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**HOUSE BILL 1091**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representative Goodman; by request of Statute Law Committee

Prefiled 01/08/19. Read first time 01/14/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to making technical corrections and removing  
2 obsolete language from the Revised Code of Washington pursuant to RCW  
3 1.08.025; amending RCW 1.20.110, 28B.117.040, 29A.92.005, 29A.92.030,  
4 29A.92.050, 29A.92.060, 29A.92.070, 29A.92.080, 29A.92.090,  
5 29A.92.100, 29A.92.120, 29A.92.710, 29A.92.900, 41.50.033, 70.15.110,  
6 70.305.010, 74.13.029, and 74.14B.050; reenacting and amending RCW  
7 9.94A.515, 13.40.193, 41.04.665, and 66.20.300; reenacting RCW  
8 43.21B.300, 66.20.310, and 69.50.412; and creating a new section.

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

10 NEW SECTION. **Sec. 1.** RCW 1.08.025 directs the code reviser,  
11 with the approval of the statute law committee, to prepare  
12 legislation for submission to the legislature "concerning  
13 deficiencies, conflicts, or obsolete provisions" in statutes. This  
14 act makes technical, nonsubstantive amendments as follows:

15 (1) Section 2 of this act updates RCW 1.20.110 to reflect 2008  
16 legislation by the Scottish parliament, creating a new register of  
17 tartans.

18 (2) Sections 3, 17, and 19 of this act merge double amendments  
19 created when sections were amended without reference to the  
20 amendments made in the same year.

1 (3) Section 4 of this act amends RCW 13.40.193 to reflect a  
2 change in subsection numbering of a cross-referenced section.

3 (4) Section 5 of this act corrects an apparent error in RCW  
4 28B.117.040(1). The reference to "subsection (3)(a) of this section"  
5 is incorrect. RCW 28B.117.030(3)(a) was apparently intended.

6 (5) Sections 6 through 16 of this act amend numerous sections in  
7 chapter 29A.92 RCW to replace references to "chapter 113, Laws of  
8 2018" with "this chapter."

9 (6) Section 18 of this act amends RCW 41.50.033 to remove  
10 unnecessary subsection references for a defined term.

11 (7) Sections 20 through 22 of this act merge double amendments  
12 created when sections were amended without cognizance of amendments  
13 made in previous years.

14 (8) Section 23 of this act corrects five references to "emergency  
15 volunteer health practitioner" in RCW 70.15.110(1). Reference to  
16 "volunteer health practitioner" was apparently intended.

17 (9) Section 24 of this act corrects an apparent error in RCW  
18 70.305.010 (4) and (5). The reference to RCW 43.216.141 appears  
19 erroneous. RCW 43.216.157 was apparently intended.

20 (10) Section 25 of this act amends RCW 74.13.029 to reflect  
21 multiple changes in subsection numbering of a cross-referenced  
22 section.

23 (11) Section 26 of this act amends RCW 74.14B.050 to clarify that  
24 "department" refers to the department of children, youth, and  
25 families, rather than the department of social and health services.

26 **Sec. 2.** RCW 1.20.110 and 1991 c 62 s 1 are each amended to read  
27 as follows:

28 The Washington state tartan is hereby designated. The tartan  
29 shall have a pattern of colors, called a sett, that is made up of a  
30 green background with stripes of blue, white, yellow, red, and black.  
31 The secretary of state shall register the tartan with the Scottish  
32 (~~Tartan Society, Comrie, Perthshire, Scotland~~) Register of Tartans.

33 **Sec. 3.** RCW 9.94A.515 and 2018 c 236 s 721 and 2018 c 7 s 7 are  
34 each reenacted and amended to read as follows:

35 TABLE 2  
36 CRIMES INCLUDED WITHIN EACH  
37 SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW 10.95.020)  
2 XV Homicide by abuse (RCW 9A.32.055)  
3 Malicious explosion 1 (RCW  
4 70.74.280(1))  
5 Murder 1 (RCW 9A.32.030)  
6 XIV Murder 2 (RCW 9A.32.050)  
7 Trafficking 1 (RCW 9A.40.100(1))  
8 XIII Malicious explosion 2 (RCW  
9 70.74.280(2))  
10 Malicious placement of an explosive 1  
11 (RCW 70.74.270(1))  
12 XII Assault 1 (RCW 9A.36.011)  
13 Assault of a Child 1 (RCW 9A.36.120)  
14 Malicious placement of an imitation  
15 device 1 (RCW 70.74.272(1)(a))  
16 Promoting Commercial Sexual Abuse of  
17 a Minor (RCW 9.68A.101)  
18 Rape 1 (RCW 9A.44.040)  
19 Rape of a Child 1 (RCW 9A.44.073)  
20 Trafficking 2 (RCW 9A.40.100(3))  
21 XI Manslaughter 1 (RCW 9A.32.060)  
22 Rape 2 (RCW 9A.44.050)  
23 Rape of a Child 2 (RCW 9A.44.076)  
24 Vehicular Homicide, by being under the  
25 influence of intoxicating liquor or  
26 any drug (RCW 46.61.520)  
27 Vehicular Homicide, by the operation of  
28 any vehicle in a reckless manner  
29 (RCW 46.61.520)  
30 X Child Molestation 1 (RCW 9A.44.083)  
31 Criminal Mistreatment 1 (RCW  
32 9A.42.020)  
33 Indecent Liberties (with forcible  
34 compulsion) (RCW  
35 9A.44.100(1)(a))

1 Kidnapping 1 (RCW 9A.40.020)  
2 Leading Organized Crime (RCW  
3 9A.82.060(1)(a))  
4 Malicious explosion 3 (RCW  
5 70.74.280(3))  
6 Sexually Violent Predator Escape (RCW  
7 9A.76.115)  
8 IX Abandonment of Dependent Person 1  
9 (RCW 9A.42.060)  
10 Assault of a Child 2 (RCW 9A.36.130)  
11 Explosive devices prohibited (RCW  
12 70.74.180)  
13 Hit and Run—Death (RCW  
14 46.52.020(4)(a))  
15 Homicide by Watercraft, by being under  
16 the influence of intoxicating liquor  
17 or any drug (RCW 79A.60.050)  
18 Inciting Criminal Profiteering (RCW  
19 9A.82.060(1)(b))  
20 Malicious placement of an explosive 2  
21 (RCW 70.74.270(2))  
22 Robbery 1 (RCW 9A.56.200)  
23 Sexual Exploitation (RCW 9.68A.040)  
24 VIII Arson 1 (RCW 9A.48.020)  
25 Commercial Sexual Abuse of a Minor  
26 (RCW 9.68A.100)  
27 Homicide by Watercraft, by the  
28 operation of any vessel in a reckless  
29 manner (RCW 79A.60.050)  
30 Manslaughter 2 (RCW 9A.32.070)  
31 Promoting Prostitution 1 (RCW  
32 9A.88.070)  
33 Theft of Ammonia (RCW 69.55.010)

1 VII Air bag diagnostic systems (causing  
2 bodily injury or death) (RCW  
3 46.37.660(2)(b))  
4 Air bag replacement requirements  
5 (causing bodily injury or death)  
6 (RCW 46.37.660(1)(b))  
7 Burglary 1 (RCW 9A.52.020)  
8 Child Molestation 2 (RCW 9A.44.086)  
9 Civil Disorder Training (RCW  
10 9A.48.120)  
11 Dealing in depictions of minor engaged  
12 in sexually explicit conduct 1  
13 (RCW 9.68A.050(1))  
14 Drive-by Shooting (RCW 9A.36.045)  
15 Homicide by Watercraft, by disregard  
16 for the safety of others (RCW  
17 79A.60.050)  
18 Indecent Liberties (without forcible  
19 compulsion) (RCW 9A.44.100(1)  
20 (b) and (c))  
21 Introducing Contraband 1 (RCW  
22 9A.76.140)  
23 Malicious placement of an explosive 3  
24 (RCW 70.74.270(3))  
25 Manufacture or import counterfeit,  
26 nonfunctional, damaged, or  
27 previously deployed air bag  
28 (causing bodily injury or death)  
29 (RCW 46.37.650(1)(b))  
30 Negligently Causing Death By Use of a  
31 Signal Preemption Device (RCW  
32 46.37.675)  
33 Sell, install, or reinstall counterfeit,  
34 nonfunctional, damaged, or  
35 previously deployed airbag (RCW  
36 46.37.650(2)(b))

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct 1 (RCW  
4 9.68A.060(1))  
5 Unlawful Possession of a Firearm in the  
6 first degree (RCW 9.41.040(1))  
7 Use of a Machine Gun or Bump-fire  
8 Stock in Commission of a Felony  
9 (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Intimidating a Juror/Witness (RCW  
19 9A.72.110, 9A.72.130)  
20 Malicious placement of an imitation  
21 device 2 (RCW 70.74.272(1)(b))  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit  
24 Conduct 1 (RCW 9.68A.070(1))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Theft from a Vulnerable Adult 1 (RCW  
28 9A.56.400(1))  
29 Unlawful Storage of Ammonia (RCW  
30 69.55.020)  
31 V Abandonment of Dependent Person 2  
32 (RCW 9A.42.070)  
33 Advancing money or property for  
34 extortionate extension of credit  
35 (RCW 9A.82.030)

1 Air bag diagnostic systems (RCW  
2 46.37.660(2)(c))  
3 Air bag replacement requirements  
4 (RCW 46.37.660(1)(c))  
5 Bail Jumping with class A Felony  
6 (RCW 9A.76.170(3)(b))  
7 Child Molestation 3 (RCW 9A.44.089)  
8 Criminal Mistreatment 2 (RCW  
9 9A.42.030)  
10 Custodial Sexual Misconduct 1 (RCW  
11 9A.44.160)  
12 Dealing in Depictions of Minor  
13 Engaged in Sexually Explicit  
14 Conduct 2 (RCW 9.68A.050(2))  
15 Domestic Violence Court Order  
16 Violation (RCW 10.99.040,  
17 10.99.050, 26.09.300, 26.10.220,  
18 ((~~26.26.138~~)) 26.26B.050,  
19 26.50.110, 26.52.070, or 74.34.145)  
20 Extortion 1 (RCW 9A.56.120)  
21 Extortionate Extension of Credit (RCW  
22 9A.82.020)  
23 Extortionate Means to Collect  
24 Extensions of Credit (RCW  
25 9A.82.040)  
26 Incest 2 (RCW 9A.64.020(2))  
27 Kidnapping 2 (RCW 9A.40.030)  
28 Manufacture or import counterfeit,  
29 nonfunctional, damaged, or  
30 previously deployed air bag (RCW  
31 46.37.650(1)(c))  
32 Perjury 1 (RCW 9A.72.020)  
33 Persistent prison misbehavior (RCW  
34 9.94.070)  
35 Possession of a Stolen Firearm (RCW  
36 9A.56.310)

1 Rape 3 (RCW 9A.44.060)  
2 Rendering Criminal Assistance 1 (RCW  
3 9A.76.070)  
4 Sell, install, or reinstall counterfeit,  
5 nonfunctional, damaged, or  
6 previously deployed airbag (RCW  
7 46.37.650(2)(c))  
8 Sending, Bringing into State Depictions  
9 of Minor Engaged in Sexually  
10 Explicit Conduct 2 (RCW  
11 9.68A.060(2))  
12 Sexual Misconduct with a Minor 1  
13 (RCW 9A.44.093)  
14 Sexually Violating Human Remains  
15 (RCW 9A.44.105)  
16 Stalking (RCW 9A.46.110)  
17 Taking Motor Vehicle Without  
18 Permission 1 (RCW 9A.56.070)  
19 IV Arson 2 (RCW 9A.48.030)  
20 Assault 2 (RCW 9A.36.021)  
21 Assault 3 (of a Peace Officer with a  
22 Projectile Stun Gun) (RCW  
23 9A.36.031(1)(h))  
24 Assault 4 (third domestic violence  
25 offense) (RCW 9A.36.041(3))  
26 Assault by Watercraft (RCW  
27 79A.60.060)  
28 Bribing a Witness/Bribe Received by  
29 Witness (RCW 9A.72.090,  
30 9A.72.100)  
31 Cheating 1 (RCW 9.46.1961)  
32 Commercial Bribery (RCW 9A.68.060)  
33 Counterfeiting (RCW 9.16.035(4))  
34 Driving While Under the Influence  
35 (RCW 46.61.502(6))



1 Endangerment with a Controlled  
2 Substance (RCW 9A.42.100)  
3 Escape 1 (RCW 9A.76.110)  
4 Hit and Run—Injury (RCW  
5 46.52.020(4)(b))  
6 Hit and Run with Vessel—Injury  
7 Accident (RCW 79A.60.200(3))  
8 Identity Theft 1 (RCW 9.35.020(2))  
9 Indecent Exposure to Person Under Age  
10 Fourteen (subsequent sex offense)  
11 (RCW 9A.88.010)  
12 Influencing Outcome of Sporting Event  
13 (RCW 9A.82.070)  
14 Malicious Harassment (RCW  
15 9A.36.080)  
16 Physical Control of a Vehicle While  
17 Under the Influence (RCW  
18 46.61.504(6))  
19 Possession of Depictions of a Minor  
20 Engaged in Sexually Explicit  
21 Conduct 2 (RCW 9.68A.070(2))  
22 Residential Burglary (RCW 9A.52.025)  
23 Robbery 2 (RCW 9A.56.210)  
24 Theft of Livestock 1 (RCW 9A.56.080)  
25 Threats to Bomb (RCW 9.61.160)  
26 Trafficking in Stolen Property 1 (RCW  
27 9A.82.050)  
28 Unlawful factoring of a credit card or  
29 payment card transaction (RCW  
30 9A.56.290(4)(b))  
31 Unlawful transaction of health coverage  
32 as a health care service contractor  
33 (RCW 48.44.016(3))  
34 Unlawful transaction of health coverage  
35 as a health maintenance  
36 organization (RCW 48.46.033(3))

1 Unlawful transaction of insurance  
2 business (RCW 48.15.023(3))  
3 Unlicensed practice as an insurance  
4 professional (RCW 48.17.063(2))  
5 Use of Proceeds of Criminal  
6 Profiteering (RCW 9A.82.080 (1)  
7 and (2))  
8 Vehicle Prowling 2 (third or subsequent  
9 offense) (RCW 9A.52.100(3))  
10 Vehicular Assault, by being under the  
11 influence of intoxicating liquor or  
12 any drug, or by the operation or  
13 driving of a vehicle in a reckless  
14 manner (RCW 46.61.522)  
15 Viewing of Depictions of a Minor  
16 Engaged in Sexually Explicit  
17 Conduct 1 (RCW 9.68A.075(1))  
18 Willful Failure to Return from Furlough  
19 (RCW 72.66.060)  
20 III Animal Cruelty 1 (Sexual Conduct or  
21 Contact) (RCW 16.52.205(3))  
22 Assault 3 (Except Assault 3 of a Peace  
23 Officer With a Projectile Stun Gun)  
24 (RCW 9A.36.031 except subsection  
25 (1)(h))  
26 Assault of a Child 3 (RCW 9A.36.140)  
27 Bail Jumping with class B or C Felony  
28 (RCW 9A.76.170(3)(c))  
29 Burglary 2 (RCW 9A.52.030)  
30 Communication with a Minor for  
31 Immoral Purposes (RCW  
32 9.68A.090)  
33 Criminal Gang Intimidation (RCW  
34 9A.46.120)  
35 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction or  
2 threat of death) (RCW 9.61.260(3))  
3 Escape 2 (RCW 9A.76.120)  
4 Extortion 2 (RCW 9A.56.130)  
5 Harassment (RCW 9A.46.020)  
6 Intimidating a Public Servant (RCW  
7 9A.76.180)  
8 Introducing Contraband 2 (RCW  
9 9A.76.150)  
10 Malicious Injury to Railroad Property  
11 (RCW 81.60.070)  
12 Mortgage Fraud (RCW 19.144.080)  
13 Negligently Causing Substantial Bodily  
14 Harm By Use of a Signal  
15 Preemption Device (RCW  
16 46.37.674)  
17 Organized Retail Theft 1 (RCW  
18 9A.56.350(2))  
19 Perjury 2 (RCW 9A.72.030)  
20 Possession of Incendiary Device (RCW  
21 9.40.120)  
22 Possession of Machine Gun, Bump-fire  
23 Stock, or Short-Barreled Shotgun or  
24 Rifle (RCW 9.41.190)  
25 Promoting Prostitution 2 (RCW  
26 9A.88.080)  
27 Retail Theft with Special Circumstances  
28 1 (RCW 9A.56.360(2))  
29 Securities Act violation (RCW  
30 21.20.400)  
31 Tampering with a Witness (RCW  
32 9A.72.120)  
33 Telephone Harassment (subsequent  
34 conviction or threat of death) (RCW  
35 9.61.230(2))

1 Theft of Livestock 2 (RCW 9A.56.083)  
2 Theft with the Intent to Resell 1 (RCW  
3 9A.56.340(2))  
4 Trafficking in Stolen Property 2 (RCW  
5 9A.82.055)  
6 Unlawful Hunting of Big Game 1 (RCW  
7 77.15.410(3)(b))  
8 Unlawful Imprisonment (RCW  
9 9A.40.040)  
10 Unlawful Misbranding of ~~((Food))~~ Fish  
11 or Shellfish 1 (RCW 77.140.060(3))  
12 Unlawful possession of firearm in the  
13 second degree (RCW 9.41.040(2))  
14 Unlawful Taking of Endangered Fish or  
15 Wildlife 1 (RCW 77.15.120(3)(b))  
16 Unlawful Trafficking in Fish, Shellfish,  
17 or Wildlife 1 (RCW  
18 77.15.260(3)(b))  
19 Unlawful Use of a Nondesignated  
20 Vessel (RCW 77.15.530(4))  
21 Vehicular Assault, by the operation or  
22 driving of a vehicle with disregard  
23 for the safety of others (RCW  
24 46.61.522)  
25 Willful Failure to Return from Work  
26 Release (RCW 72.65.070)  
27 II Commercial Fishing Without a License  
28 1 (RCW 77.15.500(3)(b))  
29 Computer Trespass 1 (RCW 9A.90.040)  
30 Counterfeiting (RCW 9.16.035(3))  
31 Electronic Data Service Interference  
32 (RCW 9A.90.060)  
33 Electronic Data Tampering 1 (RCW  
34 9A.90.080)  
35 Electronic Data Theft (RCW 9A.90.100)

1 Engaging in Fish Dealing Activity  
2 Unlicensed 1 (RCW 77.15.620(3))  
3 Escape from Community Custody  
4 (RCW 72.09.310)  
5 Failure to Register as a Sex Offender  
6 (second or subsequent offense)  
7 (RCW 9A.44.130 prior to June 10,  
8 2010, and RCW 9A.44.132)  
9 Health Care False Claims (RCW  
10 48.80.030)  
11 Identity Theft 2 (RCW 9.35.020(3))  
12 Improperly Obtaining Financial  
13 Information (RCW 9.35.010)  
14 Malicious Mischief 1 (RCW 9A.48.070)  
15 Organized Retail Theft 2 (RCW  
16 9A.56.350(3))  
17 Possession of Stolen Property 1 (RCW  
18 9A.56.150)  
19 Possession of a Stolen Vehicle (RCW  
20 9A.56.068)  
21 Retail Theft with Special Circumstances  
22 2 (RCW 9A.56.360(3))  
23 Scrap Processing, Recycling, or  
24 Supplying Without a License  
25 (second or subsequent offense)  
26 (RCW 19.290.100)  
27 Theft 1 (RCW 9A.56.030)  
28 Theft of a Motor Vehicle (RCW  
29 9A.56.065)  
30 Theft of Rental, Leased, Lease-  
31 purchased, or Loaned Property  
32 (valued at five thousand dollars or  
33 more) (RCW 9A.56.096(5)(a))  
34 Theft with the Intent to Resell 2 (RCW  
35 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW  
2 48.30A.015)  
3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(a))  
6 Unlawful Participation of Non-Indians  
7 in Indian Fishery (RCW  
8 77.15.570(2))  
9 Unlawful Practice of Law (RCW  
10 2.48.180)  
11 Unlawful Purchase or Use of a License  
12 (RCW 77.15.650(3)(b))  
13 Unlawful Trafficking in Fish, Shellfish,  
14 or Wildlife 2 (RCW  
15 77.15.260(3)(a))  
16 Unlicensed Practice of a Profession or  
17 Business (RCW 18.130.190(7))  
18 Voyeurism 1 (RCW 9A.44.115)  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forgery (RCW 9A.60.020)  
24 Fraudulent Creation or Revocation of a  
25 Mental Health Advance Directive  
26 (RCW 9A.60.060)  
27 Malicious Mischief 2 (RCW 9A.48.080)  
28 Mineral Trespass (RCW 78.44.330)  
29 Possession of Stolen Property 2 (RCW  
30 9A.56.160)  
31 Reckless Burning 1 (RCW 9A.48.040)  
32 Spotlighting Big Game 1 (RCW  
33 77.15.450(3)(b))  
34 Suspension of Department Privileges 1  
35 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without  
2 Permission 2 (RCW 9A.56.075)  
3 Theft 2 (RCW 9A.56.040)  
4 Theft from a Vulnerable Adult 2 (RCW  
5 9A.56.400(2))  
6 Theft of Rental, Leased, Lease-  
7 purchased, or Loaned Property  
8 (valued at seven hundred fifty  
9 dollars or more but less than five  
10 thousand dollars) (RCW  
11 9A.56.096(5)(b))  
12 Transaction of insurance business  
13 beyond the scope of licensure  
14 (RCW 48.17.063)  
15 Unlawful Fish and Shellfish Catch  
16 Accounting (RCW 77.15.630(3)(b))  
17 Unlawful Issuance of Checks or Drafts  
18 (RCW 9A.56.060)  
19 Unlawful Possession of Fictitious  
20 Identification (RCW 9A.56.320)  
21 Unlawful Possession of Instruments of  
22 Financial Fraud (RCW 9A.56.320)  
23 Unlawful Possession of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Possession of a Personal  
26 Identification Device (RCW  
27 9A.56.320)  
28 Unlawful Production of Payment  
29 Instruments (RCW 9A.56.320)  
30 Unlawful Releasing, Planting,  
31 Possessing, or Placing Deleterious  
32 Exotic Wildlife (RCW  
33 77.15.250(2)(b))  
34 Unlawful Trafficking in Food Stamps  
35 (RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW

2 9.91.144)

3 Unlawful Use of Net to Take Fish 1

4 (RCW 77.15.580(3)(b))

5 Unlawful Use of Prohibited Aquatic

6 Animal Species (RCW

7 77.15.253(3))

8 Vehicle Prowl 1 (RCW 9A.52.095)

9 Violating Commercial Fishing Area or

10 Time 1 (RCW 77.15.550(3)(b))

11 **Sec. 4.** RCW 13.40.193 and 2018 c 162 s 5, 2018 c 22 s 7, and  
12 2018 c 7 s 9 are each reenacted and amended to read as follows:

13 (1) If a respondent is found to have been in possession of a  
14 firearm in violation of RCW 9.41.040(2)(a)(~~(iv)~~) (v), the court  
15 shall impose a minimum disposition of ten days of confinement. If the  
16 offender's standard range of disposition for the offense as indicated  
17 in RCW 13.40.0357 is more than thirty days of confinement, the court  
18 shall commit the offender to the department for the standard range  
19 disposition. The offender shall not be released until the offender  
20 has served a minimum of ten days in confinement.

21 (2)(a) If a respondent is found to have been in possession of a  
22 firearm in violation of RCW 9.41.040, the disposition must include a  
23 requirement that the respondent participate in a qualifying program  
24 as described in (b) of this subsection, when available, unless the  
25 court makes a written finding based on the outcome of the juvenile  
26 court risk assessment that participation in a qualifying program  
27 would not be appropriate.

28 (b) For purposes of this section, "qualifying program" means an  
29 aggression replacement training program, a functional family therapy  
30 program, or another program applicable to the juvenile firearm  
31 offender population that has been identified as evidence-based or  
32 research-based and cost-beneficial in the current list prepared at  
33 the direction of the legislature by the Washington state institute  
34 for public policy.

35 (3) If the court finds that the respondent or an accomplice was  
36 armed with a firearm, the court shall determine the standard range  
37 disposition for the offense pursuant to RCW 13.40.160. If the  
38 offender or an accomplice was armed with a firearm when the offender



1 committed any felony other than possession of a machine gun or bump-  
2 fire stock, possession of a stolen firearm, drive-by shooting, theft  
3 of a firearm, unlawful possession of a firearm in the first and  
4 second degree, or use of a machine gun or bump-fire stock in a  
5 felony, the following periods of total confinement must be added to  
6 the sentence: (a) Except for (b) of this subsection, for a class A  
7 felony, six months; for a class B felony, four months; and for a  
8 class C felony, two months; (b) for any violent offense as defined in  
9 RCW 9.94A.030, committed by a respondent who is sixteen or seventeen  
10 years old at the time of the offense, a period of twelve months. The  
11 additional time shall be imposed regardless of the offense's juvenile  
12 disposition offense category as designated in RCW 13.40.0357.

13 (4) (a) If the court finds that the respondent who is sixteen or  
14 seventeen years old and committed the offense of robbery in the first  
15 degree, drive-by shooting, rape of a child in the first degree,  
16 burglary in the first degree, or any violent offense as defined in  
17 RCW 9.94A.030 and was armed with a firearm, and the court finds that  
18 the respondent's participation was related to membership in a  
19 criminal street gang or advancing the benefit, aggrandizement, gain,  
20 profit, or other advantage for a criminal street gang, a period of  
21 three months total confinement must be added to the sentence. The  
22 additional time must be imposed regardless of the offense's juvenile  
23 disposition offense category as designated in RCW 13.40.0357 and must  
24 be served consecutively with any other sentencing enhancement.

25 (b) For the purposes of this section, "criminal street gang"  
26 means any ongoing organization, association, or group of three or  
27 more persons, whether formal or informal, having a common name or  
28 common identifying sign or symbol, having as one of its primary  
29 activities the commission of criminal acts, and whose members or  
30 associates individually or collectively engage in or have engaged in  
31 a pattern of criminal street gang activity. This definition does not  
32 apply to employees engaged in concerted activities for their mutual  
33 aid and protection, or to the activities of labor and bona fide  
34 nonprofit organizations or their members or agents.

35 (5) When a disposition under this section would effectuate a  
36 manifest injustice, the court may impose another disposition. When a  
37 judge finds a manifest injustice and imposes a disposition of  
38 confinement exceeding thirty days, the court shall commit the  
39 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)  
40 shall be used to determine the range. When a judge finds a manifest

1 injustice and imposes a disposition of confinement less than thirty  
2 days, the disposition shall be comprised of confinement or community  
3 supervision or both.

4 (6) Any term of confinement ordered pursuant to this section  
5 shall run consecutively to any term of confinement imposed in the  
6 same disposition for other offenses.

7 **Sec. 5.** RCW 28B.117.040 and 2018 c 232 s 5 are each amended to  
8 read as follows:

9 Effective operation of the passport to careers program requires  
10 early and accurate identification of former foster care youth and  
11 unaccompanied youth experiencing homelessness so that they can be  
12 linked to the financial and other assistance that will help them  
13 succeed in college or in a registered apprenticeship or recognized  
14 preapprenticeship. To that end:

15 (1) All institutions of higher education that receive funding for  
16 student support services under RCW 28B.117.030 shall include on their  
17 applications for admission or on their registration materials a  
18 question asking whether the applicant has been in state, tribal, or  
19 federal foster care in Washington state or experienced unaccompanied  
20 homelessness under the parameters in (~~subsection (3)(a) of this~~  
21 ~~section~~) RCW 28B.117.030(3)(a), as determined by the office, with an  
22 explanation that financial and support services may be available. All  
23 other institutions of higher education are strongly encouraged to  
24 include such a question and explanation. No institution may consider  
25 whether an applicant may be eligible for a scholarship or student  
26 support services under this chapter when deciding whether the  
27 applicant will be granted admission.

28 (2) With substantial input from the office of the superintendent  
29 of public instruction, the department of social and health services  
30 and the department of children, youth, and families shall devise and  
31 implement procedures for efficiently, promptly, and accurately  
32 identifying students and applicants who are eligible for services  
33 under RCW 28B.117.030, and for sharing that information with the  
34 office, the institutions of higher education, and the nongovernmental  
35 entity or entities identified in RCW 28B.77.250, 28B.117.030(5)(e),  
36 and 28B.117.055. The procedures shall include appropriate safeguards  
37 for consent by the applicant or student before disclosure.

1       **Sec. 6.** RCW 29A.92.005 and 2018 c 113 s 102 are each amended to  
2 read as follows:

3       The legislature finds that electoral systems that deny race,  
4 color, or language minority groups an equal opportunity to elect  
5 candidates of their choice are inconsistent with the right to free  
6 and equal elections as provided by Article I, section 19 and Article  
7 VI, section 1 of the Washington state Constitution as well as  
8 protections found in the Fourteenth and Fifteenth amendments to the  
9 United States Constitution. The well-established principle of "one  
10 person, one vote" and the prohibition on vote dilution have been  
11 consistently upheld in federal and state courts for more than fifty  
12 years.

13       The legislature also finds that local government subdivisions are  
14 often prohibited from addressing these challenges because of  
15 Washington laws that narrowly prescribe the methods by which they may  
16 elect members of their legislative bodies. The legislature finds that  
17 in some cases, this has resulted in an improper dilution of voting  
18 power for these minority groups. The legislature intends to modify  
19 existing prohibitions in state laws so that these jurisdictions may  
20 voluntarily adopt changes on their own, in collaboration with  
21 affected community members, to remedy potential electoral issues so  
22 that minority groups have an equal opportunity to elect candidates of  
23 their choice or influence the outcome of an election.

24       The legislature intends for this chapter (~~((113, Laws of 2018))~~) to  
25 be consistent with federal protections that may provide a similar  
26 remedy for minority groups. Remedies shall also be available where  
27 the drawing of crossover and coalition districts is able to address  
28 both vote dilution and racial polarization.

29       The legislature also intends for this chapter (~~((113, Laws of  
30 2018))~~) to be consistent with legal precedent from *Mt. Spokane Skiing  
31 Corp. v. Spokane Co.* (86 Wn. App. 165, 1997) that found that  
32 noncharter counties need not adhere to a single uniform county system  
33 of government, but that each county have the same "authority  
34 available" in order to be deemed uniform.

35       **Sec. 7.** RCW 29A.92.030 and 2018 c 113 s 302 are each amended to  
36 read as follows:

37       (1) A political subdivision is in violation of this chapter  
38 (~~((113, Laws of 2018))~~) when it is shown that:

1 (a) Elections in the political subdivision exhibit polarized  
2 voting; and

3 (b) Members of a protected class or classes do not have an equal  
4 opportunity to elect candidates of their choice as a result of the  
5 dilution or abridgment of the rights of members of that protected  
6 class or classes.

7 (2) The fact that members of a protected class are not  
8 geographically compact or concentrated to constitute a majority in a  
9 proposed or existing district-based election district shall not  
10 preclude a finding of a violation under this chapter (~~(113, Laws of~~  
11 ~~2018)~~), but may be a factor in determining a remedy. The equal  
12 opportunity to elect shall be assessed pragmatically, based on local  
13 election conditions, and may include crossover districts.

14 (3) In determining whether there is polarized voting under this  
15 chapter (~~(113, Laws of 2018)~~), the court shall analyze elections of  
16 the governing body of the political subdivision, ballot measure  
17 elections, elections in which at least one candidate is a member of a  
18 protected class, and other electoral choices that affect the rights  
19 and privileges of members of a protected class. Elections conducted  
20 prior to the filing of an action pursuant to this chapter (~~(113, Laws~~  
21 ~~of 2018)~~) are more probative to establish the existence of racially  
22 polarized voting than elections conducted after the filing of an  
23 action.

24 (4) The election of candidates who are members of a protected  
25 class and who were elected prior to the filing of an action pursuant  
26 to this chapter (~~(113, Laws of 2018)~~) shall not preclude a finding of  
27 polarized voting that results in an unequal opportunity for a  
28 protected class to elect candidates of their choice.

29 (5) Proof of intent on the part of the voters or elected  
30 officials to discriminate against a protected class is not required  
31 for a cause of action to be sustained.

32 (6) Other factors such as the history of discrimination, the use  
33 of electoral devices or other voting practices or procedures that may  
34 enhance the dilutive effects of at-large elections, denial of access  
35 to those processes determining which groups of candidates will  
36 receive financial or other support in a given election, the extent to  
37 which members of a protected class bear the effects of past  
38 discrimination in areas such as education, employment, and health,  
39 which hinder their ability to participate effectively in the  
40 political process, and the use of overt or subtle racial appeals in

1 political campaigns are probative, but not necessary factors, to  
2 establish a violation of this chapter (~~(113, Laws of 2018)~~).

3 **Sec. 8.** RCW 29A.92.050 and 2018 c 113 s 202 are each amended to  
4 read as follows:

5 (1)(a) Prior to the adoption of its proposed plan, the political  
6 subdivision must provide public notice to residents of the  
7 subdivision about the proposed remedy to a potential violation of RCW  
8 29A.92.020. If a significant segment of the residents of the  
9 subdivision have limited English proficiency and speaks a language  
10 other than English, the political subdivision must:

11 (i) Provide accurate written and verbal notice of the proposed  
12 remedy in languages that diverse residents of the political  
13 subdivision can understand, as indicated by demographic data; and

14 (ii) Air radio or television public service announcements  
15 describing the proposed remedy broadcast in the languages that  
16 diverse residents of the political subdivision can understand, as  
17 indicated by demographic data.

18 (b) The political subdivision shall hold at least one public  
19 hearing on the proposed plan at least one week before adoption.

20 (c) For purposes of this section, "significant segment of the  
21 community" means five percent or more of residents, or five hundred  
22 or more residents, whichever is fewer, residing in the political  
23 subdivision.

24 (2)(a) If the political subdivision invokes its authority under  
25 RCW 29A.92.040 and the plan is adopted during the period of time  
26 between the first Tuesday after the first Monday of November and on  
27 or before January 15th of the following year, the political  
28 subdivision shall order new elections to occur at the next succeeding  
29 general election.

30 (b) If the political subdivision invokes its authority under RCW  
31 29A.92.040 and the plan is adopted during the period of time between  
32 January 16th and on or before the first Monday of November, the next  
33 election will occur as scheduled and organized under the current  
34 electoral system, but the political subdivision shall order new  
35 elections to occur pursuant to the remedy at the general election the  
36 following calendar year.

37 (3) If a political subdivision implements a district-based  
38 election system under RCW 29A.92.040(2), the plan shall be consistent  
39 with the following criteria:

1 (a) Each district shall be as reasonably equal in population as  
2 possible to each and every other such district comprising the  
3 political subdivision.

4 (b) Each district shall be reasonably compact.

5 (c) Each district shall consist of geographically contiguous  
6 area.

7 (d) To the extent feasible, the district boundaries shall  
8 coincide with existing recognized natural boundaries and shall, to  
9 the extent possible, preserve existing communities of related and  
10 mutual interest.

11 (e) District boundaries may not be drawn or maintained in a  
12 manner that creates or perpetuates the dilution of the votes of the  
13 members of a protected class or classes.

14 (4) Within forty-five days after receipt of federal decennial  
15 census information applicable to a specific local area, the  
16 commission established in RCW 44.05.030 shall forward the census  
17 information to each political subdivision.

18 (5) No later than eight months after its receipt of federal  
19 decennial census data, the governing body of the political  
20 subdivision that had previously invoked its authority under RCW  
21 29A.92.040 to implement a district-based election system, or that was  
22 previously charged with redistricting under RCW 29A.92.110, shall  
23 prepare a plan for redistricting its districts, pursuant to RCW  
24 29A.76.010, and in a manner consistent with this chapter (~~((113, Laws  
25 of 2018))~~).

26 **Sec. 9.** RCW 29A.92.060 and 2018 c 113 s 301 are each amended to  
27 read as follows:

28 (1) A voter who resides in the political subdivision who intends  
29 to challenge a political subdivision's electoral system under this  
30 chapter (~~((113, Laws of 2018))~~) shall first notify the political  
31 subdivision. The political subdivision shall promptly make such  
32 notice public.

33 (2) The notice provided shall identify and provide contact  
34 information for the person or persons who intend to file an action,  
35 and shall identify the protected class or classes whose members do  
36 not have an equal opportunity to elect candidates of their choice or  
37 an equal opportunity to influence the outcome of an election because  
38 of alleged vote dilution and polarized voting. The notice shall also

1 include a type of remedy the person believes may address the alleged  
2 violation of RCW 29A.92.030.

3 **Sec. 10.** RCW 29A.92.070 and 2018 c 113 s 303 are each amended to  
4 read as follows:

5 (1) The political subdivision shall work in good faith with the  
6 person providing the notice to implement a remedy that provides the  
7 protected class or classes identified in the notice an equal  
8 opportunity to elect candidates of their choice. Such work in good  
9 faith to implement a remedy may include, but is not limited to  
10 consideration of: (a) Relevant electoral data; (b) relevant  
11 demographic data, including the most recent census data available;  
12 and (c) any other information that would be relevant to implementing  
13 a remedy.

14 (2) If the political subdivision adopts a remedy that takes the  
15 notice into account, or adopts the notice's proposed remedy, the  
16 political subdivision shall seek a court order acknowledging that the  
17 political subdivision's remedy complies with RCW 29A.92.020 and was  
18 prompted by a plausible violation. The person who submitted the  
19 notice may support or oppose such an order, and may obtain public  
20 records to do so. The political subdivision must provide all  
21 political, census, and demographic data and any analysis of that data  
22 used to develop the remedy in its filings seeking the court order and  
23 with any documents made public. All facts and reasonable inferences  
24 shall be viewed in the light most favorable to those opposing the  
25 political subdivision's proposed remedy at this stage. There shall be  
26 a rebuttable presumption that the court will decline to approve the  
27 political subdivision's proposed remedy at this stage.

28 (3) If the court concludes that the political subdivision's  
29 remedy complies with RCW 29A.92.020, an action under this chapter  
30 (~~(113, Laws of 2018)~~) may not be brought against that political  
31 subdivision for four years by any party so long as the political  
32 subdivision does not enact a change to or deviation from the remedy  
33 during this four-year period that would otherwise give rise to an  
34 action under this chapter (~~(113, Laws of 2018)~~).

35 (4) In agreeing to adopt the person's proposed remedy, the  
36 political subdivision may do so by stipulation, which shall become a  
37 public document.

1       **Sec. 11.** RCW 29A.92.080 and 2018 c 113 s 304 are each amended to  
2 read as follows:

3       (1) Any voter who resides in the political subdivision may file  
4 an action under this chapter (~~((113, Laws of 2018))~~) if, one hundred  
5 eighty days after a political subdivision receives notice of a  
6 challenge to its electoral system under RCW 29A.92.060, the political  
7 subdivision has not obtained a court order stating that it has  
8 adopted a remedy in compliance with RCW 29A.92.020. However, if  
9 notice is received after July 1, 2021, then the political subdivision  
10 shall have ninety days to obtain a court order before an action may  
11 be filed.

12       (2) If a political subdivision has received two or more notices  
13 containing materially different proposed remedies, the political  
14 subdivision shall work in good faith with the persons to implement a  
15 remedy that provides the protected class or classes identified in the  
16 notices an equal opportunity to elect candidates of their choice. If  
17 the political subdivision adopts one of the remedies offered, or a  
18 different remedy that takes multiple notices into account, the  
19 political subdivision shall seek a court order acknowledging that the  
20 political subdivision's remedy is reasonably necessary to avoid a  
21 violation of RCW 29A.92.020. The persons who submitted the notice may  
22 support or oppose such an order, and may obtain public records to do  
23 so. The political subdivision must provide all political, census, and  
24 demographic data and any analysis of that data used to develop the  
25 remedy in its filings seeking the court order and with any documents  
26 made public. All facts and reasonable inferences shall be viewed in  
27 the light most favorable to those opposing the political  
28 subdivision's proposed remedy at this stage. There shall be a  
29 rebuttable presumption that the court will decline to approve the  
30 political subdivision's proposed remedy at this stage.

31       (3) If the court concludes that the political subdivision's  
32 remedy complies with RCW 29A.92.020, an action under this chapter  
33 (~~((113, Laws of 2018))~~) may not be brought against that political  
34 subdivision for four years by any party so long as the political  
35 subdivision does not enact a change to or deviation from the remedy  
36 during this four-year period that would otherwise give rise to an  
37 action under this chapter (~~((113, Laws of 2018))~~).

38       **Sec. 12.** RCW 29A.92.090 and 2018 c 113 s 401 are each amended to  
39 read as follows:



1 (1) After exhaustion of the time period in RCW 29A.92.080, any  
2 voter who resides in a political subdivision where a violation of RCW  
3 29A.92.020 is alleged may file an action in the superior court of the  
4 county in which the political subdivision is located. If the action  
5 is against a county, the action may be filed in the superior court of  
6 such county, or in the superior court of either of the two nearest  
7 judicial districts as determined pursuant to RCW 36.01.050(2). An  
8 action filed pursuant to this chapter does not need to be filed as a  
9 class action.

10 (2) Members of different protected classes may file an action  
11 jointly pursuant to this chapter (~~((113, Laws of 2018))~~) if they  
12 demonstrate that the combined voting preferences of the multiple  
13 protected classes are polarized against the rest of the electorate.

14 **Sec. 13.** RCW 29A.92.100 and 2018 c 113 s 402 are each amended to  
15 read as follows:

16 (1) In an action filed pursuant to this chapter (~~((113, Laws of  
17 2018))~~), the trial court shall set a trial to be held no later than  
18 one year after the filing of a complaint, and shall set a discovery  
19 and motions calendar accordingly.

20 (2) For purposes of any applicable statute of limitations, a  
21 cause of action under this chapter (~~((113, Laws of 2018))~~) arises every  
22 time there is an election for any members of the governing body of  
23 the political subdivision.

24 (3) The plaintiff's constitutional right to the secrecy of the  
25 plaintiff's vote is preserved and is not waived by the filing of an  
26 action pursuant to this chapter (~~((113, Laws of 2018))~~), and the filing  
27 is not subject to discovery or disclosure.

28 (4) In seeking a temporary restraining order or a preliminary  
29 injunction, a plaintiff shall not be required to post a bond or any  
30 other security in order to secure such equitable relief.

31 (5) No notice may be submitted to any political subdivision  
32 pursuant to this chapter (~~((113, Laws of 2018))~~) before July 19, 2018.

33 **Sec. 14.** RCW 29A.92.120 and 2018 c 113 s 404 are each amended to  
34 read as follows:

35 (1) No action under this chapter (~~((113, Laws of 2018))~~) may be  
36 brought by any person against a political subdivision that has  
37 adopted a remedy to its electoral system after an action is filed  
38 that is approved by a court pursuant to RCW 29A.92.070 or implemented

1 a court-ordered remedy pursuant to RCW 29A.92.110 for four years  
2 after adoption of the remedy if the political subdivision does not  
3 enact a change to or deviation from the remedy during this four-year  
4 period that would otherwise give rise to an action under this chapter  
5 (~~(113, Laws of 2018)~~).

6 (2) No action under this chapter (~~(113, Laws of 2018)~~) may be  
7 brought by any person against a political subdivision that has  
8 adopted a remedy to its electoral system in the previous decade  
9 before June 7, 2018, as a result of a claim under the federal voting  
10 rights act until after the political subdivision completes  
11 redistricting pursuant to RCW 29A.76.010 for the 2020 decennial  
12 census.

13 **Sec. 15.** RCW 29A.92.710 and 2018 c 113 s 503 are each amended to  
14 read as follows:

15 This chapter (~~(113, Laws of 2018)~~) supersedes other state laws  
16 and local ordinances to the extent that those state laws or  
17 ordinances would otherwise restrict a jurisdiction's ability to  
18 comply with this chapter (~~(113, Laws of 2018)~~).

19 **Sec. 16.** RCW 29A.92.900 and 2018 c 113 s 101 are each amended to  
20 read as follows:

21 This chapter (~~(113, Laws of 2018)~~) may be known and cited as the  
22 Washington voting rights act of 2018.

23 **Sec. 17.** RCW 41.04.665 and 2018 c 39 s 4 and 2017 c 173 s 1 are  
24 each reenacted and amended to read as follows:

25 (1) An agency head may permit an employee to receive leave under  
26 this section if:

27 (a)(i) The employee suffers from, or has a relative or household  
28 member suffering from, an illness, injury, impairment, or physical or  
29 mental condition which is of an extraordinary or severe nature;

30 (ii) The employee has been called to service in the uniformed  
31 services;

32 (iii) The employee is a current member of the uniformed services  
33 or is a veteran as defined under RCW 41.04.005, and is attending  
34 medical appointments or treatments for a service connected injury or  
35 disability;

36 (iv) The employee is a spouse of a current member of the  
37 uniformed services or a veteran as defined under RCW 41.04.005, who

1 is attending medical appointments or treatments for a service  
2 connected injury or disability and requires assistance while  
3 attending appointment or treatment;

4 (v) A state of emergency has been declared anywhere within the  
5 United States by the federal or any state government and the employee  
6 has needed skills to assist in responding to the emergency or its  
7 aftermath and volunteers his or her services to either a governmental  
8 agency or to a nonprofit organization engaged in humanitarian relief  
9 in the devastated area, and the governmental agency or nonprofit  
10 organization accepts the employee's offer of volunteer services;

11 (vi) The employee is a victim of domestic violence, sexual  
12 assault, or stalking;

13 (~~(v)~~) (vii) The employee needs the time for parental leave; or

14 (~~(vi)~~) (viii) The employee is sick or temporarily disabled  
15 because of pregnancy disability;

16 (b) The illness, injury, impairment, condition, call to service,  
17 emergency volunteer service, or consequence of domestic violence,  
18 sexual assault, temporary layoff under section 3(5), chapter 32, Laws  
19 of 2010 1st sp. sess., or stalking has caused, or is likely to cause,  
20 the employee to:

21 (i) Go on leave without pay status; or

22 (ii) Terminate state employment;

23 (c) The employee's absence and the use of shared leave are  
24 justified;

25 (d) The employee has depleted or will shortly deplete his or her:

26 (i) Annual leave and sick leave reserves if he or she qualifies  
27 under (a)(i) of this subsection;

28 (ii) Annual leave and paid military leave allowed under RCW  
29 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

30 (iii) Annual leave if he or she qualifies under (a)(v) or (vi)  
31 of this subsection; or

32 (iv) Annual leave and sick leave reserves if the employee  
33 qualifies under (a) (~~(v)~~ or ~~(vi)~~) (vii) or (viii) of this  
34 subsection. However, the employee is not required to deplete all of  
35 his or her annual leave and sick leave and can maintain up to forty  
36 hours of annual leave and forty hours of sick leave in reserve;

37 (e) The employee has abided by agency rules regarding:

38 (i) Sick leave use if he or she qualifies under (a)(i), (vi),  
39 (~~(v)~~) (vii), or (~~(vi)~~) (viii) of this subsection; or

1 (ii) Military leave if he or she qualifies under (a)(ii) of this  
2 subsection; and

3 (f) The employee has diligently pursued and been found to be  
4 ineligible for benefits under chapter 51.32 RCW if he or she  
5 qualifies under (a)(i) of this subsection.

6 (2) The agency head shall determine the amount of leave, if any,  
7 which an employee may receive under this section. However, an  
8 employee shall not receive a total of more than five hundred twenty-  
9 two days of leave, except that, a supervisor may authorize leave in  
10 excess of five hundred twenty-two days in extraordinary circumstances  
11 for an employee qualifying for the shared leave program because he or  
12 she is suffering from an illness, injury, impairment, or physical or  
13 mental condition which is of an extraordinary or severe nature.  
14 Shared leave received under the uniformed service shared leave pool  
15 in RCW 41.04.685 is not included in this total.

16 (3) The agency head must allow employees who are veterans, as  
17 defined under RCW 41.04.005, and their spouses, to access shared  
18 leave from the veterans' in-state service shared leave pool upon  
19 employment.

20 (4) An employee may transfer annual leave, sick leave, and his or  
21 her personal holiday, as follows:

22 (a) An employee who has an accrued annual leave balance of more  
23 than ten days may request that the head of the agency for which the  
24 employee works transfer a specified amount of annual leave to another  
25 employee authorized to receive leave under subsection (1) of this  
26 section. In no event may the employee request a transfer of an amount  
27 of leave that would result in his or her annual leave account going  
28 below ten days. For purposes of this subsection (4)(a), annual leave  
29 does not accrue if the employee receives compensation in lieu of  
30 accumulating a balance of annual leave.

31 (b) An employee may transfer a specified amount of sick leave to  
32 an employee requesting shared leave only when the donating employee  
33 retains a minimum of one hundred seventy-six hours of sick leave  
34 after the transfer.

35 (c) An employee may transfer, under the provisions of this  
36 section relating to the transfer of leave, all or part of his or her  
37 personal holiday, as that term is defined under RCW 1.16.050, or as  
38 such holidays are provided to employees by agreement with a school  
39 district's board of directors if the leave transferred under this

1 subsection does not exceed the amount of time provided for personal  
2 holidays under RCW 1.16.050.

3 (5) An employee of an institution of higher education under RCW  
4 28B.10.016, school district, or educational service district who does  
5 not accrue annual leave but does accrue sick leave and who has an  
6 accrued sick leave balance of more than twenty-two days may request  
7 that the head of the agency for which the employee works transfer a  
8 specified amount of sick leave to another employee authorized to  
9 receive leave under subsection (1) of this section. In no event may  
10 such an employee request a transfer that would result in his or her  
11 sick leave account going below twenty-two days. Transfers of sick  
12 leave under this subsection are limited to transfers from employees  
13 who do not accrue annual leave. Under this subsection, "sick leave"  
14 also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or  
15 28A.310.240(1) with compensation for illness, injury, and  
16 emergencies.

17 (6) Transfers of leave made by an agency head under subsections  
18 (4) and (5) of this section shall not exceed the requested amount.

19 (7) Leave transferred under this section may be transferred from  
20 employees of one agency to an employee of the same agency or, with  
21 the approval of the heads of both agencies, to an employee of another  
22 state agency.

23 (8) While an employee is on leave transferred under this section,  
24 he or she shall continue to be classified as a state employee and  
25 shall receive the same treatment in respect to salary, wages, and  
26 employee benefits as the employee would normally receive if using  
27 accrued annual leave or sick leave.

28 (a) All salary and wage payments made to employees while on leave  
29 transferred under this section shall be made by the agency employing  
30 the person receiving the leave. The value of leave transferred shall  
31 be based upon the leave value of the person receiving the leave.

32 (b) In the case of leave transferred by an employee of one agency  
33 to an employee of another agency, the agencies involved shall arrange  
34 for the transfer of funds and credit for the appropriate value of  
35 leave.

36 (i) Pursuant to rules adopted by the office of financial  
37 management, funds shall not be transferred under this section if the  
38 transfer would violate any constitutional or statutory restrictions  
39 on the funds being transferred.

1 (ii) The office of financial management may adjust the  
2 appropriation authority of an agency receiving funds under this  
3 section only if and to the extent that the agency's existing  
4 appropriation authority would prevent it from expending the funds  
5 received.

6 (iii) Where any questions arise in the transfer of funds or the  
7 adjustment of appropriation authority, the director of financial  
8 management shall determine the appropriate transfer or adjustment.

9 (9) Leave transferred under this section shall not be used in any  
10 calculation to determine an agency's allocation of full time  
11 equivalent staff positions.

12 (10)(a) The value of any leave transferred under this section  
13 which remains unused shall be returned at its original value to the  
14 employee or employees who transferred the leave when the agency head  
15 finds that the leave is no longer needed or will not be needed at a  
16 future time in connection with the illness or injury for which the  
17 leave was transferred or for any other qualifying condition. Unused  
18 shared leave may not be returned until one of the following occurs:

19 (i) The agency head receives from the affected employee a  
20 statement from the employee's doctor verifying that the illness or  
21 injury is resolved; or

22 (ii) The employee is released to full-time employment; has not  
23 received additional medical treatment for his or her current  
24 condition or any other qualifying condition for at least six months;  
25 and the employee's doctor has declined, in writing, the employee's  
26 request for a statement indicating the employee's condition has been  
27 resolved.

28 (b) If a shared leave account is closed and an employee later has  
29 a need to use shared leave due to the same condition listed in the  
30 closed account, the agency head must approve a new shared leave  
31 request for the employee.

32 (c) To the extent administratively feasible, the value of unused  
33 leave which was transferred by more than one employee shall be  
34 returned on a pro rata basis.

35 (11) An employee who uses leave that is transferred to him or her  
36 under this section may not be required to repay the value of the  
37 leave that he or she used.

38 (12) The director of financial management may adopt rules as  
39 necessary to implement subsection (2) of this section.

1       **Sec. 18.** RCW 41.50.033 and 2007 c 493 s 1 are each amended to  
2 read as follows:

3       (1) The director shall determine when interest, if provided by a  
4 plan, shall be credited to accounts in the public employees'  
5 retirement system, the teachers' retirement system, the school  
6 employees' retirement system, the public safety employees' retirement  
7 system, the law enforcement officers' and firefighters' retirement  
8 system, or the Washington state patrol retirement system. The amounts  
9 to be credited and the methods of doing so shall be at the director's  
10 discretion, except that if interest is credited, it shall be done at  
11 least quarterly.

12       (2) Interest as determined by the director under this section is  
13 "regular interest" as defined in RCW 41.40.010(~~((15))~~),  
14 41.32.010(~~((23))~~), 41.35.010(~~((12))~~), 41.37.010(~~((12))~~),  
15 41.26.030(~~((23))~~), and 43.43.120(~~((8))~~).

16       (3) The legislature affirms that the authority of the director  
17 under RCW 41.40.020 and 41.50.030 includes the authority and  
18 responsibility to establish the amount and all conditions for regular  
19 interest, if any. The legislature intends chapter 493, Laws of 2007  
20 to be curative, remedial, and retrospectively applicable.

21       **Sec. 19.** RCW 43.21B.300 and 2010 c 210 s 12 and 2010 c 84 s 4  
22 are each reenacted to read as follows:

23       (1) Any civil penalty provided in RCW 18.104.155, 70.94.431,  
24 70.95.315, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.46.270,  
25 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 90.76 RCW  
26 shall be imposed by a notice in writing, either by certified mail  
27 with return receipt requested or by personal service, to the person  
28 incurring the penalty from the department or the local air authority,  
29 describing the violation with reasonable particularity. For penalties  
30 issued by local air authorities, within thirty days after the notice  
31 is received, the person incurring the penalty may apply in writing to  
32 the authority for the remission or mitigation of the penalty. Upon  
33 receipt of the application, the authority may remit or mitigate the  
34 penalty upon whatever terms the authority in its discretion deems  
35 proper. The authority may ascertain the facts regarding all such  
36 applications in such reasonable manner and under such rules as it may  
37 deem proper and shall remit or mitigate the penalty only upon a  
38 demonstration of extraordinary circumstances such as the presence of

1 information or factors not considered in setting the original  
2 penalty.

3 (2) Any penalty imposed under this section may be appealed to the  
4 pollution control hearings board in accordance with this chapter if  
5 the appeal is filed with the hearings board and served on the  
6 department or authority thirty days after the date of receipt by the  
7 person penalized of the notice imposing the penalty or thirty days  
8 after the date of receipt of the notice of disposition by a local air  
9 authority of the application for relief from penalty.

10 (3) A penalty shall become due and payable on the later of:

11 (a) Thirty days after receipt of the notice imposing the penalty;

12 (b) Thirty days after receipt of the notice of disposition by a  
13 local air authority on application for relief from penalty, if such  
14 an application is made; or

15 (c) Thirty days after receipt of the notice of decision of the  
16 hearings board if the penalty is appealed.

17 (4) If the amount of any penalty is not paid to the department  
18 within thirty days after it becomes due and payable, the attorney  
19 general, upon request of the department, shall bring an action in the  
20 name of the state of Washington in the superior court of Thurston  
21 county, or of any county in which the violator does business, to  
22 recover the penalty. If the amount of the penalty is not paid to the  
23 authority within thirty days after it becomes due and payable, the  
24 authority may bring an action to recover the penalty in the superior  
25 court of the county of the authority's main office or of any county  
26 in which the violator does business. In these actions, the procedures  
27 and rules of evidence shall be the same as in an ordinary civil  
28 action.

29 (5) All penalties recovered shall be paid into the state treasury  
30 and credited to the general fund except those penalties imposed  
31 pursuant to RCW 18.104.155, which shall be credited to the  
32 reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431,  
33 the disposition of which shall be governed by that provision, RCW  
34 70.105.080, which shall be credited to the hazardous waste control  
35 and elimination account created by RCW 70.105.180, RCW 90.56.330,  
36 which shall be credited to the coastal protection fund created by RCW  
37 90.48.390, and RCW 90.76.080, which shall be credited to the  
38 underground storage tank account created by RCW 90.76.100.



1       **Sec. 20.** RCW 66.20.300 and 2014 c 78 s 2 and 2014 c 29 s 2 are  
2 each reenacted and amended to read as follows:

3       The definitions in this section apply throughout RCW 66.20.310  
4 through 66.20.350 unless the context clearly requires otherwise.

5       (1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

6       (2) "Alcohol server" means any person who as part of his or her  
7 employment participates in the sale or service of alcoholic beverages  
8 for (~~(on-premise [on-premises])~~) on-premises consumption at a retail  
9 licensed premise as a regular requirement of his or her employment,  
10 and includes those persons eighteen years of age or older permitted  
11 by the liquor laws of this state to serve alcoholic beverages with  
12 meals.

13       (3) "Board" means the Washington state liquor (~~(control)~~) and  
14 cannabis board.

15       (4) "Retail licensed premises" means any:

16       (a) Premises licensed to sell alcohol by the glass or by the  
17 drink, or in original containers primarily for consumption on the  
18 premises as authorized by this section and RCW 66.20.310, 66.24.320,  
19 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690, 66.24.450,  
20 66.24.570, 66.24.610, 66.24.650, (~~and~~) 66.24.655, and 66.24.680;

21       (b) Distillery licensed pursuant to RCW 66.24.140 that is  
22 authorized to serve samples of its own production;

23       (c) Facility established by a domestic winery for serving and  
24 selling wine pursuant to RCW 66.24.170(4); and

25       (d) Grocery store licensed under RCW 66.24.360, but only with  
26 respect to employees whose duties include serving during tasting  
27 activities under RCW 66.24.363.

28       (5) "Training entity" means any liquor licensee associations,  
29 independent contractors, private persons, and private or public  
30 schools, that have been certified by the board.

31       **Sec. 21.** RCW 66.20.310 and 2014 c 29 s 3 and 2014 c 78 s 3 are  
32 each reenacted to read as follows:

33       (1)(a) There is an alcohol server permit, known as a class 12  
34 permit, for a manager or bartender selling or mixing alcohol,  
35 spirits, wines, or beer for consumption at an on-premises licensed  
36 facility.

37       (b) There is an alcohol server permit, known as a class 13  
38 permit, for a person who only serves alcohol, spirits, wines, or beer  
39 for consumption at an on-premises licensed facility.

1 (c) As provided by rule by the board, a class 13 permit holder  
2 may be allowed to act as a bartender without holding a class 12  
3 permit.

4 (2)(a) Effective January 1, 1997, except as provided in (d) of  
5 this subsection, every alcohol server employed, under contract or  
6 otherwise, at a retail licensed premise must be issued a class 12 or  
7 class 13 permit.

8 (b) Every class 12 and class 13 permit issued must be issued in  
9 the name of the applicant and no other person may use the permit of  
10 another permit holder. The holder must present the permit upon  
11 request to inspection by a representative of the board or a peace  
12 officer. The class 12 or class 13 permit is valid for employment at  
13 any retail licensed premises described in (a) of this subsection.

14 (c) Except as provided in (d) of this subsection, no licensee  
15 holding a license as authorized by this section and RCW 66.20.300,  
16 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690,  
17 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, ((and))  
18 66.24.655, and 66.24.680 may employ or accept the services of any  
19 person without the person first having a valid class 12 or class 13  
20 permit.

21 (d) Within sixty days of initial employment, every person whose  
22 duties include the compounding, sale, service, or handling of liquor  
23 must have a class 12 or class 13 permit.

24 (e) No person may perform duties that include the sale or service  
25 of alcoholic beverages on a retail licensed premises without  
26 possessing a valid alcohol server permit.

27 (3) A permit issued by a training entity under this section is  
28 valid for employment at any retail licensed premises described in  
29 subsection (2)(a) of this section for a period of five years unless  
30 suspended by the board.

31 (4) The board may suspend or revoke an existing permit if any of  
32 the following occur:

33 (a) The applicant or permittee has been convicted of violating  
34 any of the state or local intoxicating liquor laws of this state or  
35 has been convicted at any time of a felony; or

36 (b) The permittee has performed or permitted any act that  
37 constitutes a violation of this title or of any rule of the board.

38 (5) The suspension or revocation of a permit under this section  
39 does not relieve a licensee from responsibility for any act of the  
40 employee or agent while employed upon the retail licensed premises.

1 The board may, as appropriate, revoke or suspend either the permit of  
2 the employee who committed the violation or the license of the  
3 licensee upon whose premises the violation occurred, or both the  
4 permit and the license.

5 (6) (a) After January 1, 1997, it is a violation of this title for  
6 any retail licensee or agent of a retail licensee as described in  
7 subsection (2) (a) of this section to employ in the sale or service of  
8 alcoholic beverages, any person who does not have a valid alcohol  
9 server permit or whose permit has been revoked, suspended, or denied.

10 (b) It is a violation of this title for a person whose alcohol  
11 server permit has been denied, suspended, or revoked to accept  
12 employment in the sale or service of alcoholic beverages.

13 (7) Grocery stores licensed under RCW 66.24.360, the primary  
14 commercial activity of which is the sale of grocery products and for  
15 which the sale and service of beer and wine for on-premises  
16 consumption with food is incidental to the primary business, and  
17 employees of such establishments, are exempt from RCW 66.20.300  
18 through 66.20.350, except for employees whose duties include serving  
19 during tasting activities under RCW 66.24.363.

20 **Sec. 22.** RCW 69.50.412 and 2013 c 3 s 22 and 2012 c 117 s 368  
21 are each reenacted to read as follows:

22 (1) It is unlawful for any person to use drug paraphernalia to  
23 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
24 convert, produce, process, prepare, test, analyze, pack, repack,  
25 store, contain, conceal, inject, ingest, inhale, or otherwise  
26 introduce into the human body a controlled substance other than  
27 marijuana. Any person who violates this subsection is guilty of a  
28 misdemeanor.

29 (2) It is unlawful for any person to deliver, possess with intent  
30 to deliver, or manufacture with intent to deliver drug paraphernalia,  
31 knowing, or under circumstances where one reasonably should know,  
32 that it will be used to plant, propagate, cultivate, grow, harvest,  
33 manufacture, compound, convert, produce, process, prepare, test,  
34 analyze, pack, repack, store, contain, conceal, inject, ingest,  
35 inhale, or otherwise introduce into the human body a controlled  
36 substance other than marijuana. Any person who violates this  
37 subsection is guilty of a misdemeanor.

38 (3) Any person eighteen years of age or over who violates  
39 subsection (2) of this section by delivering drug paraphernalia to a

1 person under eighteen years of age who is at least three years his or  
2 her junior is guilty of a gross misdemeanor.

3 (4) It is unlawful for any person to place in any newspaper,  
4 magazine, handbill, or other publication any advertisement, knowing,  
5 or under circumstances where one reasonably should know, that the  
6 purpose of the advertisement, in whole or in part, is to promote the  
7 sale of objects designed or intended for use as drug paraphernalia.  
8 Any person who violates this subsection is guilty of a misdemeanor.

9 (5) It is lawful for any person over the age of eighteen to  
10 possess sterile hypodermic syringes and needles for the purpose of  
11 reducing blood-borne diseases.

12 **Sec. 23.** RCW 70.15.110 and 2018 c 184 s 12 are each amended to  
13 read as follows:

14 (1) No act or omission, except those acts or omissions  
15 constituting gross negligence or willful or wanton misconduct, by a  
16 volunteer health practitioner registered and providing services  
17 within the provisions of this chapter shall impose any liability for  
18 civil damages resulting from such an act or omission upon:

- 19 (a) The ((emergency)) volunteer health practitioner;
- 20 (b) The supervisor or supervisors of the ((emergency)) volunteer  
21 health practitioner;
- 22 (c) Any facility or their officers or employees;
- 23 (d) The employer of the ((emergency)) volunteer health  
24 practitioner;
- 25 (e) The owner of the property or vehicle where the act or  
26 omission may have occurred;
- 27 (f) Any organization that registered the ((emergency)) volunteer  
28 health practitioner under the provisions of this chapter;
- 29 (g) The state or any state or local governmental entity; or
- 30 (h) Any professional or trade association of the ((emergency))  
31 volunteer health practitioner.

32 (2) A person that, pursuant to this chapter, operates, uses, or  
33 relies upon information provided by a volunteer health practitioner  
34 registration system is not liable for damages for an act or omission  
35 relating to that operation, use, or reliance unless the act or  
36 omission constitutes gross negligence, an intentional tort, or  
37 willful or wanton misconduct.

1       **Sec. 24.** RCW 70.305.010 and 2018 c 58 s 11 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Adverse childhood experiences" means the following  
6 indicators of severe childhood stressors and family dysfunction that,  
7 when experienced in the first eighteen years of life and taken  
8 together, are proven by public health research to be powerful  
9 determinants of physical, mental, social, and behavioral health  
10 across the lifespan: Child physical abuse; child sexual abuse; child  
11 emotional abuse; child emotional or physical neglect; alcohol or  
12 other substance abuse in the home; mental illness, depression, or  
13 suicidal behaviors in the home; incarceration of a family member;  
14 witnessing intimate partner violence; and parental divorce or  
15 separation. Adverse childhood experiences have been demonstrated to  
16 affect the development of the brain and other major body systems.

17       (2) "Community public health and safety networks" or "networks"  
18 means the organizations authorized under RCW 70.190.060.

19       (3) "Department" means the department of social and health  
20 services.

21       (4) "Evidence-based" has the same meaning as in RCW  
22 (~~(43.216.141)~~) 43.216.157.

23       (5) "Research-based" has the same meaning as in RCW  
24 (~~(43.216.141)~~) 43.216.157.

25       (6) "Secretary" means the secretary of social and health  
26 services.

27       (7) "Secretary of children, youth, and families" means the  
28 secretary of the department of children, youth, and families.

29       **Sec. 25.** RCW 74.13.029 and 2011 c 89 s 17 are each amended to  
30 read as follows:

31       Once a dependency is established under chapter 13.34 RCW, the  
32 department employee assigned to the case shall provide the dependent  
33 child age twelve years and older with a document containing the  
34 information described in RCW 74.13.031(~~((16))~~) (18). The department  
35 employee shall explain the contents of the document to the child and  
36 direct the child to the department's web site for further  
37 information. The department employee shall document, in the  
38 electronic data system, that this requirement was met.

1       **Sec. 26.**   RCW 74.14B.050 and 2017 3rd sp.s. c 6 s 507 are each  
2 amended to read as follows:

3       The department of children, youth, and families shall inform  
4 victims of child abuse and neglect and their families of the  
5 availability of state-supported counseling through the crime victims'  
6 compensation program, community mental health centers, domestic  
7 violence and sexual assault programs, and other related programs. The  
8 department of children, youth, and families shall assist victims with  
9 referrals to these services.

--- END ---