
HOUSE BILL 2728

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Goodman, Klippert, Smith, Morrell, Gregerson, and Freeman

Read first time 01/29/14. Referred to Committee on Public Safety.

1 AN ACT Relating to impaired driving; amending RCW 10.21.055,
2 46.20.740, 46.20.308, 46.20.750, 46.25.120, and 46.61.5055; repealing
3 2013 2nd sp.s. c 35 ss 39 and 40 (uncodified); prescribing penalties;
4 and making appropriations.

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

6 **Sec. 1.** RCW 10.21.055 and 2013 2nd sp.s. c 35 s 1 are each amended
7 to read as follows:

8 (1)(a) When any person charged with or arrested for a violation of
9 RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person
10 has a prior offense as defined in RCW 46.61.5055 and the current
11 offense involves alcohol, is released from custody before arraignment
12 or trial on bail or personal recognizance, the court authorizing the
13 release shall require, as a condition of release, that person to
14 ((+a)) (i) have a functioning ignition interlock device installed on
15 all motor vehicles operated by the person, with proof of installation
16 filed with the court by the person or the certified interlock provider
17 within five business days of the date of release from custody or as
18 soon thereafter as determined by the court based on availability within

1 the jurisdiction; or ~~((b))~~ (ii) comply with 24/7 sobriety program
2 monitoring, as defined in RCW 36.28A.330; or both.

3 (b) The court shall immediately notify the department of licensing
4 when an ignition interlock restriction is imposed as a condition of
5 release pursuant to (a) of this subsection. Pursuant to RCW 46.20.740,
6 the department of licensing shall attach or imprint a notation on the
7 driving record of any person restricted under this section stating that
8 the person may operate only a motor vehicle equipped with a functioning
9 ignition interlock device.

10 (2)(a) Upon acquittal or dismissal of all pending or current
11 charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520,
12 or 46.61.522, or equivalent local ordinance, the court shall authorize
13 removal of the ignition interlock device and lift any requirement to
14 comply with electronic alcohol/drug monitoring imposed under subsection
15 (1) of this section. Nothing in this section limits the authority of
16 the court or department under RCW 46.20.720.

17 (b) Pursuant to (a) of this subsection the court shall immediately
18 notify the department of licensing regarding the lifting of the
19 ignition interlock restriction and the department of licensing shall
20 remove any attachment, imprint, or notation on such person's driving
21 record relating to the ignition interlock requirement.

22 **Sec. 2.** RCW 46.20.740 and 2010 c 269 s 8 are each amended to read
23 as follows:

24 (1) The department shall attach or imprint a notation on the
25 driving record of any person restricted under RCW 46.20.720,
26 46.61.5055, ~~((or))~~ 10.05.140, or 10.21.055 stating that the person may
27 operate only a motor vehicle equipped with a functioning ignition
28 interlock device. The department shall determine the person's
29 eligibility for licensing based upon written verification by a company
30 doing business in the state that it has installed the required device
31 on a vehicle owned or operated by the person seeking reinstatement.
32 If, based upon notification from the interlock provider or otherwise,
33 the department determines that an ignition interlock required under
34 this section is no longer installed or functioning as required, the
35 department shall suspend the person's license or privilege to drive.
36 Whenever the license or driving privilege of any person is suspended or
37 revoked as a result of noncompliance with an ignition interlock

1 requirement, the suspension shall remain in effect until the person
2 provides notice issued by a company doing business in the state that a
3 vehicle owned or operated by the person is equipped with a functioning
4 ignition interlock device.

5 (2) It is a gross misdemeanor for a person with such a notation on
6 his or her driving record to operate a motor vehicle that is not so
7 equipped.

8 **Sec. 3.** RCW 46.20.308 and 2013 2nd sp.s. c 35 s 36 are each
9 amended to read as follows:

10 (1) Any person who operates a motor vehicle within this state is
11 deemed to have given consent, subject to the provisions of RCW
12 46.61.506, to a test or tests of his or her breath for the purpose of
13 determining the alcohol concentration(~~(, THC concentration, or presence~~
14 ~~of any drug))~~ in his or her breath if arrested for any offense where,
15 at the time of the arrest, the arresting officer has reasonable grounds
16 to believe the person had been driving or was in actual physical
17 control of a motor vehicle while under the influence of intoxicating
18 liquor or any drug or was in violation of RCW 46.61.503. (~~Neither~~
19 ~~consent nor this section precludes a police officer from obtaining a~~
20 ~~search warrant for a person's breath or blood.))~~)

21 (2) The test or tests of breath shall be administered at the
22 direction of a law enforcement officer having reasonable grounds to
23 believe the person to have been driving or in actual physical control
24 of a motor vehicle within this state while under the influence of
25 intoxicating liquor or any drug or the person to have been driving or
26 in actual physical control of a motor vehicle while having alcohol (~~(or~~
27 ~~THC))~~ in a concentration in violation of RCW 46.61.503 in his or her
28 system and being under the age of twenty-one. Unless the officer seeks
29 to have the test administered pursuant to a search warrant, a valid
30 waiver of the warrant requirement exists, or exigent circumstances as
31 provided in subsection (4) of this section exists, the officer shall
32 inform the person of his or her right to refuse the breath test, and of
33 his or her right to have additional tests administered by any qualified
34 person of his or her choosing as provided in RCW 46.61.506. The
35 officer shall warn the driver, in substantially the following language,
36 that:

1 (a) If the driver refuses to take the test, the driver's license,
2 permit, or privilege to drive will be revoked or denied for at least
3 one year; and

4 (b) If the driver refuses to take the test, the driver's refusal to
5 take the test may be used in a criminal trial; and

6 (c) If the driver submits to the test and the test is administered,
7 the driver's license, permit, or privilege to drive will be suspended,
8 revoked, or denied for at least ninety days if:

9 (i) The driver is age twenty-one or over and the test indicates
10 either that the alcohol concentration of the driver's breath is 0.08 or
11 more (~~or that the THC concentration of the driver's blood is 5.00 or~~
12 ~~more)); or~~

13 (ii) The driver is under age twenty-one and the test indicates
14 either that the alcohol concentration of the driver's breath is 0.02 or
15 more (~~or that the THC concentration of the driver's blood is above~~
16 ~~0.00)); or~~

17 (iii) The driver is under age twenty-one and the driver is in
18 violation of RCW 46.61.502 or 46.61.504; and

19 (d) If the driver's license, permit, or privilege to drive is
20 suspended, revoked, or denied the driver may be eligible to immediately
21 apply for an ignition interlock driver's license.

22 ~~(3) ((Except as provided in this section, the test administered~~
23 ~~shall be of the breath only. If an individual is unconscious or is~~
24 ~~under arrest for the crime of felony driving under the influence of~~
25 ~~intoxicating liquor or drugs under RCW 46.61.502(6), felony physical~~
26 ~~control of a motor vehicle while under the influence of intoxicating~~
27 ~~liquor or any drug under RCW 46.61.504(6), vehicular homicide as~~
28 ~~provided in RCW 46.61.520, or vehicular assault as provided in RCW~~
29 ~~46.61.522, or if an individual is under arrest for the crime of driving~~
30 ~~while under the influence of intoxicating liquor or drugs as provided~~
31 ~~in RCW 46.61.502, which arrest results from an accident in which there~~
32 ~~has been serious bodily injury to another person, a breath or blood~~
33 ~~test may be administered without the consent of the individual so~~
34 ~~arrested pursuant to a search warrant, a valid waiver of the warrant~~
35 ~~requirement, or when exigent circumstances exist.~~

36 ~~(4))~~ If, following his or her arrest and receipt of warnings under
37 subsection (2) of this section, the person arrested refuses upon the

1 request of a law enforcement officer to submit to a test or tests of
2 his or her breath, no test shall be given except as authorized by ((a
3 ~~search warrant~~)) subsection (4) of this section.

4 (4) An arresting officer who at the time of arrest has reasonable
5 grounds to believe that a person arrested for any offense had been
6 driving or was in actual physical control of a motor vehicle while
7 under the influence of intoxicating liquor or any drug or was in
8 violation of RCW 46.61.503 may require that a breath or blood test be
9 administered pursuant to a search warrant, a valid waiver of the
10 warrant requirement, or when exigent circumstances exist.

11 (5) If, after arrest and after the other applicable conditions and
12 requirements of this section have been satisfied, a test or tests of
13 the person's blood or breath is administered and the test results
14 indicate that the alcohol concentration of the person's breath or blood
15 is 0.08 or more, or the THC concentration of the person's blood is 5.00
16 or more, if the person is age twenty-one or over, or that the alcohol
17 concentration of the person's breath or blood is 0.02 or more, or the
18 THC concentration of the person's blood is above 0.00, if the person is
19 under the age of twenty-one, or the person refuses to submit to a test,
20 the arresting officer or other law enforcement officer at whose
21 direction any test has been given, or the department, where applicable,
22 if the arrest results in a test of the person's blood, shall:

23 (a) Serve notice in writing on the person on behalf of the
24 department of its intention to suspend, revoke, or deny the person's
25 license, permit, or privilege to drive as required by subsection (6) of
26 this section;

27 (b) Serve notice in writing on the person on behalf of the
28 department of his or her right to a hearing, specifying the steps he or
29 she must take to obtain a hearing as provided by subsection (7) of this
30 section ((and that the person waives the right to a hearing if he or
31 she receives an ignition interlock driver's license));

32 (c) Serve notice in writing that the license or permit, if any, is
33 a temporary license that is valid for sixty days from the date of
34 arrest or from the date notice has been given in the event notice is
35 given by the department following a blood test, or until the
36 suspension, revocation, or denial of the person's license, permit, or
37 privilege to drive is sustained at a hearing pursuant to subsection (7)

1 of this section, whichever occurs first. No temporary license is valid
2 to any greater degree than the license or permit that it replaces; and

3 (d) Immediately notify the department of the arrest and transmit to
4 the department within seventy-two hours, except as delayed as the
5 result of a blood test, a sworn report or report under a declaration
6 authorized by RCW 9A.72.085 that states:

7 (i) That the officer had reasonable grounds to believe the arrested
8 person had been driving or was in actual physical control of a motor
9 vehicle within this state while under the influence of intoxicating
10 liquor or drugs, or both, or was under the age of twenty-one years and
11 had been driving or was in actual physical control of a motor vehicle
12 while having an alcohol or THC concentration in violation of RCW
13 46.61.503;

14 (ii) That after receipt of (~~the~~) any applicable warnings required
15 by subsection (2) of this section the person refused to submit to a
16 test of his or her breath, or a test was administered and the results
17 indicated that the alcohol concentration of the person's breath or
18 blood was 0.08 or more, or the THC concentration of the person's blood
19 was 5.00 or more, if the person is age twenty-one or over, or that the
20 alcohol concentration of the person's breath or blood was 0.02 or more,
21 or the THC concentration of the person's blood was above 0.00, if the
22 person is under the age of twenty-one; and

23 (iii) Any other information that the director may require by rule.

24 (6) The department of licensing, upon the receipt of a sworn report
25 or report under a declaration authorized by RCW 9A.72.085 under
26 subsection (5)(d) of this section, shall suspend, revoke, or deny the
27 person's license, permit, or privilege to drive or any nonresident
28 operating privilege, as provided in RCW 46.20.3101, such suspension,
29 revocation, or denial to be effective beginning sixty days from the
30 date of arrest or from the date notice has been given in the event
31 notice is given by the department following a blood test, or when
32 sustained at a hearing pursuant to subsection (7) of this section,
33 whichever occurs first.

34 (7) A person receiving notification under subsection (5)(b) of this
35 section may, within twenty days after the notice has been given,
36 request in writing a formal hearing before the department. The person
37 shall pay a fee of three hundred seventy-five dollars as part of the
38 request. If the request is mailed, it must be postmarked within twenty

1 days after receipt of the notification. Upon timely receipt of such a
2 request for a formal hearing, including receipt of the required three
3 hundred seventy-five dollar fee, the department shall afford the person
4 an opportunity for a hearing. The department may waive the required
5 three hundred seventy-five dollar fee if the person is an indigent as
6 defined in RCW 10.101.010. Except as otherwise provided in this
7 section, the hearing is subject to and shall be scheduled and conducted
8 in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be
9 conducted in the county of the arrest, except that all or part of the
10 hearing may, at the discretion of the department, be conducted by
11 telephone or other electronic means. The hearing shall be held within
12 sixty days following the arrest or following the date notice has been
13 given in the event notice is given by the department following a blood
14 test, unless otherwise agreed to by the department and the person, in
15 which case the action by the department shall be stayed, and any valid
16 temporary license (~~marked~~) under subsection (5) of this section
17 extended, if the person is otherwise eligible for licensing. For the
18 purposes of this section, the scope of the hearing shall cover the
19 issues of whether a law enforcement officer had reasonable grounds to
20 believe the person had been driving or was in actual physical control
21 of a motor vehicle within this state while under the influence of
22 intoxicating liquor or any drug or had been driving or was in actual
23 physical control of a motor vehicle within this state while having
24 alcohol in his or her system in a concentration of 0.02 or more, or THC
25 in his or her system in a concentration above 0.00, if the person was
26 under the age of twenty-one, whether the person was placed under
27 arrest, and (a) whether the person refused to submit to the test or
28 tests upon request of the officer after having been informed that such
29 refusal would result in the revocation of the person's license, permit,
30 or privilege to drive, or (b) if a test or tests were administered,
31 whether the applicable requirements of this section were satisfied
32 before the administration of the test or tests, whether the person
33 submitted to the test or tests, or whether a test was administered
34 (~~without express consent~~) pursuant to a search warrant, a valid
35 waiver of the warrant requirement, or when exigent circumstances exist
36 as permitted under this section, and whether the test or tests
37 indicated that the alcohol concentration of the person's breath or
38 blood was 0.08 or more, or the THC concentration of the person's blood

1 was 5.00 or more, if the person was age twenty-one or over at the time
2 of the arrest, or that the alcohol concentration of the person's breath
3 or blood was 0.02 or more, or the THC concentration of the person's
4 blood was above 0.00, if the person was under the age of twenty-one at
5 the time of the arrest. The sworn report or report under a declaration
6 authorized by RCW 9A.72.085 submitted by a law enforcement officer is
7 prima facie evidence that the officer had reasonable grounds to believe
8 the person had been driving or was in actual physical control of a
9 motor vehicle within this state while under the influence of
10 intoxicating liquor or drugs, or both, or the person had been driving
11 or was in actual physical control of a motor vehicle within this state
12 while having alcohol in his or her system in a concentration of 0.02 or
13 more, or THC in his or her system in a concentration above 0.00, and
14 was under the age of twenty-one and that the officer complied with the
15 requirements of this section.

16 A hearing officer shall conduct the hearing, may issue subpoenas
17 for the attendance of witnesses and the production of documents, and
18 shall administer oaths to witnesses. The hearing officer shall not
19 issue a subpoena for the attendance of a witness at the request of the
20 person unless the request is accompanied by the fee required by RCW
21 5.56.010 for a witness in district court. The sworn report or report
22 under a declaration authorized by RCW 9A.72.085 of the law enforcement
23 officer and any other evidence accompanying the report shall be
24 admissible without further evidentiary foundation and the
25 certifications authorized by the criminal rules for courts of limited
26 jurisdiction shall be admissible without further evidentiary
27 foundation. The person may be represented by counsel, may question
28 witnesses, may present evidence, and may testify. The department shall
29 order that the suspension, revocation, or denial either be rescinded or
30 sustained.

31 (8) If the suspension, revocation, or denial is sustained after
32 such a hearing, the person whose license, privilege, or permit is
33 suspended, revoked, or denied has the right to file a petition in the
34 superior court of the county of arrest to review the final order of
35 revocation by the department in the same manner as an appeal from a
36 decision of a court of limited jurisdiction. Notice of appeal must be
37 filed within thirty days after the date the final order is served or
38 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ

1 1.1, or other statutes or rules referencing de novo review, the appeal
2 shall be limited to a review of the record of the administrative
3 hearing. The appellant must pay the costs associated with obtaining
4 the record of the hearing before the hearing officer. The filing of
5 the appeal does not stay the effective date of the suspension,
6 revocation, or denial. A petition filed under this subsection must
7 include the petitioner's grounds for requesting review. Upon granting
8 petitioner's request for review, the court shall review the
9 department's final order of suspension, revocation, or denial as
10 expeditiously as possible. The review must be limited to a
11 determination of whether the department has committed any errors of
12 law. The superior court shall accept those factual determinations
13 supported by substantial evidence in the record: (a) That were
14 expressly made by the department; or (b) that may reasonably be
15 inferred from the final order of the department. The superior court
16 may reverse, affirm, or modify the decision of the department or remand
17 the case back to the department for further proceedings. The decision
18 of the superior court must be in writing and filed in the clerk's
19 office with the other papers in the case. The court shall state the
20 reasons for the decision. If judicial relief is sought for a stay or
21 other temporary remedy from the department's action, the court shall
22 not grant such relief unless the court finds that the appellant is
23 likely to prevail in the appeal and that without a stay the appellant
24 will suffer irreparable injury. If the court stays the suspension,
25 revocation, or denial it may impose conditions on such stay.

26 (9)(a) If a person whose driver's license, permit, or privilege to
27 drive has been or will be suspended, revoked, or denied under
28 subsection (6) of this section, other than as a result of a breath test
29 refusal, and who has not committed an offense for which he or she was
30 granted a deferred prosecution under chapter 10.05 RCW, petitions a
31 court for a deferred prosecution on criminal charges arising out of the
32 arrest for which action has been or will be taken under subsection (6)
33 of this section, or notifies the department of licensing of the intent
34 to seek such a deferred prosecution, then the license suspension or
35 revocation shall be stayed pending entry of the deferred prosecution.
36 The stay shall not be longer than one hundred fifty days after the date
37 charges are filed, or two years after the date of the arrest, whichever
38 time period is shorter. If the court stays the suspension, revocation,

1 or denial, it may impose conditions on such stay. If the person is
2 otherwise eligible for licensing, the department shall issue a
3 temporary license, or extend any valid temporary license under
4 subsection (5) of this section, for the period of the stay. If a
5 deferred prosecution treatment plan is not recommended in the report
6 made under RCW 10.05.050, or if treatment is rejected by the court, or
7 if the person declines to accept an offered treatment plan, or if the
8 person violates any condition imposed by the court, then the court
9 shall immediately direct the department to cancel the stay and any
10 temporary ((marked)) license or extension of a temporary license issued
11 under this subsection.

12 (b) A suspension, revocation, or denial imposed under this section,
13 other than as a result of a breath test refusal, shall be stayed if the
14 person is accepted for deferred prosecution as provided in chapter
15 10.05 RCW for the incident upon which the suspension, revocation, or
16 denial is based. If the deferred prosecution is terminated, the stay
17 shall be lifted and the suspension, revocation, or denial reinstated.
18 If the deferred prosecution is completed, the stay shall be lifted and
19 the suspension, revocation, or denial canceled.

20 (c) The provisions of (b) of this subsection relating to a stay of
21 a suspension, revocation, or denial and the cancellation of any
22 suspension, revocation, or denial do not apply to the suspension,
23 revocation, denial, or disqualification of a person's commercial
24 driver's license or privilege to operate a commercial motor vehicle.

25 (10) When it has been finally determined under the procedures of
26 this section that a nonresident's privilege to operate a motor vehicle
27 in this state has been suspended, revoked, or denied, the department
28 shall give information in writing of the action taken to the motor
29 vehicle administrator of the state of the person's residence and of any
30 state in which he or she has a license.

31 **Sec. 4.** RCW 46.20.750 and 2005 c 200 s 2 are each amended to read
32 as follows:

33 (1) A person who is restricted to the use of a vehicle equipped
34 with an ignition interlock device ((and who tampers with the device or
35 directs, authorizes, or requests another to tamper with the device, in
36 order to circumvent the device by modifying, detaching, disconnecting,

1 ~~or otherwise disabling it,~~) is guilty of a gross misdemeanor when, in
2 order to circumvent the device, the person:

3 (a) Tamper with the device by modifying, detaching, disconnecting,
4 or otherwise disabling it;

5 (b) Directs, authorizes, or requests another to tamper with the
6 device by modifying, detaching, disconnecting, or otherwise disabling
7 it;

8 (c) Directs, authorizes, or requests another to blow or otherwise
9 exhale into the device.

10 (2) A person who knowingly assists another person who is restricted
11 to the use of a vehicle equipped with an ignition interlock device to
12 circumvent the device or to start and operate that vehicle in violation
13 of a court order is guilty of a gross misdemeanor. The provisions of
14 this subsection do not apply if the starting of a motor vehicle, or the
15 request to start a motor vehicle, equipped with an ignition interlock
16 device is done for the purpose of safety or mechanical repair of the
17 device or the vehicle and the person subject to the court order does
18 not operate the vehicle.

19 **Sec. 5.** RCW 46.25.120 and 2013 2nd sp.s. c 35 s 12 are each
20 amended to read as follows:

21 (1) A person who drives a commercial motor vehicle within this
22 state is deemed to have given consent, subject to RCW 46.61.506, to
23 take a test or tests of that person's (~~blood or~~) breath for the
24 purpose of determining that person's alcohol concentration (~~or the~~
25 ~~presence of other drugs~~)).

26 (2) A test or tests may be administered at the direction of a law
27 enforcement officer, who after stopping or detaining the commercial
28 motor vehicle driver, has probable cause to believe that driver was
29 driving a commercial motor vehicle while having alcohol in his or her
30 system or while under the influence of any drug.

31 (3) The law enforcement officer requesting the test under
32 subsection (1) of this section shall warn the person requested to
33 submit to the test that a refusal to submit will result in that person
34 being disqualified from operating a commercial motor vehicle under RCW
35 46.25.090.

36 (4) A law enforcement officer who at the time of stopping or
37 detaining a commercial motor vehicle driver has probable cause to

1 believe that driver was driving a commercial motor vehicle while having
2 alcohol in his or her system or while under the influence of any drug
3 may require that a breath or blood test be administered pursuant to a
4 search warrant, a valid waiver of the warrant requirement, or when
5 exigent circumstances exist.

6 (5) If the person refuses testing, or (~~submits to~~) a test is
7 administered that discloses an alcohol concentration of 0.04 or more or
8 any measurable amount of THC concentration, the law enforcement officer
9 shall submit a sworn report to the department certifying that the test
10 was requested pursuant to subsection (1) of this section or a breath or
11 blood test was administered pursuant to subsection (4) of this section
12 and that the person refused to submit to testing, or (~~submitted to~~)
13 a test was administered that disclosed an alcohol concentration of 0.04
14 or more or any measurable amount of THC concentration.

15 ((+5)) (6) Upon receipt of the sworn report of a law enforcement
16 officer under subsection ((+4)) (5) of this section, the department
17 shall disqualify the driver from driving a commercial motor vehicle
18 under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329
19 and 46.20.332. The hearing shall be conducted in the county of the
20 arrest. For the purposes of this section, the hearing shall cover the
21 issues of whether a law enforcement officer had reasonable grounds to
22 believe the person had been driving or was in actual physical control
23 of a commercial motor vehicle within this state while having alcohol in
24 the person's system or while under the influence of any drug, whether
25 the person refused to submit to the test or tests upon request of the
26 officer after having been informed that the refusal would result in the
27 disqualification of the person from driving a commercial motor vehicle,
28 if applicable, and, if the test was administered, whether the results
29 indicated an alcohol concentration of 0.04 percent or more or any
30 measurable amount of THC concentration. The department shall order
31 that the disqualification of the person either be rescinded or
32 sustained. Any decision by the department disqualifying a person from
33 driving a commercial motor vehicle is stayed and does not take effect
34 while a formal hearing is pending under this section or during the
35 pendency of a subsequent appeal to superior court so long as there is
36 no conviction for a moving violation or no finding that the person has
37 committed a traffic infraction that is a moving violation during the
38 pendency of the hearing and appeal. If the disqualification of the

1 person is sustained after the hearing, the person who is disqualified
2 may file a petition in the superior court of the county of arrest to
3 review the final order of disqualification by the department in the
4 manner provided in RCW 46.20.334.

5 ~~((+6))~~ (7) If a motor carrier or employer who is required to have
6 a testing program under 49 C.F.R. 382 knows that a commercial driver in
7 his or her employ has refused to submit to testing under this section
8 and has not been disqualified from driving a commercial motor vehicle,
9 the employer may notify law enforcement or his or her medical review
10 officer or breath alcohol technician that the driver has refused to
11 submit to the required testing.

12 ~~((+7))~~ (8) The hearing provisions of this section do not apply to
13 those persons disqualified from driving a commercial motor vehicle
14 under RCW 46.25.090(7).

15 **Sec. 6.** RCW 46.61.5055 and 2013 2nd sp.s. c 35 s 13 are each
16 amended to read as follows:

17 (1) **No prior offenses in seven years.** Except as provided in RCW
18 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation
19 of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven
20 years shall be punished as follows:

21 (a) **Penalty for alcohol concentration less than 0.15.** In the case
22 of a person whose alcohol concentration was less than 0.15, or for whom
23 for reasons other than the person's refusal to take a test offered
24 pursuant to RCW 46.20.308 there is no test result indicating the
25 person's alcohol concentration:

26 (i) By imprisonment for not less than one day nor more than three
27 hundred sixty-four days. Twenty-four consecutive hours of the
28 imprisonment may not be suspended unless the court finds that the
29 imposition of this mandatory minimum sentence would impose a
30 substantial risk to the offender's physical or mental well-being.
31 Whenever the mandatory minimum sentence is suspended, the court shall
32 state in writing the reason for granting the suspension and the facts
33 upon which the suspension is based. In lieu of the mandatory minimum
34 term of imprisonment required under this subsection (1)(a)(i), the
35 court may order not less than fifteen days of electronic home
36 monitoring. The offender shall pay the cost of electronic home
37 monitoring. The county or municipality in which the penalty is being

1 imposed shall determine the cost. The court may also require the
2 offender's electronic home monitoring device or other separate alcohol
3 monitoring device to include an alcohol detection breathalyzer, and the
4 court may restrict the amount of alcohol the offender may consume
5 during the time the offender is on electronic home monitoring; and

6 (ii) By a fine of not less than three hundred fifty dollars nor
7 more than five thousand dollars. Three hundred fifty dollars of the
8 fine may not be suspended unless the court finds the offender to be
9 indigent; or

10 (b) **Penalty for alcohol concentration at least 0.15.** In the case
11 of a person whose alcohol concentration was at least 0.15, or for whom
12 by reason of the person's refusal to take a test offered pursuant to
13 RCW 46.20.308 there is no test result indicating the person's alcohol
14 concentration:

15 (i) By imprisonment for not less than two days nor more than three
16 hundred sixty-four days. Forty-eight consecutive hours of the
17 imprisonment may not be suspended unless the court finds that the
18 imposition of this mandatory minimum sentence would impose a
19 substantial risk to the offender's physical or mental well-being.
20 Whenever the mandatory minimum sentence is suspended, the court shall
21 state in writing the reason for granting the suspension and the facts
22 upon which the suspension is based. In lieu of the mandatory minimum
23 term of imprisonment required under this subsection (1)(b)(i), the
24 court may order not less than thirty days of electronic home
25 monitoring. The offender shall pay the cost of electronic home
26 monitoring. The county or municipality in which the penalty is being
27 imposed shall determine the cost. The court may also require the
28 offender's electronic home monitoring device to include an alcohol
29 detection breathalyzer or other separate alcohol monitoring device, and
30 the court may restrict the amount of alcohol the offender may consume
31 during the time the offender is on electronic home monitoring; and

32 (ii) By a fine of not less than five hundred dollars nor more than
33 five thousand dollars. Five hundred dollars of the fine may not be
34 suspended unless the court finds the offender to be indigent.

35 (2) **One prior offense in seven years.** Except as provided in RCW
36 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation
37 of RCW 46.61.502 or 46.61.504 and who has one prior offense within
38 seven years shall be punished as follows:

1 (a) **Penalty for alcohol concentration less than 0.15.** In the case
2 of a person whose alcohol concentration was less than 0.15, or for whom
3 for reasons other than the person's refusal to take a test offered
4 pursuant to RCW 46.20.308 there is no test result indicating the
5 person's alcohol concentration:

6 (i) By imprisonment for not less than thirty days nor more than
7 three hundred sixty-four days and sixty days of electronic home
8 monitoring. In lieu of the mandatory minimum term of sixty days
9 electronic home monitoring, the court may order at least an additional
10 four days in jail or, if available in that county or city, a six-month
11 period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300
12 through 36.28A.390, and the court shall order an expanded alcohol
13 assessment and treatment, if deemed appropriate by the assessment. The
14 offender shall pay for the cost of the electronic monitoring. The
15 county or municipality where the penalty is being imposed shall
16 determine the cost. The court may also require the offender's
17 electronic home monitoring device include an alcohol detection
18 breathalyzer or other separate alcohol monitoring device, and may
19 restrict the amount of alcohol the offender may consume during the time
20 the offender is on electronic home monitoring. Thirty days of
21 imprisonment and sixty days of electronic home monitoring may not be
22 suspended unless the court finds that the imposition of this mandatory
23 minimum sentence would impose a substantial risk to the offender's
24 physical or mental well-being. Whenever the mandatory minimum sentence
25 is suspended, the court shall state in writing the reason for granting
26 the suspension and the facts upon which the suspension is based; and

27 (ii) By a fine of not less than five hundred dollars nor more than
28 five thousand dollars. Five hundred dollars of the fine may not be
29 suspended unless the court finds the offender to be indigent; or

30 (b) **Penalty for alcohol concentration at least 0.15.** In the case
31 of a person whose alcohol concentration was at least 0.15, or for whom
32 by reason of the person's refusal to take a test offered pursuant to
33 RCW 46.20.308 there is no test result indicating the person's alcohol
34 concentration:

35 (i) By imprisonment for not less than forty-five days nor more than
36 three hundred sixty-four days and ninety days of electronic home
37 monitoring. In lieu of the mandatory minimum term of ninety days
38 electronic home monitoring, the court may order at least an additional

1 six days in jail or, if available in that county or city, a six-month
2 period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300
3 through 36.28A.390, and the court shall order an expanded alcohol
4 assessment and treatment, if deemed appropriate by the assessment. The
5 offender shall pay for the cost of the electronic monitoring. The
6 county or municipality where the penalty is being imposed shall
7 determine the cost. The court may also require the offender's
8 electronic home monitoring device include an alcohol detection
9 breathalyzer or other separate alcohol monitoring device, and may
10 restrict the amount of alcohol the offender may consume during the time
11 the offender is on electronic home monitoring. Forty-five days of
12 imprisonment and ninety days of electronic home monitoring may not be
13 suspended unless the court finds that the imposition of this mandatory
14 minimum sentence would impose a substantial risk to the offender's
15 physical or mental well-being. Whenever the mandatory minimum sentence
16 is suspended, the court shall state in writing the reason for granting
17 the suspension and the facts upon which the suspension is based; and

18 (ii) By a fine of not less than seven hundred fifty dollars nor
19 more than five thousand dollars. Seven hundred fifty dollars of the
20 fine may not be suspended unless the court finds the offender to be
21 indigent.

22 (3) **Two or three prior offenses in seven years.** Except as provided
23 in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a
24 violation of RCW 46.61.502 or 46.61.504 and who has two or three prior
25 offenses within seven years shall be punished as follows:

26 (a) **Penalty for alcohol concentration less than 0.15.** In the case
27 of a person whose alcohol concentration was less than 0.15, or for whom
28 for reasons other than the person's refusal to take a test offered
29 pursuant to RCW 46.20.308 there is no test result indicating the
30 person's alcohol concentration:

31 (i) By imprisonment for not less than ninety days nor more than
32 three hundred sixty-four days, if available in that county or city, a
33 six-month period of 24/7 sobriety program monitoring pursuant to RCW
34 36.28A.300 through 36.28A.390, and one hundred twenty days of
35 electronic home monitoring. In lieu of the mandatory minimum term of
36 one hundred twenty days of electronic home monitoring, the court may
37 order at least an additional eight days in jail. The court shall order
38 an expanded alcohol assessment and treatment, if deemed appropriate by

1 the assessment. The offender shall pay for the cost of the electronic
2 monitoring. The county or municipality where the penalty is being
3 imposed shall determine the cost. The court may also require the
4 offender's electronic home monitoring device include an alcohol
5 detection breathalyzer or other separate alcohol monitoring device, and
6 may restrict the amount of alcohol the offender may consume during the
7 time the offender is on electronic home monitoring. Ninety days of
8 imprisonment and one hundred twenty days of electronic home monitoring
9 may not be suspended unless the court finds that the imposition of this
10 mandatory minimum sentence would impose a substantial risk to the
11 offender's physical or mental well-being. Whenever the mandatory
12 minimum sentence is suspended, the court shall state in writing the
13 reason for granting the suspension and the facts upon which the
14 suspension is based; and

15 (ii) By a fine of not less than one thousand dollars nor more than
16 five thousand dollars. One thousand dollars of the fine may not be
17 suspended unless the court finds the offender to be indigent; or

18 (b) **Penalty for alcohol concentration at least 0.15.** In the case
19 of a person whose alcohol concentration was at least 0.15, or for whom
20 by reason of the person's refusal to take a test offered pursuant to
21 RCW 46.20.308 there is no test result indicating the person's alcohol
22 concentration:

23 (i) By imprisonment for not less than one hundred twenty days nor
24 more than three hundred sixty-four days, if available in that county or
25 city, a six-month period of 24/7 sobriety program monitoring pursuant
26 to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of
27 electronic home monitoring. In lieu of the mandatory minimum term of
28 one hundred fifty days of electronic home monitoring, the court may
29 order at least an additional ten days in jail. The offender shall pay
30 for the cost of the electronic monitoring. The court shall order an
31 expanded alcohol assessment and treatment, if deemed appropriate by the
32 assessment. The county or municipality where the penalty is being
33 imposed shall determine the cost. The court may also require the
34 offender's electronic home monitoring device include an alcohol
35 detection breathalyzer or other separate alcohol monitoring device, and
36 may restrict the amount of alcohol the offender may consume during the
37 time the offender is on electronic home monitoring. One hundred twenty
38 days of imprisonment and one hundred fifty days of electronic home

1 monitoring may not be suspended unless the court finds that the
2 imposition of this mandatory minimum sentence would impose a
3 substantial risk to the offender's physical or mental well-being.
4 Whenever the mandatory minimum sentence is suspended, the court shall
5 state in writing the reason for granting the suspension and the facts
6 upon which the suspension is based; and

7 (ii) By a fine of not less than one thousand five hundred dollars
8 nor more than five thousand dollars. One thousand five hundred dollars
9 of the fine may not be suspended unless the court finds the offender to
10 be indigent.

11 (4) **Four or more prior offenses in ten years.** A person who is
12 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be
13 punished under chapter 9.94A RCW if:

14 (a) The person has four or more prior offenses within ten years; or

15 (b) The person has ever previously been convicted of:

16 (i) A violation of RCW 46.61.520 committed while under the
17 influence of intoxicating liquor or any drug;

18 (ii) A violation of RCW 46.61.522 committed while under the
19 influence of intoxicating liquor or any drug;

20 (iii) An out-of-state offense comparable to the offense specified
21 in (b)(i) or (ii) of this subsection; or

22 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

23 (5)(a) **Mandated alcohol monitoring device.** The court shall require
24 any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an
25 equivalent local ordinance to comply with the rules and requirements of
26 the department regarding the installation and use of a functioning
27 ignition interlock device installed on all motor vehicles operated by
28 the person.

29 (b) If the court orders that a person refrain from consuming any
30 alcohol, the court may order the person to submit to alcohol monitoring
31 through an alcohol detection breathalyzer device, transdermal sensor
32 device, or other technology designed to detect alcohol in a person's
33 system. The person shall pay for the cost of the monitoring, unless
34 the court specifies that the cost of monitoring will be paid with funds
35 that are available from an alternative source identified by the court.
36 The county or municipality where the penalty is being imposed shall
37 determine the cost.

1 (6) **Penalty for having a minor passenger in vehicle.** If a person
2 who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed
3 the offense while a passenger under the age of sixteen was in the
4 vehicle, the court shall:

5 (a) Order the use of an ignition interlock or other device for an
6 additional six months;

7 (b) In any case in which the person has no prior offenses within
8 seven years, and except as provided in RCW 46.61.502(6) or
9 46.61.504(6), order an additional twenty-four hours of imprisonment and
10 a fine of not less than one thousand dollars and not more than five
11 thousand dollars. One thousand dollars of the fine may not be
12 suspended unless the court finds the offender to be indigent;

13 (c) In any case in which the person has one prior offense within
14 seven years, and except as provided in RCW 46.61.502(6) or
15 46.61.504(6), order an additional five days of imprisonment and a fine
16 of not less than two thousand dollars and not more than five thousand
17 dollars. One thousand dollars of the fine may not be suspended unless
18 the court finds the offender to be indigent;

19 (d) In any case in which the person has two or three prior offenses
20 within seven years, and except as provided in RCW 46.61.502(6) or
21 46.61.504(6), order an additional ten days of imprisonment and a fine
22 of not less than three thousand dollars and not more than ten thousand
23 dollars. One thousand dollars of the fine may not be suspended unless
24 the court finds the offender to be indigent.

25 (7) **Other items courts must consider while setting penalties.** In
26 exercising its discretion in setting penalties within the limits
27 allowed by this section, the court shall particularly consider the
28 following:

29 (a) Whether the person's driving at the time of the offense was
30 responsible for injury or damage to another or another's property;

31 (b) Whether at the time of the offense the person was driving or in
32 physical control of a vehicle with one or more passengers;

33 (c) Whether the driver was driving in the opposite direction of the
34 normal flow of traffic on a multiple lane highway, as defined by RCW
35 46.04.350, with a posted speed limit of forty-five miles per hour or
36 greater; and

37 (d) Whether a child passenger under the age of sixteen was an
38 occupant in the driver's vehicle.

1 (8) **Treatment and information school.** An offender punishable under
2 this section is subject to the alcohol assessment and treatment
3 provisions of RCW 46.61.5056.

4 (9) **Driver's license privileges of the defendant.** The license,
5 permit, or nonresident privilege of a person convicted of driving or
6 being in physical control of a motor vehicle while under the influence
7 of intoxicating liquor or drugs must:

8 (a) **Penalty for alcohol concentration less than 0.15.** If the
9 person's alcohol concentration was less than 0.15, or if for reasons
10 other than the person's refusal to take a test offered under RCW
11 46.20.308 there is no test result indicating the person's alcohol
12 concentration:

13 (i) Where there has been no prior offense within seven years, be
14 suspended or denied by the department for ninety days;

15 (ii) Where there has been one prior offense within seven years, be
16 revoked or denied by the department for two years; or

17 (iii) Where there have been two or more prior offenses within seven
18 years, be revoked or denied by the department for three years;

19 (b) **Penalty for alcohol concentration at least 0.15.** If the
20 person's alcohol concentration was at least 0.15:

21 (i) Where there has been no prior offense within seven years, be
22 revoked or denied by the department for one year;

23 (ii) Where there has been one prior offense within seven years, be
24 revoked or denied by the department for nine hundred days; or

25 (iii) Where there have been two or more prior offenses within seven
26 years, be revoked or denied by the department for four years; or

27 (c) **Penalty for refusing to take test.** If by reason of the
28 person's refusal to take a test offered under RCW 46.20.308, there is
29 no test result indicating the person's alcohol concentration:

30 (i) Where there have been no prior offenses within seven years, be
31 revoked or denied by the department for two years;

32 (ii) Where there has been one prior offense within seven years, be
33 revoked or denied by the department for three years; or

34 (iii) Where there have been two or more previous offenses within
35 seven years, be revoked or denied by the department for four years.

36 The department shall grant credit on a day-for-day basis for any
37 portion of a suspension, revocation, or denial already served under

1 this subsection for a suspension, revocation, or denial imposed under
2 RCW 46.20.3101 arising out of the same incident.

3 Upon its own motion or upon motion by a person, a court may find,
4 on the record, that notice to the department under RCW 46.20.270 has
5 been delayed for three years or more as a result of a clerical or court
6 error. If so, the court may order that the person's license, permit,
7 or nonresident privilege shall not be revoked, suspended, or denied for
8 that offense. The court shall send notice of the finding and order to
9 the department and to the person. Upon receipt of the notice from the
10 court, the department shall not revoke, suspend, or deny the license,
11 permit, or nonresident privilege of the person for that offense.

12 For purposes of this subsection (9), the department shall refer to
13 the driver's record maintained under RCW 46.52.120 when determining the
14 existence of prior offenses.

15 (10) **Probation of driving privilege.** After expiration of any
16 period of suspension, revocation, or denial of the offender's license,
17 permit, or privilege to drive required by this section, the department
18 shall place the offender's driving privilege in probationary status
19 pursuant to RCW 46.20.355.

20 (11)(a) **Conditions of probation.** In addition to any nonsuspendable
21 and nondeferrable jail sentence required by this section, whenever the
22 court imposes up to three hundred sixty-four days in jail, the court
23 shall also suspend but shall not defer a period of confinement for a
24 period not exceeding five years. The court shall impose conditions of
25 probation that include: (i) Not driving a motor vehicle within this
26 state without a valid license to drive and proof of liability insurance
27 or other financial responsibility for the future pursuant to RCW
28 46.30.020; (ii) not driving or being in physical control of a motor
29 vehicle within this state while having an alcohol concentration of 0.08
30 or more or a THC concentration of 5.00 nanograms per milliliter of
31 whole blood or higher, within two hours after driving; and (iii) not
32 refusing to submit to a test of his or her breath or blood to determine
33 alcohol or drug concentration upon request of a law enforcement officer
34 who has reasonable grounds to believe the person was driving or was in
35 actual physical control of a motor vehicle within this state while
36 under the influence of intoxicating liquor or drug. The court may
37 impose conditions of probation that include nonrepetition, installation
38 of an ignition interlock device on the probationer's motor vehicle,

1 alcohol or drug treatment, supervised probation, or other conditions
2 that may be appropriate. The sentence may be imposed in whole or in
3 part upon violation of a condition of probation during the suspension
4 period.

5 (b) For each violation of mandatory conditions of probation under
6 (a)(i), (ii), or (iii) of this subsection, the court shall order the
7 convicted person to be confined for thirty days, which shall not be
8 suspended or deferred.

9 (c) For each incident involving a violation of a mandatory
10 condition of probation imposed under this subsection, the license,
11 permit, or privilege to drive of the person shall be suspended by the
12 court for thirty days or, if such license, permit, or privilege to
13 drive already is suspended, revoked, or denied at the time the finding
14 of probation violation is made, the suspension, revocation, or denial
15 then in effect shall be extended by thirty days. The court shall
16 notify the department of any suspension, revocation, or denial or any
17 extension of a suspension, revocation, or denial imposed under this
18 subsection.

19 (12) **Waiver of electronic home monitoring.** A court may waive the
20 electronic home monitoring requirements of this chapter when:

21 (a) The offender does not have a dwelling, telephone service, or
22 any other necessity to operate an electronic home monitoring system.
23 However, if a court determines that an alcohol monitoring device
24 utilizing wireless reporting technology is reasonably available, the
25 court may require the person to obtain such a device during the period
26 of required electronic home monitoring;

27 (b) The offender does not reside in the state of Washington; or

28 (c) The court determines that there is reason to believe that the
29 offender would violate the conditions of the electronic home monitoring
30 penalty.

31 Whenever the mandatory minimum term of electronic home monitoring
32 is waived, the court shall state in writing the reason for granting the
33 waiver and the facts upon which the waiver is based, and shall impose
34 an alternative sentence with similar punitive consequences. The
35 alternative sentence may include, but is not limited to, use of an
36 ignition interlock device, the 24/7 sobriety program monitoring,
37 additional jail time, work crew, or work camp.

1 Whenever the combination of jail time and electronic home
2 monitoring or alternative sentence would exceed three hundred sixty-
3 four days, the offender shall serve the jail portion of the sentence
4 first, and the electronic home monitoring or alternative portion of the
5 sentence shall be reduced so that the combination does not exceed three
6 hundred sixty-four days.

7 (13) **Extraordinary medical placement.** An offender serving a
8 sentence under this section, whether or not a mandatory minimum term
9 has expired, may be granted an extraordinary medical placement by the
10 jail administrator subject to the standards and limitations set forth
11 in RCW 9.94A.728(3).

12 (14) **Definitions.** For purposes of this section and RCW 46.61.502
13 and 46.61.504:

14 (a) A "prior offense" means any of the following:

15 (i) A conviction for a violation of RCW 46.61.502 or an equivalent
16 local ordinance;

17 (ii) A conviction for a violation of RCW 46.61.504 or an equivalent
18 local ordinance;

19 (iii) A conviction for a violation of RCW 46.61.520 committed while
20 under the influence of intoxicating liquor or any drug, or a conviction
21 for a violation of RCW 46.61.520 committed in a reckless manner or with
22 the disregard for the safety of others if the conviction is the result
23 of a charge that was originally filed as a violation of RCW 46.61.520
24 committed while under the influence of intoxicating liquor or any drug;

25 (iv) A conviction for a violation of RCW 46.61.522 committed while
26 under the influence of intoxicating liquor or any drug, or a conviction
27 for a violation of RCW 46.61.522 committed in a reckless manner or with
28 the disregard for the safety of others if the conviction is the result
29 of a charge that was originally filed as a violation of RCW 46.61.522
30 committed while under the influence of intoxicating liquor or any drug;

31 (v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
32 9A.36.050 or an equivalent local ordinance, if the conviction is the
33 result of a charge that was originally filed as a violation of RCW
34 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
35 46.61.520 or 46.61.522;

36 (vi) An out-of-state conviction for a violation that would have
37 been a violation of (a)(i), (ii), (iii), (iv), or (v) of this
38 subsection if committed in this state;

1 (vii) A deferred prosecution under chapter 10.05 RCW granted in a
2 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
3 equivalent local ordinance;

4 (viii) A deferred prosecution under chapter 10.05 RCW granted in a
5 prosecution for a violation of RCW 46.61.5249, or an equivalent local
6 ordinance, if the charge under which the deferred prosecution was
7 granted was originally filed as a violation of RCW 46.61.502 or
8 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
9 46.61.522;

10 (ix) A deferred prosecution granted in another state for a
11 violation of driving or having physical control of a vehicle while
12 under the influence of intoxicating liquor or any drug if the out-of-
13 state deferred prosecution is equivalent to the deferred prosecution
14 under chapter 10.05 RCW, including a requirement that the defendant
15 participate in a chemical dependency treatment program; or

16 (x) A deferred sentence imposed in a prosecution for a violation of
17 RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
18 ordinance, if the charge under which the deferred sentence was imposed
19 was originally filed as a violation of RCW 46.61.502 or 46.61.504, or
20 an equivalent local ordinance, or a violation of RCW 46.61.520 or
21 46.61.522;

22 If a deferred prosecution is revoked based on a subsequent
23 conviction for an offense listed in this subsection (14)(a), the
24 subsequent conviction shall not be treated as a prior offense of the
25 revoked deferred prosecution for the purposes of sentencing;

26 (b) "Treatment" means alcohol or drug treatment approved by the
27 department of social and health services;

28 (c) "Within seven years" means that the arrest for a prior offense
29 occurred within seven years before or after the arrest for the current
30 offense; and

31 (d) "Within ten years" means that the arrest for a prior offense
32 occurred within ten years before or after the arrest for the current
33 offense.

34 NEW SECTION. **Sec. 7.** The sum of one hundred seventy-six thousand
35 dollars of the state general fund for fiscal year ending June 30, 2014,
36 and one hundred seventy-six thousand dollars of the state general fund

1 for fiscal year ending June 30, 2015, or as much thereof as may be
2 necessary, is appropriated to the Washington state criminal justice
3 training commission solely for the purposes of RCW 36.28A.320.

4 NEW SECTION. **Sec. 8.** The sum of two hundred seventy thousand
5 dollars from the state general fund for fiscal year ending June 30,
6 2014, and three hundred sixty thousand dollars of the state general
7 fund for fiscal year ending June 30, 2015, or as much thereof as may be
8 necessary, is appropriated for expenditure into the county criminal
9 justice assistance account. The treasurer shall make quarterly
10 distributions from the county criminal justice assistance account of
11 the amounts provided in this section in accordance with RCW 82.14.310,
12 for the purposes of reimbursing local jurisdictions for increased costs
13 incurred as a result of mandatory arrest of repeat offenders from the
14 changes made in RCW 10.31.100(2)(d). The appropriations and
15 distributions made under this section constitute appropriate
16 reimbursement for costs for any new programs or increased level of
17 services for purposes of RCW 43.135.060.

18 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
19 repealed:

- 20 (1) 2013 2nd sp.s. c 35 s 39 (uncodified); and
21 (2) 2013 2nd sp.s. c 35 s 40 (uncodified).

--- END ---