future distributions shall be based on the most recent  
13 figures for both the crime rate as described under (ii) of this  
14 subsection and the annual number of criminal cases that are filed as  
15 described under (iii) of this subsection.

16 (3) Moneys distributed under this section shall be expended  
17 exclusively for criminal justice purposes and shall not be used to  
18 replace or supplant existing funding. Criminal justice purposes are  
19 defined as activities that substantially assist the criminal justice  
20 system, which may include circumstances where ancillary benefit to the  
21 civil or juvenile justice system occurs, and which includes (a)  
22 domestic violence services such as those provided by domestic violence  
23 programs, community advocates, and legal advocates, as defined in RCW  
24 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile  
25 dispositional hearings relating to petitions for at-risk youth,  
26 truancy, and children in need of services. Existing funding for  
27 purposes of this subsection is defined as calendar year 1989 actual  
28 operating expenditures for criminal justice purposes. Calendar year  
29 1989 actual operating expenditures for criminal justice purposes  
30 exclude the following: Expenditures for extraordinary events not  
31 likely to reoccur, changes in contract provisions for criminal justice  
32 services, beyond the control of the local jurisdiction receiving the  
33 services, and major nonrecurring capital expenditures.

34 (4) Not more than five percent of the funds deposited to the county  
35 criminal justice assistance account shall be available for  
36 appropriations for enhancements to the (~~state patrol~~) Washington  
37 bureau of investigation crime laboratory system and the continuing

1 costs related to these enhancements. Funds appropriated from this  
2 account for such enhancements shall not supplant existing funds from  
3 the state general fund.

4 **Sec. 859.** RCW 82.14.320 and 1998 c 321 s 12 are each amended to  
5 read as follows:

6 (1) The municipal criminal justice assistance account is created in  
7 the state treasury. Beginning in fiscal year 2000, the state treasurer  
8 shall transfer into the municipal criminal justice assistance account  
9 for distribution under this section from the general fund the sum of  
10 four million six hundred thousand dollars divided into four equal  
11 deposits occurring on July 1, October 1, January 1, and April 1. For  
12 each fiscal year thereafter, the state treasurer shall increase the  
13 total transfer by the fiscal growth factor, as defined in RCW  
14 43.135.025, forecast for that fiscal year by the office of financial  
15 management in November of the preceding year.

16 (2) No city may receive a distribution under this section from the  
17 municipal criminal justice assistance account unless:

18 (a) The city has a crime rate in excess of one hundred twenty-five  
19 percent of the statewide average as calculated in the most recent  
20 annual report on crime in Washington state as published by the  
21 Washington association of sheriffs and police chiefs;

22 (b) The city has levied the tax authorized in RCW 82.14.030(2) at  
23 the maximum rate or the tax authorized in RCW 82.46.010(3) at the  
24 maximum rate; and

25 (c) The city has a per capita yield from the tax imposed under RCW  
26 82.14.030(1) at the maximum rate of less than one hundred fifty percent  
27 of the statewide average per capita yield for all cities from such  
28 local sales and use tax.

29 (3) The moneys deposited in the municipal criminal justice  
30 assistance account for distribution under this section, less any moneys  
31 appropriated for purposes under subsection (7) of this section, shall  
32 be distributed at such times as distributions are made under RCW  
33 82.44.150. The distributions shall be made as follows:

34 (a) Unless reduced by this subsection, thirty percent of the moneys  
35 shall be distributed ratably based on population as last determined by  
36 the office of financial management to those cities eligible under  
37 subsection (2) of this section that have a crime rate determined under

1 subsection (2)(a) of this section which is greater than one hundred  
2 seventy-five percent of the statewide average crime rate. No city may  
3 receive more than fifty percent of any moneys distributed under this  
4 subsection (a) but, if a city distribution is reduced as a result of  
5 exceeding the fifty percent limitation, the amount not distributed  
6 shall be distributed under (b) of this subsection.

7 (b) The remainder of the moneys, including any moneys not  
8 distributed in subsection (2)(a) of this section, shall be distributed  
9 to all cities eligible under subsection (2) of this section ratably  
10 based on population as last determined by the office of financial  
11 management.

12 (4) No city may receive more than thirty percent of all moneys  
13 distributed under subsection (3) of this section.

14 (5) Notwithstanding other provisions of this section, the  
15 distributions to any city that substantially decriminalizes or repeals  
16 its criminal code after July 1, 1990, and that does not reimburse the  
17 county for costs associated with criminal cases under RCW 3.50.800 or  
18 3.50.805(2), shall be made to the county in which the city is located.

19 (6) Moneys distributed under this section shall be expended  
20 exclusively for criminal justice purposes and shall not be used to  
21 replace or supplant existing funding. Criminal justice purposes are  
22 defined as activities that substantially assist the criminal justice  
23 system, which may include circumstances where ancillary benefit to the  
24 civil justice system occurs, and which includes domestic violence  
25 services such as those provided by domestic violence programs,  
26 community advocates, and legal advocates, as defined in RCW 70.123.020,  
27 and publications and public educational efforts designed to provide  
28 information and assistance to parents in dealing with runaway or at-  
29 risk youth. Existing funding for purposes of this subsection is  
30 defined as calendar year 1989 actual operating expenditures for  
31 criminal justice purposes. Calendar year 1989 actual operating  
32 expenditures for criminal justice purposes exclude the following:  
33 Expenditures for extraordinary events not likely to reoccur, changes in  
34 contract provisions for criminal justice services, beyond the control  
35 of the local jurisdiction receiving the services, and major  
36 nonrecurring capital expenditures.

37 (7) Not more than five percent of the funds deposited to the  
38 municipal criminal justice assistance account shall be available for

1 appropriations for enhancements to the (~~state patrol~~) Washington  
2 bureau of investigation crime laboratory system and the continuing  
3 costs related to these enhancements. Funds appropriated from this  
4 account for such enhancements shall not supplant existing funds from  
5 the state general fund.

6 **Sec. 860.** RCW 82.14.330 and 2003 c 90 s 1 are each amended to read  
7 as follows:

8 (1) Beginning in fiscal year 2000, the state treasurer shall  
9 transfer into the municipal criminal justice assistance account for  
10 distribution under this section from the general fund the sum of four  
11 million six hundred thousand dollars divided into four equal deposits  
12 occurring on July 1, October 1, January 1, and April 1. For each  
13 fiscal year thereafter, the state treasurer shall increase the total  
14 transfer by the fiscal growth factor, as defined in RCW 43.135.025,  
15 forecast for that fiscal year by the office of financial management in  
16 November of the preceding year. The moneys deposited in the municipal  
17 criminal justice assistance account for distribution under this  
18 section, less any moneys appropriated for purposes under subsection (4)  
19 of this section, shall be distributed to the cities of the state as  
20 follows:

21 (a) Twenty percent appropriated for distribution shall be  
22 distributed to cities with a three-year average violent crime rate for  
23 each one thousand in population in excess of one hundred fifty percent  
24 of the statewide three-year average violent crime rate for each one  
25 thousand in population. The three-year average violent crime rate  
26 shall be calculated using the violent crime rates for each of the  
27 preceding three years from the annual reports on crime in Washington  
28 state as published by the Washington association of sheriffs and police  
29 chiefs. Moneys shall be distributed under this subsection (1)(a)  
30 ratably based on population as last determined by the office of  
31 financial management, but no city may receive more than one dollar per  
32 capita. Moneys remaining undistributed under this subsection at the  
33 end of each calendar year shall be distributed to the criminal justice  
34 training commission to reimburse participating city law enforcement  
35 agencies with ten or fewer full-time commissioned patrol officers the  
36 cost of temporary replacement of each officer who is enrolled in basic  
37 law enforcement training, as provided in RCW 43.101.200.

1 (b) Sixteen percent shall be distributed to cities ratably based on  
2 population as last determined by the office of financial management,  
3 but no city may receive less than one thousand dollars.

4 The moneys deposited in the municipal criminal justice assistance  
5 account for distribution under this subsection shall be distributed at  
6 such times as distributions are made under RCW 82.44.150.

7 Moneys distributed under this subsection shall be expended  
8 exclusively for criminal justice purposes and shall not be used to  
9 replace or supplant existing funding. Criminal justice purposes are  
10 defined as activities that substantially assist the criminal justice  
11 system, which may include circumstances where ancillary benefit to the  
12 civil justice system occurs, and which includes domestic violence  
13 services such as those provided by domestic violence programs,  
14 community advocates, and legal advocates, as defined in RCW 70.123.020.  
15 Existing funding for purposes of this subsection is defined as calendar  
16 year 1989 actual operating expenditures for criminal justice purposes.  
17 Calendar year 1989 actual operating expenditures for criminal justice  
18 purposes exclude the following: Expenditures for extraordinary events  
19 not likely to reoccur, changes in contract provisions for criminal  
20 justice services, beyond the control of the local jurisdiction  
21 receiving the services, and major nonrecurring capital expenditures.

22 (2) In addition to the distributions under subsection (1) of this  
23 section:

24 (a) Ten percent shall be distributed on a per capita basis to  
25 cities that contract with another governmental agency for the majority  
26 of the city's law enforcement services. Cities that subsequently  
27 qualify for this distribution shall notify the department of community,  
28 trade, and economic development by November 30th for the upcoming  
29 calendar year. The department of community, trade, and economic  
30 development shall provide a list of eligible cities to the state  
31 treasurer by December 31st. The state treasurer shall modify the  
32 distribution of these funds in the following year. Cities have the  
33 responsibility to notify the department of community, trade, and  
34 economic development of any changes regarding these contractual  
35 relationships. Adjustments in the distribution formula to add or  
36 delete cities may be made only for the upcoming calendar year; no  
37 adjustments may be made retroactively.

1 (b) The remaining fifty-four percent shall be distributed to cities  
2 and towns by the state treasurer on a per capita basis. These funds  
3 shall be used for: (i) Innovative law enforcement strategies; (ii)  
4 programs to help at-risk children or child abuse victim response  
5 programs; and (iii) programs designed to reduce the level of domestic  
6 violence or to provide counseling for domestic violence victims.

7 The moneys deposited in the municipal criminal justice assistance  
8 account for distribution under this subsection, less any moneys  
9 appropriated for purposes under subsection (4) of this section, shall  
10 be distributed at the times as distributions are made under RCW  
11 82.44.150. Moneys remaining undistributed under this subsection at the  
12 end of each calendar year shall be distributed to the criminal justice  
13 training commission to reimburse participating city law enforcement  
14 agencies with ten or fewer full-time commissioned patrol officers the  
15 cost of temporary replacement of each officer who is enrolled in basic  
16 law enforcement training, as provided in RCW 43.101.200.

17 If a city is found by the state auditor to have expended funds  
18 received under this subsection in a manner that does not comply with  
19 the criteria under which the moneys were received, the city shall be  
20 ineligible to receive future distributions under this subsection until  
21 the use of the moneys are justified to the satisfaction of the director  
22 or are repaid to the state general fund.

23 (3) Notwithstanding other provisions of this section, the  
24 distributions to any city that substantially decriminalizes or repeals  
25 its criminal code after July 1, 1990, and that does not reimburse the  
26 county for costs associated with criminal cases under RCW 3.50.800 or  
27 3.50.805(2), shall be made to the county in which the city is located.

28 (4) Not more than five percent of the funds deposited to the  
29 municipal criminal justice assistance account shall be available for  
30 appropriations for enhancements to the (~~state patrol~~) Washington  
31 bureau of investigation crime laboratory system and the continuing  
32 costs related to these enhancements. Funds appropriated from this  
33 account for such enhancements shall not supplant existing funds from  
34 the state general fund.

35 **Sec. 861.** RCW 82.36.060 and 2001 c 270 s 5 are each amended to  
36 read as follows:

1 (1) An application for a license issued under this chapter shall be  
2 made to the department on forms to be furnished by the department and  
3 shall contain such information as the department deems necessary.

4 (2) Every application for a license must contain the following  
5 information to the extent it applies to the applicant:

6 (a) Proof as the department may require concerning the applicant's  
7 identity, including but not limited to his or her fingerprints or those  
8 of the officers of a corporation making the application;

9 (b) The applicant's form and place of organization including proof  
10 that the individual, partnership, or corporation is licensed to do  
11 business in this state;

12 (c) The qualification and business history of the applicant and any  
13 partner, officer, or director;

14 (d) The applicant's financial condition or history including a bank  
15 reference and whether the applicant or any partner, officer, or  
16 director has ever been adjudged bankrupt or has an unsatisfied judgment  
17 in a federal or state court;

18 (e) Whether the applicant has been adjudged guilty of a crime that  
19 directly relates to the business for which the license is sought and  
20 the time elapsed since the conviction is less than ten years, or has  
21 suffered a judgment within the preceding five years in a civil action  
22 involving fraud, misrepresentation, or conversion and in the case of a  
23 corporation or partnership, all directors, officers, or partners.

24 (3) An applicant for a license as a motor vehicle fuel importer  
25 must list on the application each state, province, or country from  
26 which the applicant intends to import motor vehicle fuel and, if  
27 required by the state, province, or country listed, must be licensed or  
28 registered for motor vehicle fuel tax purposes in that state, province,  
29 or country.

30 (4) An applicant for a license as a motor vehicle fuel exporter  
31 must list on the application each state, province, or country to which  
32 the exporter intends to export motor vehicle fuel received in this  
33 state by means of a transfer outside of the bulk transfer-terminal  
34 system and, if required by the state, province, or country listed, must  
35 be licensed or registered for motor vehicle fuel tax purposes in that  
36 state, province, or country.

37 (5) An applicant for a license as a motor vehicle fuel supplier  
38 must have a federal certificate of registry that is issued under the

1 internal revenue code and authorizes the applicant to enter into  
2 federal tax-free transactions on motor vehicle fuel in the terminal  
3 transfer system.

4 (6) After receipt of an application for a license, the director may  
5 conduct an investigation to determine whether the facts set forth are  
6 true. The director shall require a fingerprint record check of the  
7 applicant through the Washington (~~state patrol~~) bureau of  
8 investigation criminal identification system and the federal bureau of  
9 investigation before issuance of a license. The results of the  
10 background investigation including criminal history information may be  
11 released to authorized department personnel as the director deems  
12 necessary. The department shall charge a license holder or license  
13 applicant a fee of fifty dollars for each background investigation  
14 conducted.

15 An applicant who makes a false statement of a material fact on the  
16 application may be prosecuted for false swearing as defined by RCW  
17 9A.72.040.

18 (7) Except as provided by subsection (8) of this section, before  
19 granting any license issued under this chapter, the department shall  
20 require applicant to file with the department, in such form as shall be  
21 prescribed by the department, a corporate surety bond duly executed by  
22 the applicant as principal, payable to the state and conditioned for  
23 faithful performance of all the requirements of this chapter, including  
24 the payment of all taxes, penalties, and other obligations arising out  
25 of this chapter. The total amount of the bond or bonds shall be fixed  
26 by the department and may be increased or reduced by the department at  
27 any time subject to the limitations herein provided. In fixing the  
28 total amount of the bond or bonds, the department shall require a bond  
29 or bonds equivalent in total amount to twice the estimated monthly  
30 excise tax determined in such manner as the department may deem proper.  
31 If at any time the estimated excise tax to become due during the  
32 succeeding month amounts to more than fifty percent of the established  
33 bond, the department shall require additional bonds or securities to  
34 maintain the marginal ratio herein specified or shall demand excise tax  
35 payments to be made weekly or semimonthly to meet the requirements  
36 hereof.

37 The total amount of the bond or bonds required of any licensee

1 shall never be less than five thousand dollars nor more than one  
2 hundred thousand dollars.

3 No recoveries on any bond or the execution of any new bond shall  
4 invalidate any bond and no revocation of any license shall effect the  
5 validity of any bond but the total recoveries under any one bond shall  
6 not exceed the amount of the bond.

7 In lieu of any such bond or bonds in total amount as herein fixed,  
8 a licensee may deposit with the state treasurer, under such terms and  
9 conditions as the department may prescribe, a like amount of lawful  
10 money of the United States or bonds or other obligations of the United  
11 States, the state, or any county of the state, of an actual market  
12 value not less than the amount so fixed by the department.

13 Any surety on a bond furnished by a licensee as provided herein  
14 shall be released and discharged from any and all liability to the  
15 state accruing on such bond after the expiration of thirty days from  
16 the date upon which such surety has lodged with the department a  
17 written request to be released and discharged, but this provision shall  
18 not operate to relieve, release, or discharge the surety from any  
19 liability already accrued or which shall accrue before the expiration  
20 of the thirty day period. The department shall promptly, upon  
21 receiving any such request, notify the licensee who furnished the bond;  
22 and unless the licensee, on or before the expiration of the thirty day  
23 period, files a new bond, or makes a deposit in accordance with the  
24 requirements of this section, the department shall forthwith cancel the  
25 license. Whenever a new bond is furnished by a licensee, the  
26 department shall cancel the old bond as soon as the department and the  
27 attorney general are satisfied that all liability under the old bond  
28 has been fully discharged.

29 The department may require a licensee to give a new or additional  
30 surety bond or to deposit additional securities of the character  
31 specified in this section if, in its opinion, the security of the  
32 surety bond theretofore filed by such licensee, or the market value of  
33 the properties deposited as security by the licensee, shall become  
34 impaired or inadequate; and upon the failure of the licensee to give  
35 such new or additional surety bond or to deposit additional securities  
36 within thirty days after being requested so to do by the department,  
37 the department shall forthwith cancel his or her license.

1           (8) The department may waive the requirements of subsection (7) of  
2 this section for licensed distributors if, upon determination by the  
3 department, the licensed distributor has sufficient resources, assets,  
4 other financial instruments, or other means, to adequately make  
5 payments on the estimated monthly motor vehicle fuel tax payments,  
6 penalties, and interest arising out of this chapter. The department  
7 shall adopt rules to administer this subsection.

8           **Sec. 862.** RCW 82.38.110 and 2002 c 352 s 26 are each amended to  
9 read as follows:

10           (1) Application for a license issued under this chapter shall be  
11 made to the department. The application shall be filed upon a form  
12 prepared and furnished by the department and shall contain such  
13 information as the department deems necessary.

14           (2) Every application for a special fuel license, other than an  
15 application for a dyed special fuel user or international fuel tax  
16 agreement license, must contain the following information to the extent  
17 it applies to the applicant:

18           (a) Proof as the department shall require concerning the  
19 applicant's identity, including but not limited to his or her  
20 fingerprints or those of the officers of a corporation making the  
21 application;

22           (b) The applicant's form and place of organization including proof  
23 that the individual, partnership, or corporation is licensed to do  
24 business in this state;

25           (c) The qualification and business history of the applicant and any  
26 partner, officer, or director;

27           (d) The applicant's financial condition or history including a bank  
28 reference and whether the applicant or any partner, officer, or  
29 director has ever been adjudged bankrupt or has an unsatisfied judgment  
30 in a federal or state court;

31           (e) Whether the applicant has been adjudged guilty of a crime that  
32 directly relates to the business for which the license is sought and  
33 the time elapsed since the conviction is less than ten years, or has  
34 suffered a judgment within the preceding five years in a civil action  
35 involving fraud, misrepresentation, or conversion and in the case of a  
36 corporation or partnership, all directors, officers, or partners.

1 (3) An applicant for a license as a special fuel importer must list  
2 on the application each state, province, or country from which the  
3 applicant intends to import fuel and, if required by the state,  
4 province, or country listed, must be licensed or registered for special  
5 fuel tax purposes in that state, province, or country.

6 (4) An applicant for a license as a special fuel exporter must list  
7 on the application each state, province, or country to which the  
8 exporter intends to export special fuel received in this state by means  
9 of a transfer outside the bulk transfer-terminal system and, if  
10 required by the state, province, or country listed, must be licensed or  
11 registered for special fuel tax purposes in that state, province, or  
12 country.

13 (5) An applicant for a license as a special fuel supplier must have  
14 a federal certificate of registry that is issued under the internal  
15 revenue code and authorizes the applicant to enter into federal tax-  
16 free transactions on special fuel in the terminal transfer system.

17 (6) After receipt of an application for a license, the director  
18 shall conduct an investigation to determine whether the facts set forth  
19 are true. The director shall require a fingerprint record check of the  
20 applicant through the Washington (~~state patrol~~) bureau of  
21 investigation criminal identification system and the federal bureau of  
22 investigation before issuance of a license. The results of the  
23 background investigation including criminal history information may be  
24 released to authorized department personnel as the director deems  
25 necessary. The department shall charge a license holder or license  
26 applicant a fee of fifty dollars for each background investigation  
27 conducted.

28 (7) An applicant who makes a false statement of a material fact on  
29 the application may be prosecuted for false swearing as defined by RCW  
30 9A.72.040.

31 (8) A special fuel license may not be issued to any person or  
32 continued in force unless such person has furnished bond, as defined in  
33 RCW 82.38.020, in such form as the department may require, to secure  
34 his or her compliance with this chapter, and the payment of any and all  
35 taxes, interest, and penalties due and to become due hereunder. The  
36 requirement of furnishing a bond may be waived: (a) For special fuel  
37 distributors who only deliver special fuel into the fuel tanks of  
38 marine vessels; (b) for dyed special fuel users; (c) for persons issued

1 licenses under the international fuel tax agreement; or (d) for  
2 licensed special fuel distributors who, upon determination by the  
3 department, have sufficient resources, assets, other financial  
4 instruments, or other means to adequately make payments on the  
5 estimated monthly motor vehicle fuel tax payments, penalties, and  
6 interest arising out of this chapter. The department shall adopt rules  
7 to administer this section.

8 (9) The department may require a licensee to post a bond if the  
9 licensee, after having been licensed, has failed to file timely reports  
10 or has failed to remit taxes due, or when an investigation or audit  
11 indicates problems severe enough that the department, in its  
12 discretion, determines that a bond is required to protect the interests  
13 of the state. The department may also adopt rules prescribing  
14 conditions that, in the department's discretion, require a bond to  
15 protect the interests of the state.

16 (10) The total amount of the bond or bonds required of any licensee  
17 shall be equivalent to three times the estimated monthly fuel tax,  
18 determined in such manner as the department may deem proper: PROVIDED,  
19 That those licensees having held a special fuel license for five or  
20 more years without having said license suspended or revoked by the  
21 department shall be permitted to reduce the amount of their bond to  
22 twice the estimated monthly tax liability: PROVIDED FURTHER, That the  
23 total amount of the bond or bonds shall never be less than five hundred  
24 dollars nor more than one hundred thousand dollars.

25 (11) An application for a dyed special fuel user license must be  
26 made to the department. The application must be filed upon a form  
27 prescribed by the department and contain such information as the  
28 department deems necessary.

29 (12) An application for an international fuel tax agreement license  
30 must be made to the department. The application must be filed upon a  
31 form prescribed by the department and contain such information as the  
32 department may require. The department shall charge a fee of ten  
33 dollars per set of International Fuel Tax Agreement decals issued to  
34 each applicant or licensee. The department shall transmit the fee to  
35 the state treasurer for deposit in the motor vehicle fund.

36 **Sec. 863.** RCW 82.42.040 and 1996 c 104 s 14 are each amended to  
37 read as follows:

1       The director shall by rule and regulation adopted as provided in  
2 chapter 34.05 RCW (Administrative Procedure Act) set up the necessary  
3 administrative procedure for collection by the department of the  
4 aircraft fuel excise tax as provided for in RCW 82.42.020, placing the  
5 responsibility of collection of said tax upon every distributor of  
6 aircraft fuel within the state; he may require the licensing of every  
7 distributor of aircraft fuel and shall require such a corporate surety  
8 bond or security of any distributor or person not otherwise bonded  
9 under provisions of chapter 82.36 RCW as is provided for distributors  
10 of motor vehicle fuel under RCW 82.36.060; he shall provide such forms  
11 and may require such reports or statements as in his determination  
12 shall be necessary for the proper administration of this chapter. The  
13 director may require such records to be kept, and for such periods of  
14 time, as deemed necessary for the administration of this chapter, which  
15 records shall be available at all times for the director or his  
16 representative who may require a statement under oath as to the  
17 contents thereof.

18       Every application for a distributor's license must contain the  
19 following information to the extent it applies to the applicant:

20       (1) Proof as the department may require concerning the applicant's  
21 identity, including but not limited to his or her fingerprints or those  
22 of the officers of a corporation making the application;

23       (2) The applicant's form and place of organization including proof  
24 that the individual, partnership, or corporation is licensed to do  
25 business in this state;

26       (3) The qualification and business history of the applicant and any  
27 partner, officer, or director;

28       (4) The applicant's financial condition or history including a bank  
29 reference and whether the applicant or any partner, officer, or  
30 director has ever been adjudged bankrupt or has an unsatisfied judgment  
31 in a federal or state court;

32       (5) Whether the applicant has been adjudged guilty of a crime that  
33 directly relates to the business for which the license is sought and  
34 the time elapsed since the conviction is less than ten years, or has  
35 suffered a judgment within the preceding five years in a civil action  
36 involving fraud, misrepresentation, or conversion and in the case of a  
37 corporation or partnership, all directors, officers, or partners.

1 After receipt of an application for a license, the director may  
2 conduct an investigation to determine whether the facts set forth are  
3 true. The director may require a fingerprint record check of the  
4 applicant through the Washington (~~state patrol~~) bureau of  
5 investigation criminal identification system and the federal bureau of  
6 investigation before issuance of a license. The results of the  
7 background investigation including criminal history information may be  
8 released to authorized department personnel as the director deems  
9 necessary. The department shall charge a license holder or license  
10 applicant a fee of fifty dollars for each background investigation  
11 conducted.

12 An applicant who makes a false statement of a material fact on the  
13 application may be prosecuted for false swearing as defined by RCW  
14 9A.72.040.

15 **PART 9**  
16 **MISCELLANEOUS PROVISIONS**

17 NEW SECTION. **Sec. 901.** The following sections are each recodified  
18 in the new chapter created in section 906 of this act, under the  
19 subchapter headings provided in this section.

- 20 General Provisions  
21 RCW 43.43.020  
22 RCW 43.43.030  
23 RCW 43.43.050  
24 RCW 43.43.060  
25 RCW 43.43.070  
26 RCW 43.43.080  
27 RCW 43.43.090  
28 RCW 43.43.100  
29 RCW 43.43.110  
30 RCW 43.43.115  
31 RCW 43.43.550  
32 RCW 43.43.952  
33 RCW 43.43.960  
34 RCW 43.43.961  
35 RCW 43.43.962  
36 RCW 43.43.963

1 RCW 43.43.964  
2 RCW 43.43.970  
3 RCW 43.43.971  
4 RCW 43.43.972  
5 RCW 43.43.973  
6 RCW 43.43.974  
7 RCW 43.43.975  
8 Bureau of Fire Protection  
9 RCW 43.43.930  
10 RCW 43.43.932  
11 RCW 43.43.934  
12 RCW 43.43.936  
13 RCW 43.43.938  
14 RCW 43.43.940  
15 RCW 43.43.942  
16 RCW 43.43.944  
17 RCW 43.43.946  
18 RCW 43.43.948  
19 Washington Bureau of Investigation  
20 RCW 43.43.500  
21 RCW 43.43.510  
22 RCW 43.43.530  
23 RCW 43.43.540  
24 RCW 43.43.560  
25 RCW 43.43.565  
26 RCW 43.43.570  
27 RCW 43.43.670  
28 RCW 43.43.680  
29 RCW 43.43.690  
30 RCW 43.43.700  
31 RCW 43.43.705  
32 RCW 43.43.710  
33 RCW 43.43.715  
34 RCW 43.43.720  
35 RCW 43.43.725  
36 RCW 43.43.730  
37 RCW 43.43.735  
38 RCW 43.43.740

1 RCW 43.43.742  
2 RCW 43.43.745  
3 RCW 43.43.750  
4 RCW 43.43.752  
5 RCW 43.43.753  
6 RCW 43.43.7532  
7 RCW 43.43.754  
8 RCW 43.43.7541  
9 RCW 43.43.756  
10 RCW 43.43.758  
11 RCW 43.43.759  
12 RCW 43.43.760  
13 RCW 43.43.765  
14 RCW 43.43.770  
15 RCW 43.43.810  
16 RCW 43.43.815  
17 RCW 43.43.820  
18 RCW 43.43.830  
19 RCW 43.43.832  
20 RCW 43.43.8321  
21 RCW 43.43.833  
22 RCW 43.43.834  
23 RCW 43.43.836  
24 RCW 43.43.838  
25 RCW 43.43.839  
26 RCW 43.43.840  
27 RCW 43.43.845  
28 RCW 43.43.854  
29 RCW 43.43.856  
30 RCW 43.43.858  
31 RCW 43.43.860  
32 RCW 43.43.862  
33 RCW 43.43.864  
34 RCW 43.43.866  
35 RCW 43.43.880  
36 Washington State Patrol  
37 RCW 43.43.015  
38 RCW 43.43.035

1 RCW 43.43.111  
2 RCW 43.43.112  
3 RCW 43.43.330  
4 RCW 43.43.340  
5 RCW 43.43.350  
6 RCW 43.43.360  
7 RCW 43.43.370  
8 RCW 43.43.390  
9 RCW 43.43.400  
10 RCW 43.43.480  
11 RCW 43.43.490  
12 Miscellaneous  
13 RCW 43.43.900  
14 RCW 43.43.910  
15 RCW 43.43.911

16 NEW SECTION. **Sec. 902.** The following sections are each recodified  
17 as a new chapter in Title 41 RCW for the state patrol retirement  
18 system:

19 RCW 43.43.040  
20 RCW 43.43.120  
21 RCW 43.43.130  
22 RCW 43.43.135  
23 RCW 43.43.137  
24 RCW 43.43.138  
25 RCW 43.43.139  
26 RCW 43.43.165  
27 RCW 43.43.220  
28 RCW 43.43.230  
29 RCW 43.43.235  
30 RCW 43.43.250  
31 RCW 43.43.260  
32 RCW 43.43.263  
33 RCW 43.43.264  
34 RCW 43.43.270  
35 RCW 43.43.271  
36 RCW 43.43.274  
37 RCW 43.43.278

1 RCW 43.43.280  
2 RCW 43.43.285  
3 RCW 43.43.290  
4 RCW 43.43.295  
5 RCW 43.43.310  
6 RCW 43.43.320

7 NEW SECTION. **Sec. 903.** RCW 43.43.842 is recodified as a new  
8 section in chapter 43.20A RCW.

9 NEW SECTION. **Sec. 904.** The following RCW sections are decodified:  
10 RCW 43.43.775, 43.43.780, 43.43.785, 43.43.800, 43.43.852, 43.43.870,  
11 43.89.040, and 43.89.050.

12 NEW SECTION. **Sec. 905.** The following acts or parts of acts are  
13 each repealed:

14 (1) RCW 41.06.093 (Washington state patrol--Certain personnel  
15 exempted from chapter) and 1993 c 281 s 24 & 1990 c 14 s 1;

16 (2) RCW 43.43.010 (Patrol created) and 1965 c 8 s 43.43.010;

17 (3) RCW 43.43.037 (Legislature--Security and protection--Duty to  
18 provide) and 1965 ex.s. c 96 s 2;

19 (4) RCW 43.43.380 (Minimum salaries) and 1965 c 8 s 43.43.380;

20 (5) RCW 43.43.600 (Drug control assistance unit--Created) and 1970  
21 ex.s. c 63 s 1;

22 (6) RCW 43.43.610 (Drug control assistance unit--Duties) and 1983  
23 c 3 s 107, 1980 c 69 s 1, & 1970 ex.s. c 63 s 2;

24 (7) RCW 43.43.620 (Drug control assistance unit--Additional  
25 duties--Information system on violations--Inter-unit communications  
26 network) and 1970 ex.s. c 63 s 3;

27 (8) RCW 43.43.630 (Drug control assistance unit--Use of existing  
28 facilities and systems) and 1970 ex.s. c 63 s 4;

29 (9) RCW 43.43.640 (Drug control assistance unit--Certain  
30 investigators exempt from state civil service act) and 1980 c 69 s 3 &  
31 1970 ex.s. c 63 s 5;

32 (10) RCW 43.43.650 (Drug control assistance unit--Employment of  
33 necessary personnel) and 1970 ex.s. c 63 s 6;

34 (11) RCW 43.43.655 (Drug control assistance unit--Special narcotics  
35 enforcement unit) and 1989 c 271 s 235; and

1 (12) RCW 43.43.850 (Organized crime intelligence unit--Created) and  
2 1973 1st ex.s. c 202 s 1.

3 NEW SECTION. **Sec. 906.** Sections 1, 101 through 113, and 123 of  
4 this act constitute a new chapter in Title 43 RCW.

5 NEW SECTION. **Sec. 907.** Part headings used in this act are not any  
6 part of the law.

7 NEW SECTION. **Sec. 908.** Section 611 of this act expires July 1,  
8 2013.

9 NEW SECTION. **Sec. 909.** (1) Except for section 612 of this act,  
10 this act takes effect July 1, 2007.

11 (2) Section 612 of this act takes effect July 1, 2013.

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