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**SUBSTITUTE HOUSE BILL 2205**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Dufault, and Appleton)

READ FIRST TIME 01/21/20.

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 9.41.042, 9A.42.010, 13.40.0357, 13.40.160,  
4 13.40.193, 13.40.265, 28A.400.210, 41.05.175, 43.09.025, 46.18.255,  
5 46.18.265, 46.18.285, 46.18.290, 48.20.389, 48.21.223, 48.44.323,  
6 48.46.274, 64.50.010, 69.50.414, 69.52.030, and 28B.76.540;  
7 reenacting and amending RCW 43.79A.040, 43.84.092, 10.77.088, and  
8 70.105D.030; 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) Sections 2 and 3 of this act correct the accounts and funds  
16 listed in the code sections providing for interest income by moving  
17 misplaced accounts and funds, removing repealed accounts and funds,  
18 and making account and fund names more uniform.

19 (2) Sections 4 and 5 of this act merge double amendments created  
20 when sections were amended in the 2019 legislative session without  
21 reference to the amendments made in the same session.

1 (3) Sections 6 through 25 of this act amend sections to reflect  
2 changes in subsection numbering of cross-referenced material.

3 (4) Section 26 of this act updates a reference to a chapter that  
4 was renamed as a result of chapter 295, Laws of 2019.

5 **Sec. 2.** RCW 43.79A.040 and 2019 c 448 s 10, 2019 c 363 s 21,  
6 2019 c 295 s 225, 2019 c 282 s 7, 2019 c 266 s 26, and 2019 c 157 s 4  
7 are each reenacted and amended to read as follows:

8 (1) Money in the treasurer's trust fund may be deposited,  
9 invested, and reinvested by the state treasurer in accordance with  
10 RCW 43.84.080 in the same manner and to the same extent as if the  
11 money were in the state treasury, and may be commingled with moneys  
12 in the state treasury for cash management and cash balance purposes.

13 (2) All income received from investment of the treasurer's trust  
14 fund must be set aside in an account in the treasury trust fund to be  
15 known as the investment income account.

16 (3) The investment income account may be utilized for the payment  
17 of purchased banking services on behalf of treasurer's trust funds  
18 including, but not limited to, depository, safekeeping, and  
19 disbursement functions for the state treasurer or affected state  
20 agencies. The investment income account is subject in all respects to  
21 chapter 43.88 RCW, but no appropriation is required for payments to  
22 financial institutions. Payments must occur prior to distribution of  
23 earnings set forth in subsection (4) of this section.

24 (4)(a) Monthly, the state treasurer must distribute the earnings  
25 credited to the investment income account to the state general fund  
26 except under (b), (c), and (d) of this subsection.

27 (b) The following accounts and funds must receive their  
28 proportionate share of earnings based upon each account's or fund's  
29 average daily balance for the period: The 24/7 sobriety account, the  
30 Washington promise scholarship account, the Gina Grant Bull memorial  
31 legislative page scholarship account, the Washington advanced college  
32 tuition payment program account, the Washington college savings  
33 program account, the accessible communities account, the Washington  
34 achieving a better life experience program account, the community and  
35 technical college innovation account, the agricultural local fund,  
36 the American Indian scholarship endowment fund, the foster care  
37 scholarship endowment fund, the foster care endowed scholarship trust  
38 fund, the contract harvesting revolving account, the Washington state  
39 combined fund drive account, the commemorative works account, the

1 county enhanced 911 excise tax account, the county road  
2 administration board emergency loan account, the toll collection  
3 account, the developmental disabilities endowment trust fund, the  
4 energy account, the fair fund, the family and medical leave insurance  
5 account, the fish and wildlife federal lands revolving account, the  
6 natural resources federal lands revolving account, the food animal  
7 veterinarian conditional scholarship account, the forest health  
8 revolving account, the fruit and vegetable inspection account, the  
9 educator conditional scholarship account, the game farm alternative  
10 account, the GET ready for math and science scholarship account, the  
11 Washington global health technologies and product development  
12 account, the grain inspection revolving fund, the Washington history  
13 day account, the industrial insurance rainy day fund, the juvenile  
14 accountability incentive account, the law enforcement officers' and  
15 firefighters' plan 2 expense fund, the local tourism promotion  
16 account, the low-income home rehabilitation revolving loan program  
17 account, the multiagency permitting team account, the northeast  
18 Washington wolf-livestock management account, (~~the pilotage~~  
19 ~~account,~~) the produce railcar pool account, the regional  
20 transportation investment district account, the rural rehabilitation  
21 account, the Washington sexual assault kit account, the stadium and  
22 exhibition center account, the youth athletic facility account, the  
23 self-insurance revolving fund, the children's trust fund, the  
24 Washington horse racing commission Washington bred owners' bonus fund  
25 and breeder awards account, the Washington horse racing commission  
26 class C purse fund account, the individual development account  
27 program account, the Washington horse racing commission operating  
28 account, the life sciences discovery fund, the Washington state  
29 library-archives building account, the reduced cigarette ignition  
30 propensity account, the center for deaf and hard of hearing youth  
31 account, the school for the blind account, the Millersylvania park  
32 trust fund, the public employees' and retirees' insurance reserve  
33 fund, the school employees' benefits board insurance reserve fund,  
34 the public employees' and retirees' insurance account, the school  
35 employees' insurance account, the long-term services and supports  
36 trust account, the radiation perpetual maintenance fund, the Indian  
37 health improvement reinvestment account, the department of licensing  
38 tuition recovery trust fund, the student achievement council tuition  
39 recovery trust fund, the tuition recovery trust fund, the industrial  
40 insurance premium refund account, the mobile home park relocation

1 fund, the natural resources deposit fund, the Washington state health  
2 insurance pool account, the federal forest revolving account, and the  
3 library operations account.

4 (c) The following accounts and funds must receive eighty percent  
5 of their proportionate share of earnings based upon each account's or  
6 fund's average daily balance for the period: The (~~advanced~~) advance  
7 right-of-way revolving fund, the advanced environmental mitigation  
8 revolving account, the federal narcotics asset forfeitures account,  
9 the high occupancy vehicle account, the local rail service assistance  
10 account, and the miscellaneous transportation programs account.

11 (d) Any state agency that has independent authority over accounts  
12 or funds not statutorily required to be held in the custody of the  
13 state treasurer that deposits funds into a fund or account in the  
14 custody of the state treasurer pursuant to an agreement with the  
15 office of the state treasurer shall receive its proportionate share  
16 of earnings based upon each account's or fund's average daily balance  
17 for the period.

18 (5) In conformance with Article II, section 37 of the state  
19 Constitution, no trust accounts or funds shall be allocated earnings  
20 without the specific affirmative directive of this section.

21 **Sec. 3.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019  
22 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and  
23 amended to read as follows:

24 (1) All earnings of investments of surplus balances in the state  
25 treasury shall be deposited to the treasury income account, which  
26 account is hereby established in the state treasury.

27 (2) The treasury income account shall be utilized to pay or  
28 receive funds associated with federal programs as required by the  
29 federal cash management improvement act of 1990. The treasury income  
30 account is subject in all respects to chapter 43.88 RCW, but no  
31 appropriation is required for refunds or allocations of interest  
32 earnings required by the cash management improvement act. Refunds of  
33 interest to the federal treasury required under the cash management  
34 improvement act fall under RCW 43.88.180 and shall not require  
35 appropriation. The office of financial management shall determine the  
36 amounts due to or from the federal government pursuant to the cash  
37 management improvement act. The office of financial management may  
38 direct transfers of funds between accounts as deemed necessary to  
39 implement the provisions of the cash management improvement act, and

1 this subsection. Refunds or allocations shall occur prior to the  
2 distributions of earnings set forth in subsection (4) of this  
3 section.

4 (3) Except for the provisions of RCW 43.84.160, the treasury  
5 income account may be utilized for the payment of purchased banking  
6 services on behalf of treasury funds including, but not limited to,  
7 depository, safekeeping, and disbursement functions for the state  
8 treasury and affected state agencies. The treasury income account is  
9 subject in all respects to chapter 43.88 RCW, but no appropriation is  
10 required for payments to financial institutions. Payments shall occur  
11 prior to distribution of earnings set forth in subsection (4) of this  
12 section.

13 (4) Monthly, the state treasurer shall distribute the earnings  
14 credited to the treasury income account. The state treasurer shall  
15 credit the general fund with all the earnings credited to the  
16 treasury income account except:

17 (a) The following accounts and funds shall receive their  
18 proportionate share of earnings based upon each account's and fund's  
19 average daily balance for the period: The abandoned recreational  
20 vehicle disposal account, the aeronautics account, (~~the aircraft~~  
21 ~~search and rescue account,~~) the Alaskan Way viaduct replacement  
22 project account, the brownfield redevelopment trust fund account, the  
23 budget stabilization account, the capital vessel replacement account,  
24 the capitol building construction account, (~~the Cedar River channel~~  
25 ~~construction and operation account,~~) the Central Washington  
26 University capital projects account, the charitable, educational,  
27 penal and reformatory institutions account, the Chehalis basin  
28 account, the cleanup settlement account, the Columbia river basin  
29 water supply development account, the Columbia river basin taxable  
30 bond water supply development account, the Columbia river basin water  
31 supply revenue recovery account, the common school construction fund,  
32 the community forest trust account, the connecting Washington  
33 account, the county arterial preservation account, the county  
34 criminal justice assistance account, the deferred compensation  
35 administrative account, the deferred compensation principal account,  
36 the department of licensing services account, (~~the department of~~  
37 ~~licensing tuition recovery trust fund,~~) the department of retirement  
38 systems expense account, the developmental disabilities community  
39 trust account, the diesel idle reduction account, the drinking water  
40 assistance account, the administrative subaccount of the drinking

1 water assistance (~~administrative~~) account, the early learning  
2 facilities development account, the early learning facilities  
3 revolving account, the Eastern Washington University capital projects  
4 account, the education construction fund, the education legacy trust  
5 account, the election account, the electric vehicle account, the  
6 energy freedom account, the energy recovery act account, the  
7 essential rail assistance account, The Evergreen State College  
8 capital projects account, (~~the federal forest revolving account,~~)  
9 the ferry bond retirement fund, the freight mobility investment  
10 account, the freight mobility multimodal account, the grade crossing  
11 protective fund, the public health services account, the state higher  
12 education construction account, the higher education construction  
13 account, the highway bond retirement fund, the highway infrastructure  
14 account, the highway safety fund, the hospital safety net assessment  
15 fund, (~~the industrial insurance premium refund account,~~) the  
16 Interstate 405 and state route number 167 express toll lanes account,  
17 the judges' retirement account, the judicial retirement  
18 administrative account, the judicial retirement principal account,  
19 the local leasehold excise tax account, the local real estate excise  
20 tax account, the local sales and use tax account, the marine  
21 resources stewardship trust account, the medical aid account, (~~the  
22 mobile home park relocation fund,~~) the money-purchase retirement  
23 savings administrative account, the money-purchase retirement savings  
24 principal account, the motor vehicle fund, the motorcycle safety  
25 education account, the multimodal transportation account, the  
26 multiuse roadway safety account, the municipal criminal justice  
27 assistance account, (~~the natural resources deposit account,~~) the  
28 oyster reserve land account, the pension funding stabilization  
29 account, the perpetual surveillance and maintenance account, the  
30 pilotage account, the pollution liability insurance agency  
31 underground storage tank revolving account, the public employees'  
32 retirement system plan 1 account, the public employees' retirement  
33 system combined plan 2 and plan 3 account, the public facilities  
34 construction loan revolving account (~~beginning July 1, 2004~~), the  
35 public health supplemental account, the public works assistance  
36 account, the Puget Sound capital construction account, the Puget  
37 Sound ferry operations account, the Puget Sound Gateway facility  
38 account, the Puget Sound taxpayer accountability account, the real  
39 estate appraiser commission account, the recreational vehicle  
40 account, the regional mobility grant program account, the resource

1 management cost account, the rural arterial trust account, the rural  
2 mobility grant program account, the rural Washington loan fund, the  
3 sexual assault prevention and response account, the site closure  
4 account, the skilled nursing facility safety net trust fund, the  
5 small city pavement and sidewalk account, the special category C  
6 account, the special wildlife account, (~~the state employees'  
7 insurance account, the state employees' insurance reserve account,~~)  
8 the state investment board expense account, the state investment  
9 board commingled trust fund accounts, the state patrol highway  
10 account, the state reclamation revolving account, the state route  
11 number 520 civil penalties account, the state route number 520  
12 corridor account, the state wildlife account, the statewide broadband  
13 account, the statewide tourism marketing account, (~~the student  
14 achievement council tuition recovery trust fund,~~) the supplemental  
15 pension account, the Tacoma Narrows toll bridge account, the  
16 teachers' retirement system plan 1 account, the teachers' retirement  
17 system combined plan 2 and plan 3 account, the tobacco prevention and  
18 control account, the tobacco settlement account, the toll facility  
19 bond retirement account, the transportation 2003 account (nickel  
20 account), the transportation equipment fund, the transportation  
21 future funding program account, the transportation improvement  
22 account, the transportation improvement board bond retirement  
23 account, the transportation infrastructure account, the  
24 transportation partnership account, the traumatic brain injury  
25 account, (~~the tuition recovery trust fund,~~) the University of  
26 Washington bond retirement fund, the University of Washington  
27 building account, the voluntary cleanup account, the volunteer  
28 firefighters' and reserve officers' relief and pension principal  
29 fund, the volunteer firefighters' and reserve officers'  
30 administrative fund, the vulnerable roadway user education account,  
31 the Washington judicial retirement system account, the Washington law  
32 enforcement officers' and firefighters' system plan 1 retirement  
33 account, the Washington law enforcement officers' and firefighters'  
34 system plan 2 retirement account, the Washington public safety  
35 employees' plan 2 retirement account, the Washington school  
36 employees' retirement system combined plan 2 and 3 account, (~~the  
37 Washington state health insurance pool account,~~) the Washington  
38 state patrol retirement account, the Washington State University  
39 building account, the Washington State University bond retirement  
40 fund, the water pollution control revolving administration account,

1 the water pollution control revolving fund, the Western Washington  
2 University capital projects account, the Yakima integrated plan  
3 implementation account, the Yakima integrated plan implementation  
4 revenue recovery account, and the Yakima integrated plan  
5 implementation taxable bond account. Earnings derived from investing  
6 balances of the agricultural permanent fund, the normal school  
7 permanent fund, the permanent common school fund, the scientific  
8 permanent fund, and the state university permanent fund(~~, and the~~  
9 ~~state reclamation revolving account~~)) shall be allocated to their  
10 respective beneficiary accounts.

11 (b) Any state agency that has independent authority over accounts  
12 or funds not statutorily required to be held in the state treasury  
13 that deposits funds into a fund or account in the state treasury  
14 pursuant to an agreement with the office of the state treasurer shall  
15 receive its proportionate share of earnings based upon each account's  
16 or fund's average daily balance for the period.

17 (5) In conformance with Article II, section 37 of the state  
18 Constitution, no treasury accounts or funds shall be allocated  
19 earnings without the specific affirmative directive of this section.

20 **Sec. 4.** RCW 10.77.088 and 2019 c 326 s 5 and 2019 c 248 s 1 are  
21 each reenacted and amended to read as follows:

22 (1) If the defendant is charged with a nonfelony crime which is a  
23 serious offense as identified in RCW 10.77.092 and found by the court  
24 to be not competent, then the court:

25 (a) Shall dismiss the proceedings without prejudice and detain  
26 the defendant for sufficient time to allow the designated crisis  
27 responder to evaluate the defendant and consider initial detention  
28 proceedings under chapter 71.05 RCW, unless the prosecutor objects to  
29 the dismissal and provides notice of a motion for an order for  
30 competency restoration, in which case the court shall schedule a  
31 hearing within seven days to determine whether to enter an order of  
32 competency restoration.

33 (b) At the hearing, the prosecuting attorney must establish that  
34 there is a compelling state interest to order competency restoration  
35 treatment for the defendant. The court may consider prior criminal  
36 history, prior history in treatment, prior history of violence, the  
37 quality and severity of the pending charges, any history that  
38 suggests whether or not competency restoration treatment is likely to  
39 be successful, in addition to the factors listed under RCW 10.77.092.



1 If the prosecuting attorney proves by a preponderance of the evidence  
2 that there is a compelling state interest in ordering competency  
3 restoration, then the court shall order competency restoration in  
4 accordance with subsection (2) (a) of this section.

5 (2) (a) If a court finds pursuant to subsection (1) (b) of this  
6 section that there is a compelling state interest in pursuing  
7 competency restoration treatment, then the court shall commit the  
8 defendant to the custody of the secretary for competency restoration.  
9 Based on a recommendation from a forensic navigator and input from  
10 the parties, the court may order the defendant to receive inpatient  
11 competency restoration or outpatient competency restoration.

12 (i) To be eligible for an order for outpatient competency  
13 restoration, a defendant must be clinically appropriate and be  
14 willing to:

15 (A) Adhere to medications or receive prescribed intramuscular  
16 medication; and

17 (B) Abstain from alcohol and unprescribed drugs.

18 (ii) If the court orders inpatient competency restoration, the  
19 department shall place the defendant in an appropriate facility of  
20 the department for competency restoration under (b) of this  
21 subsection.

22 (iii) If the court orders outpatient competency restoration, the  
23 court shall modify conditions of release as needed to authorize the  
24 department to place the person in approved housing, which may include  
25 access to supported housing, affiliated with a contracted outpatient  
26 competency restoration program. The department, in conjunction with  
27 the health care authority, must establish rules for conditions of  
28 participation in the outpatient competency restoration program, which  
29 must include the defendant being subject to medication management and  
30 regular urinalysis testing for defendants who have a current  
31 substance use disorder diagnosis. The outpatient competency  
32 restoration program shall monitor the defendant during the  
33 defendant's placement in the program and report any noncompliance or  
34 significant changes with respect to the defendant to the department  
35 and, if applicable, the forensic navigator.

36 (iv) If a defendant fails to comply with the restrictions of the  
37 outpatient competency restoration program such that restoration is no  
38 longer appropriate in that setting or the defendant is no longer  
39 clinically appropriate for outpatient competency restoration, the  
40 department shall remove the defendant from the outpatient restoration

1 program. The department shall place the defendant instead in an  
2 appropriate facility of the department for inpatient competency  
3 restoration for no longer than twenty-nine days regardless of any  
4 time spent in outpatient competency restoration, in addition to  
5 reasonable time for transport to or from the facility. The department  
6 shall notify the court and parties of the change in placement before  
7 the close of the next judicial day. The court shall schedule a  
8 hearing within five days to review the placement and conditions of  
9 release of the defendant and issue appropriate orders. The standard  
10 of proof shall be a preponderance of the evidence, and the court may  
11 in its discretion render its decision based on written submissions,  
12 live testimony, or remote testimony.

13 (v) The court may not issue an order for outpatient competency  
14 restoration unless the department certifies that there is an  
15 available appropriate outpatient restoration program that has  
16 adequate space for the person at the time the order is issued or the  
17 court places the defendant under the guidance and control of a  
18 professional person identified in the court order.

19 (b) The placement under (a) of this subsection shall not exceed  
20 twenty-nine days if the defendant is ordered to receive inpatient  
21 competency restoration, or shall not exceed ninety days if the  
22 defendant is ordered to receive outpatient competency restoration.  
23 The court may order any combination of this subsection, not to exceed  
24 ninety days. This period must be considered to include only the time  
25 the defendant is actually at the facility and shall be in addition to  
26 reasonable time for transport to or from the facility.

27 (c) If the court has determined or the parties agree that the  
28 defendant is unlikely to regain competency, the court may dismiss the  
29 charges without prejudice without ordering the defendant to undergo  
30 restoration treatment, in which case the court shall order that the  
31 defendant be referred for evaluation for civil commitment in the  
32 manner provided in (d) of this subsection.

33 (d) (i) If the proceedings are dismissed under RCW 10.77.084 and  
34 the defendant was on conditional release at the time of dismissal,  
35 the court shall order the designated crisis responder within that  
36 county to evaluate the defendant pursuant to chapter 71.05 RCW. The  
37 evaluation may be conducted in any location chosen by the  
38 professional.

39 (ii) If the defendant was in custody and not on conditional  
40 release at the time of dismissal, the defendant shall be detained and

1 sent to an evaluation and treatment facility for up to seventy-two  
2 hours, excluding Saturdays, Sundays, and holidays, for evaluation for  
3 purposes of filing a petition under chapter 71.05 RCW. The seventy-  
4 two hour period shall commence upon the next nonholiday weekday  
5 following the court order and shall run to the end of the last  
6 nonholiday weekday within the seventy-two-hour period.

7 (3) If the defendant is charged with a nonfelony crime that is  
8 not a serious offense as defined in RCW 10.77.092 and found by the  
9 court to be not competent, the court may stay or dismiss proceedings  
10 and detain the defendant for sufficient time to allow the designated  
11 crisis responder to evaluate the defendant and consider initial  
12 detention proceedings under chapter 71.05 RCW. The court must give  
13 notice to all parties at least twenty-four hours before the dismissal  
14 of any proceeding under this subsection, and provide an opportunity  
15 for a hearing on whether to dismiss the proceedings.

16 ~~((3))~~ (4) If at any time the court dismisses charges under  
17 subsections (1) ~~((or (2)))~~ through (3) of this section, the court  
18 shall make a finding as to whether the defendant has a history of one  
19 or more violent acts. If the court so finds, the defendant is barred  
20 from the possession of firearms until a court restores his or her  
21 right to possess a firearm under RCW 9.41.047. The court shall state  
22 to the defendant and provide written notice that the defendant is  
23 barred from the possession of firearms and that the prohibition  
24 remains in effect until a court restores his or her right to possess  
25 a firearm under RCW 9.41.047.

26 **Sec. 5.** RCW 70.105D.030 and 2019 c 422 s 401 and 2019 c 95 s 3  
27 are each reenacted and amended to read as follows:

28 (1) The department may exercise the following powers in addition  
29 to any other powers granted by law:

30 (a) Investigate, provide for investigating, or require  
31 potentially liable persons to investigate any releases or threatened  
32 releases of hazardous substances, including but not limited to  
33 inspecting, sampling, or testing to determine the nature or extent of  
34 any release or threatened release. If there is a reasonable basis to  
35 believe that a release or threatened release of a hazardous substance  
36 may exist, the department's authorized employees, agents, or  
37 contractors may enter upon any property and conduct investigations.  
38 The department shall give reasonable notice before entering property  
39 unless an emergency prevents such notice. The department may by

1 subpoena require the attendance or testimony of witnesses and the  
2 production of documents or other information that the department  
3 deems necessary;

4 (b) Conduct, provide for conducting, or require potentially  
5 liable persons to conduct remedial actions (including investigations  
6 under (a) of this subsection) to remedy releases or threatened  
7 releases of hazardous substances. In carrying out such powers, the  
8 department's authorized employees, agents, or contractors may enter  
9 upon property. The department must give reasonable notice before  
10 entering property unless an emergency prevents such notice. In  
11 conducting, providing for, or requiring remedial action, the  
12 department must give preference to permanent solutions to the maximum  
13 extent practicable and must provide for or require adequate  
14 monitoring to ensure the effectiveness of the remedial action;

15 (c) Indemnify contractors retained by the department for carrying  
16 out investigations and remedial actions, but not for any contractor's  
17 reckless or willful misconduct;

18 (d) Carry out all state programs authorized under the federal  
19 cleanup law and the federal resource, conservation, and recovery act,  
20 42 U.S.C. Sec. 6901 et seq., as amended;

21 (e) Classify substances as hazardous substances for purposes of  
22 RCW 70.105D.020 and classify substances and products as hazardous  
23 substances for purposes of RCW 82.21.020(1);

24 (f) Issue orders or enter into consent decrees or agreed orders  
25 that include, or issue written opinions under RCW 70.105D.180 that  
26 may be conditioned upon, environmental covenants where necessary to  
27 protect human health and the environment from a release or threatened  
28 release of a hazardous substance from a facility. Prior to  
29 establishing an environmental covenant under this subsection, the  
30 department must consult with and seek comment from a city or county  
31 department with land use planning authority for real property subject  
32 to the environmental covenant;

33 (g) Enforce the application of permanent and effective  
34 institutional controls that are necessary for a remedial action to be  
35 protective of human health and the environment and the notification  
36 requirements established in RCW 70.105D.110, and impose penalties for  
37 violations of that section consistent with RCW 70.105D.050;

38 (h) Require holders to conduct remedial actions necessary to  
39 abate an imminent or substantial endangerment pursuant to RCW  
40 70.105D.020(22)(b)(ii)(C);

1 (i) In fulfilling the objectives of this chapter, the department  
2 must allocate staffing and financial assistance in a manner that  
3 considers both the reduction of human and environmental risks and the  
4 land reuse potential and planning for the facilities to be cleaned  
5 up. This does not preclude the department from allocating resources  
6 to a facility based solely on human or environmental risks;

7 (j) Establish model remedies for common categories of facilities,  
8 types of hazardous substances, types of media, or geographic areas to  
9 streamline and accelerate the selection of remedies for routine types  
10 of cleanups at facilities;

11 (i) When establishing a model remedy, the department must:

12 (A) Identify the requirements for characterizing a facility to  
13 select a model remedy, the applicability of the model remedy for use  
14 at a facility, and monitoring requirements;

15 (B) Describe how the model remedy meets clean-up standards and  
16 the requirements for selecting a remedy established by the department  
17 under this chapter; and

18 (C) Provide public notice and an opportunity to comment on the  
19 proposed model remedy and the conditions under which it may be used  
20 at a facility;

21 (ii) When developing model remedies, the department must solicit  
22 and consider proposals from qualified persons. The proposals must, in  
23 addition to describing the model remedy, provide the information  
24 required under (j)(i)(A) and (B) of this subsection;

25 (iii) If a facility meets the requirements for use of a model  
26 remedy, an analysis of the feasibility of alternative remedies is not  
27 required under this chapter. For department-conducted and department-  
28 supervised remedial actions, the department must provide public  
29 notice and consider public comments on the proposed use of a model  
30 remedy at a facility; and

31 (k) Take any other actions necessary to carry out the provisions  
32 of this chapter, including the power to adopt rules under chapter  
33 34.05 RCW.

34 (2) The department must immediately implement all provisions of  
35 this chapter to the maximum extent practicable, including  
36 investigative and remedial actions where appropriate. The department  
37 must adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

38 (a) Provide for public participation, including at least (i)  
39 public notice of the development of investigative plans or remedial  
40 plans for releases or threatened releases and (ii) concurrent public

1 notice of all compliance orders, agreed orders, enforcement orders,  
2 or notices of violation;

3 (b) Establish a hazard ranking system for hazardous waste sites;

4 (c) Provide for requiring the reporting by an owner or operator  
5 of releases of hazardous substances to the environment that may be a  
6 threat to human health or the environment within ninety days of  
7 discovery, including such exemptions from reporting as the department  
8 deems appropriate, however this requirement may not modify any  
9 existing requirements provided for under other laws;

10 (d) Establish reasonable deadlines not to exceed ninety days for  
11 initiating an investigation of a hazardous waste site after the  
12 department receives notice or otherwise receives information that the  
13 site may pose a threat to human health or the environment and other  
14 reasonable deadlines for remedying releases or threatened releases at  
15 the site;

16 (e) Publish and periodically update minimum clean-up standards  
17 for remedial actions at least as stringent as the clean-up standards  
18 under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621,  
19 and at least as stringent as all applicable state and federal laws,  
20 including health-based standards under state and federal law; and

21 (f) Apply industrial clean-up standards at industrial properties.  
22 Rules adopted under this subsection must ensure that industrial  
23 properties cleaned up to industrial standards cannot be converted to  
24 nonindustrial uses without approval from the department. The  
25 department may require that a property cleaned up to industrial  
26 standards is cleaned up to a more stringent applicable standard as a  
27 condition of conversion to a nonindustrial use. Industrial clean-up  
28 standards may not be applied to industrial properties where hazardous  
29 substances remaining at the property after remedial action pose a  
30 threat to human health or the environment in adjacent nonindustrial  
31 areas.

32 (3) To achieve and protect the state's long-term ecological  
33 health, the department must plan to clean up hazardous waste sites  
34 and prevent the creation of future hazards due to improper disposal  
35 of toxic wastes at a pace that matches the estimated cash resources  
36 in the model toxics control capital account. Estimated cash resources  
37 must consider the annual cash flow requirements of major projects  
38 that receive appropriations expected to cross multiple biennia.

39 (4) Before September 20th of each even-numbered year, the  
40 department must:

1 (a) Develop a comprehensive ten-year financing report in  
2 coordination with all local governments with clean-up  
3 responsibilities that identifies the projected biennial hazardous  
4 waste site remedial action needs that are eligible for funding from  
5 the model toxics control capital account;

6 (b) Work with local governments to develop working capital  
7 reserves to be incorporated in the ten-year financing report;

8 (c) Identify the projected remedial action needs for orphaned,  
9 abandoned, and other clean-up sites that are eligible for funding  
10 from the model toxics control capital account;

11 (d) Project the remedial action need, cost, revenue, and any  
12 recommended working capital reserve estimate to the next biennium's  
13 long-term remedial action needs from the model toxics control capital  
14 account, and submit this information to the appropriate standing  
15 fiscal and environmental committees of the senate and house of  
16 representatives. This submittal must also include a ranked list of  
17 such remedial action projects for the model toxics control capital  
18 account. The submittal must also identify separate budget estimates  
19 for large, multibiennia clean-up projects that exceed ten million  
20 dollars. The department must prepare its ten-year capital budget plan  
21 that is submitted to the office of financial management to reflect  
22 the separate budget estimates for these large clean-up projects and  
23 include information on the anticipated private and public funding  
24 obligations for completion of the relevant projects.

25 (5) By December 1st of each odd-numbered year, the department  
26 must provide the legislature and the public a report of the  
27 department's activities supported by appropriations from the model  
28 toxics control operating, capital, and stormwater accounts. The  
29 report must be prepared and displayed in a manner that allows the  
30 legislature and the public to easily determine the statewide and  
31 local progress made in cleaning up hazardous waste sites under this  
32 chapter. The report must include, at a minimum:

33 (a) The name, location, hazardous waste ranking, and a short  
34 description of each site on the hazardous sites list, and the date  
35 the site was placed on the hazardous waste sites list; and

36 (b) For sites where there are state contracts, grants, loans, or  
37 direct investments by the state:

38 (i) The amount of money from the model toxics control capital  
39 account used to conduct remedial actions at the site and the amount  
40 of that money recovered from potentially liable persons;

1 (ii) The actual or estimated start and end dates and the actual  
2 or estimated expenditures of funds authorized under this chapter for  
3 the following project phases:

4 (A) Emergency or interim actions, if needed;

5 (B) Remedial investigation;

6 (C) Feasibility study and selection of a remedy;

7 (D) Engineering design and construction of the selected remedy;

8 (E) Operation and maintenance or monitoring of the constructed  
9 remedy; and

10 (F) The final completion date.

11 (6) The department must establish a program to identify potential  
12 hazardous waste sites and to encourage persons to provide information  
13 about hazardous waste sites.

14 (7) For all facilities where an environmental covenant has been  
15 required under subsection (1)(f) of this section, including all  
16 facilities where the department has required an environmental  
17 covenant under an order, agreed order, or consent decree, or as a  
18 condition of a written opinion issued under the authority of RCW  
19 70.105D.180, the department must periodically review the  
20 environmental covenant for effectiveness. The department must conduct  
21 a review at least once every five years after an environmental  
22 covenant is recorded.

23 (a) The review must consist of, at a minimum:

24 (i) A review of the title of the real property subject to the  
25 environmental covenant to determine whether the environmental  
26 covenant was properly recorded and, if applicable, amended or  
27 terminated;

28 (ii) A physical inspection of the real property subject to the  
29 environmental covenant to determine compliance with the environmental  
30 covenant, including whether any development or redevelopment of the  
31 real property has violated the terms of the environmental covenant;  
32 and

33 (iii) A review of the effectiveness of the environmental covenant  
34 in limiting or prohibiting activities that may interfere with the  
35 integrity of the remedial action or that may result in exposure to or  
36 migration of hazardous substances. This must include a review of  
37 available monitoring data.

38 (b) If an environmental covenant has been amended or terminated  
39 without proper authority, or if the terms of an environmental  
40 covenant have been violated, or if the environmental covenant is no



1 longer effective in limiting or prohibiting activities that may  
2 interfere with the integrity of the remedial action or that may  
3 result in exposure to or migration of hazardous substances, then the  
4 department must take any and all appropriate actions necessary to  
5 ensure compliance with the environmental covenant and the policies  
6 and requirements of this chapter.

7 **Sec. 6.** RCW 9.41.042 and 2003 c 53 s 27 are each amended to read  
8 as follows:

9 RCW 9.41.040(2)(a) (~~(iii)~~) (vi) shall not apply to any person  
10 under the age of eighteen years who is:

11 (1) In attendance at a hunter's safety course or a firearms  
12 safety course;

13 (2) Engaging in practice in the use of a firearm or target  
14 shooting at an established range authorized by the governing body of  
15 the jurisdiction in which such range is located or any other area  
16 where the discharge of a firearm is not prohibited;

17 (3) Engaging in an organized competition involving the use of a  
18 firearm, or participating in or practicing for a performance by an  
19 organized group that uses firearms as a part of the performance;

20 (4) Hunting or trapping under a valid license issued to the  
21 person under Title 77 RCW;

22 (5) In an area where the discharge of a firearm is permitted, is  
23 not trespassing, and the person either: (a) Is at least fourteen  
24 years of age, has been issued a hunter safety certificate, and is  
25 using a lawful firearm other than a pistol; or (b) is under the  
26 supervision of a parent, guardian, or other adult approved for the  
27 purpose by the parent or guardian;

28 (6) Traveling with any unloaded firearm in the person's  
29 possession to or from any activity described in subsection (1), (2),  
30 (3), (4), or (5) of this section;

31 (7) On real property under the control of his or her parent,  
32 other relative, or legal guardian and who has the permission of the  
33 parent or legal guardian to possess a firearm;

34 (8) At his or her residence and who, with the permission of his  
35 or her parent or legal guardian, possesses a firearm for the purpose  
36 of exercising the rights specified in RCW 9A.16.020(3); or

37 (9) Is a member of the armed forces of the United States,  
38 national guard, or organized reserves, when on duty.

1       **Sec. 7.** RCW 9A.42.010 and 2006 c 228 s 1 are each amended to  
2 read as follows:

3       As used in this chapter:

4       (1) "Basic necessities of life" means food, water, shelter,  
5 clothing, and medically necessary health care, including but not  
6 limited to health-related treatment or activities, hygiene, oxygen,  
7 and medication.

8       (2) (a) "Bodily injury" means physical pain or injury, illness, or  
9 an impairment of physical condition;

10       (b) "Substantial bodily harm" means bodily injury which involves  
11 a temporary but substantial disfigurement, or which causes a  
12 temporary but substantial loss or impairment of the function of any  
13 bodily part or organ, or which causes a fracture of any bodily part;

14       (c) "Great bodily harm" means bodily injury which creates a high  
15 probability of death, or which causes serious permanent  
16 disfigurement, or which causes a permanent or protracted loss or  
17 impairment of the function of any bodily part or organ.

18       (3) "Child" means a person under eighteen years of age.

19       (4) "Dependent person" means a person who, because of physical or  
20 mental disability, or because of extreme advanced age, is dependent  
21 upon another person to provide the basic necessities of life. A  
22 resident of a nursing home, as defined in RCW 18.51.010, a resident  
23 of an adult family home, as defined in RCW 70.128.010, and a frail  
24 elder or vulnerable adult, as defined in RCW 74.34.020(~~((+13))~~) (22),  
25 is presumed to be a dependent person for purposes of this chapter.

26       (5) "Employed" means hired by a dependent person, another person  
27 acting on behalf of a dependent person, or by an organization or  
28 governmental entity, to provide to a dependent person any of the  
29 basic necessities of life. A person may be "employed" regardless of  
30 whether the person is paid for the services or, if paid, regardless  
31 of who pays for the person's services.

32       (6) "Parent" has its ordinary meaning and also includes a  
33 guardian and the authorized agent of a parent or guardian.

34       (7) "Abandons" means leaving a child or other dependent person  
35 without the means or ability to obtain one or more of the basic  
36 necessities of life.

37       (8) "Good samaritan" means any individual or group of individuals  
38 who: (a) Is not related to the dependent person; (b) voluntarily  
39 provides assistance or services of any type to the dependent person;  
40 (c) is not paid, given gifts, or made a beneficiary of any assets

1 valued at five hundred dollars or more, for any reason, by the  
 2 dependent person, the dependent person's family, or the dependent  
 3 person's estate; and (d) does not commit or attempt to commit any  
 4 other crime against the dependent person or the dependent person's  
 5 estate.

6 **Sec. 8.** RCW 13.40.0357 and 2019 c 322 s 8 are each amended to  
 7 read as follows:

8 **DESCRIPTION AND OFFENSE CATEGORY**

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

14 **Arson and Malicious Mischief**

15	A	Arson 1 (9A.48.020)	B+
16	B	Arson 2 (9A.48.030)	C
17	C	Reckless Burning 1 (9A.48.040)	D
18	D	Reckless Burning 2 (9A.48.050)	E
19	B	Malicious Mischief 1 (9A.48.070)	C
20	C	Malicious Mischief 2 (9A.48.080)	D
21	D	Malicious Mischief 3 (9A.48.090)	E
22	E	Tampering with Fire Alarm Apparatus	E
23		(9.40.100)	
24	E	Tampering with Fire Alarm Apparatus	E
25		with Intent to Commit Arson (9.40.105)	
26	A	Possession of Incendiary Device	B+
27		(9.40.120)	

28 **Assault and Other Crimes Involving**  
 29 **Physical Harm**

30	A	Assault 1 (9A.36.011)	B+
31	B+	Assault 2 (9A.36.021)	C+
32	C+	Assault 3 (9A.36.031)	D+
33	D+	Assault 4 (9A.36.041)	E
34	B+	Drive-By Shooting (9A.36.045)	C+
35		committed at age 15 or under	

1	A++	Drive-By Shooting (9A.36.045)	A
2		committed at age 16 or 17	
3	D+	Reckless Endangerment (9A.36.050)	E
4	C+	Promoting Suicide Attempt (9A.36.060)	D+
5	D+	Coercion (9A.36.070)	E
6	C+	Custodial Assault (9A.36.100)	D+
7		<b>Burglary and Trespass</b>	
8	B+	Burglary 1 (9A.52.020) committed at	C+
9		age 15 or under	
10	A-	Burglary 1 (9A.52.020) committed at	B+
11		age 16 or 17	
12	B	Residential Burglary (9A.52.025)	C
13	B	Burglary 2 (9A.52.030)	C
14	D	Burglary Tools (Possession of)	E
15		(9A.52.060)	
16	D	Criminal Trespass 1 (9A.52.070)	E
17	E	Criminal Trespass 2 (9A.52.080)	E
18	C	Mineral Trespass (78.44.330)	C
19	C	Vehicle Prowling 1 (9A.52.095)	D
20	D	Vehicle Prowling 2 (9A.52.100)	E
21		<b>Drugs</b>	
22	E	Possession/Consumption of Alcohol	E
23		(66.44.270)	
24	C	Illegally Obtaining Legend Drug	D
25		(69.41.020)	
26	C+	Sale, Delivery, Possession of Legend	D+
27		Drug with Intent to Sell (69.41.030(2)(a))	
28	E	Possession of Legend	E
29		Drug (69.41.030(2)(b))	
30	B+	Violation of Uniform Controlled	B+
31		Substances Act - Narcotic,	
32		Methamphetamine, or Flunitrazepam	
33		Sale (69.50.401(2) (a) or (b))	
34	C	Violation of Uniform Controlled	C
35		Substances Act - Nonnarcotic Sale	
36		(69.50.401(2)(c))	

1	E	Possession of Marihuana <40 grams	E
2		(69.50.4014)	
3	C	Fraudulently Obtaining Controlled	C
4		Substance (69.50.403)	
5	C+	Sale of Controlled Substance for Profit	C+
6		(69.50.410)	
7	E	Unlawful Inhalation (9.47A.020)	E
8	B	Violation of Uniform Controlled	B
9		Substances Act - Narcotic,	
10		Methamphetamine, or Flunitrazepam	
11		Counterfeit Substances (69.50.4011(2)	
12		(a) or (b))	
13	C	Violation of Uniform Controlled	C
14		Substances Act - Nonnarcotic Counterfeit	
15		Substances (69.50.4011(2) (c), (d), or (e))	
16	C	Violation of Uniform Controlled	C
17		Substances Act - Possession of a	
18		Controlled Substance (69.50.4013)	
19	C	Violation of Uniform Controlled	C
20		Substances Act - Possession of a	
21		Controlled Substance (69.50.4012)	
22		<b>Firearms and Weapons</b>	
23	B	Theft of Firearm (9A.56.300)	C
24	B	Possession of Stolen Firearm	C
25		(9A.56.310)	
26	E	Carrying Loaded Pistol Without Permit	E
27		(9.41.050)	
28	C	Possession of Firearms by Minor (<18)	C
29		(9.41.040(2)(a)((+)) (vi))	
30	D+	Possession of Dangerous Weapon	E
31		(9.41.250)	
32	D	Intimidating Another Person by use of	E
33		Weapon (9.41.270)	
34		<b>Homicide</b>	
35	A+	Murder 1 (9A.32.030)	A
36	A+	Murder 2 (9A.32.050)	B+
37	B+	Manslaughter 1 (9A.32.060)	C+

1	C+	Manslaughter 2 (9A.32.070)	D+
2	B+	Vehicular Homicide (46.61.520)	C+
3		<b>Kidnapping</b>	
4	A	Kidnap 1 (9A.40.020)	B+
5	B+	Kidnap 2 (9A.40.030)	C+
6	C+	Unlawful Imprisonment (9A.40.040)	D+
7		<b>Obstructing Governmental Operation</b>	
8	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
9			
10	E	Resisting Arrest (9A.76.040)	E
11	B	Introducing Contraband 1 (9A.76.140)	C
12	C	Introducing Contraband 2 (9A.76.150)	D
13	E	Introducing Contraband 3 (9A.76.160)	E
14	B+	Intimidating a Public Servant (9A.76.180)	C+
15			
16	B+	Intimidating a Witness (9A.72.110)	C+
17		<b>Public Disturbance</b>	
18	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
19			
20	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
21			
22	E	Failure to Disperse (9A.84.020)	E
23	E	Disorderly Conduct (9A.84.030)	E
24		<b>Sex Crimes</b>	
25	A	Rape 1 (9A.44.040)	B+
26	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
27			
28	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
29			
30	C+	Rape 3 (9A.44.060)	D+
31	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
32			
33	A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
34			
35	B+	Rape of a Child 2 (9A.44.076)	C+
36	B	Incest 1 (9A.64.020(1))	C

1	C	Incest 2 (9A.64.020(2))	D
2	D+	Indecent Exposure (Victim <14)	E
3		(9A.88.010)	
4	E	Indecent Exposure (Victim 14 or over)	E
5		(9A.88.010)	
6	B+	Promoting Prostitution 1 (9A.88.070)	C+
7	C+	Promoting Prostitution 2 (9A.88.080)	D+
8	E	O & A (Prostitution) (9A.88.030)	E
9	B+	Indecent Liberties (9A.44.100)	C+
10	B++	Child Molestation 1 (9A.44.083)	B+
11		committed at age 14 or under	
12	A-	Child Molestation 1 (9A.44.083)	B+
13		committed at age 15 through age 17	
14	B	Child Molestation 2 (9A.44.086)	C+
15	C	Failure to Register as a Sex Offender	D
16		(9A.44.132)	
17		<b>Theft, Robbery, Extortion, and</b>	
18		<b>Forgery</b>	
19	B	Theft 1 (9A.56.030)	C
20	C	Theft 2 (9A.56.040)	D
21	D	Theft 3 (9A.56.050)	E
22	B	Theft of Livestock 1 and 2 (9A.56.080	C
23		and 9A.56.083)	
24	C	Forgery (9A.60.020)	D
25	A	Robbery 1 (9A.56.200) committed at	B+
26		age 15 or under	
27	A++	Robbery 1 (9A.56.200) committed at	A
28		age 16 or 17	
29	B+	Robbery 2 (9A.56.210)	C+
30	B+	Extortion 1 (9A.56.120)	C+
31	C+	Extortion 2 (9A.56.130)	D+
32	C	Identity Theft 1 (9.35.020(2))	D
33	D	Identity Theft 2 (9.35.020(3))	E
34	D	Improperly Obtaining Financial	E
35		Information (9.35.010)	
36	B	Possession of a Stolen Vehicle	C
37		(9A.56.068)	

1	B	Possession of Stolen Property 1	C
2		(9A.56.150)	
3	C	Possession of Stolen Property 2	D
4		(9A.56.160)	
5	D	Possession of Stolen Property 3	E
6		(9A.56.170)	
7	B	Taking Motor Vehicle Without	C
8		Permission 1 (9A.56.070)	
9	C	Taking Motor Vehicle Without	D
10		Permission 2 (9A.56.075)	
11	B	Theft of a Motor Vehicle (9A.56.065)	C
12		<b>Motor Vehicle Related Crimes</b>	
13	E	Driving Without a License (46.20.005)	E
14	B+	Hit and Run - Death (46.52.020(4)(a))	C+
15	C	Hit and Run - Injury (46.52.020(4)(b))	D
16	D	Hit and Run-Attended (46.52.020(5))	E
17	E	Hit and Run-Unattended (46.52.010)	E
18	C	Vehicular Assault (46.61.522)	D
19	C	Attempting to Elude Pursuing Police	D
20		Vehicle (46.61.024)	
21	E	Reckless Driving (46.61.500)	E
22	D	Driving While Under the Influence	E
23		(46.61.502 and 46.61.504)	
24	B+	Felony Driving While Under the	B
25		Influence (46.61.502(6))	
26	B+	Felony Physical Control of a Vehicle	B
27		While Under the Influence (46.61.504(6))	
28		<b>Other</b>	
29	B	Animal Cruelty 1 (16.52.205)	C
30	B	Bomb Threat (9.61.160)	C
31	C	Escape 1 <sup>1</sup> (9A.76.110)	C
32	C	Escape 2 <sup>1</sup> (9A.76.120)	C
33	D	Escape 3 (9A.76.130)	E
34	E	Obscene, Harassing, Etc., Phone Calls	E
35		(9.61.230)	



1	A	Other Offense Equivalent to an Adult	B+
2		Class A Felony	
3	B	Other Offense Equivalent to an Adult	C
4		Class B Felony	
5	C	Other Offense Equivalent to an Adult	D
6		Class C Felony	
7	D	Other Offense Equivalent to an Adult	E
8		Gross Misdemeanor	
9	E	Other Offense Equivalent to an Adult	E
10		Misdemeanor	
11	V	Violation of Order of Restitution,	V
12		Community Supervision, or Confinement	
13		(13.40.200) <sup>2</sup>	

14 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
15 and the standard range is established as follows:

16 1st escape or attempted escape during 12-month period - 28 days  
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks  
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month  
21 period - 12 weeks confinement

22 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
23 it may impose a penalty of up to 30 days of confinement.

24 **JUVENILE SENTENCING STANDARDS**

25 This schedule must be used for juvenile offenders. The court may  
26 select sentencing option A, B, C, or D.

27 **OPTION A**

28 **JUVENILE OFFENDER SENTENCING GRID**

29 **STANDARD RANGE**

30	A++	129 to 260 weeks for all category A++ offenses				
31	A+	180 weeks to age 21 for all category A+ offenses				
32	A	103-129 weeks for all category A offenses				
33	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
34	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks

1	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
2	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
3	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
4		C	LS	LS	LS	LS	15-36 weeks
5		D+	LS	LS	LS	LS	LS
6		D	LS	LS	LS	LS	LS
7		E	LS	LS	LS	LS	LS
8	PRIOR		0	1	2	3	4 or more
9	ADJUDICATIONS						

10 NOTE: References in the grid to days or weeks mean periods of  
11 confinement. "LS" means "local sanctions" as defined in RCW  
12 13.40.020.

13 (1) The vertical axis of the grid is the current offense  
14 category. The current offense category is determined by the offense  
15 of adjudication.

16 (2) The horizontal axis of the grid is the number of prior  
17 adjudications included in the juvenile's criminal history. Each prior  
18 felony adjudication shall count as one point. Each prior violation,  
19 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
20 point. Fractional points shall be rounded down.

21 (3) The standard range disposition for each offense is determined  
22 by the intersection of the column defined by the prior adjudications  
23 and the row defined by the current offense category.

24 (4) RCW 13.40.180 applies if the offender is being sentenced for  
25 more than one offense.

26 (5) A current offense that is a violation is equivalent to an  
27 offense category of E. However, a disposition for a violation shall  
28 not include confinement.

29 **OR**  
30 **OPTION B**  
31 **SUSPENDED DISPOSITION ALTERNATIVE**

32 (1) If the offender is subject to a standard range disposition  
33 involving confinement by the department, the court may impose the  
34 standard range and suspend the disposition on condition that the  
35 offender comply with one or more local sanctions and any educational  
36 or treatment requirement. The treatment programs provided to the

1 offender must be either research-based best practice programs as  
2 identified by the Washington state institute for public policy or the  
3 joint legislative audit and review committee, or for chemical  
4 dependency treatment programs or services, they must be evidence-  
5 based or research-based best practice programs. For the purposes of  
6 this subsection:

7 (a) "Evidence-based" means a program or practice that has had  
8 multiple site random controlled trials across heterogeneous  
9 populations demonstrating that the program or practice is effective  
10 for the population; and

11 (b) "Research-based" means a program or practice that has some  
12 research demonstrating effectiveness, but that does not yet meet the  
13 standard of evidence-based practices.

14 (2) If the offender fails to comply with the suspended  
15 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
16 or may revoke the suspended disposition and order the disposition's  
17 execution.

18 (3) An offender is ineligible for the suspended disposition  
19 option under this section if the offender:

20 (a) Is adjudicated of an A+ or A++ offense;

21 (b) Is fourteen years of age or older and is adjudicated of one  
22 or more of the following offenses:

23 (i) A class A offense, or an attempt, conspiracy, or solicitation  
24 to commit a class A offense;

25 (ii) Manslaughter in the first degree (RCW 9A.32.060);

26 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
27 the first degree (RCW 9A.56.120), kidnapping in the second degree  
28 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
29 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
30 manslaughter 2 (RCW 9A.32.070); or

31 (iv) Violation of the uniform controlled substances act (RCW  
32 69.50.401(2) (a) and (b)), when the offense includes infliction of  
33 bodily harm upon another or when during the commission or immediate  
34 withdrawal from the offense the respondent was armed with a deadly  
35 weapon;

36 (c) Is ordered to serve a disposition for a firearm violation  
37 under RCW 13.40.193;

38 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;  
39 or

40 (e) Has a prior option B disposition.

1 OR

2 OPTION C

3 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

4 If the juvenile offender is subject to a standard range  
5 disposition of local sanctions or 15 to 36 weeks of confinement and  
6 has not committed a B++ or B+ offense, the court may impose a  
7 disposition under RCW 13.40.160(4) and 13.40.165.

8 OR

9 OPTION D

10 MANIFEST INJUSTICE

11 If the court determines that a disposition under option A, B, or C  
12 would effectuate a manifest injustice, the court shall impose a  
13 disposition outside the standard range under RCW 13.40.160(2).

14 **Sec. 9.** RCW 13.40.160 and 2011 c 338 s 2 are each amended to  
15 read as follows:

16 (1) The standard range disposition for a juvenile adjudicated of  
17 an offense is determined according to RCW 13.40.0357.

18 (a) When the court sentences an offender to a local sanction as  
19 provided in RCW 13.40.0357 option A, the court shall impose a  
20 determinate disposition within the standard ranges, except as  
21 provided in subsection (2), (3), (4), (5), or (6) of this section.  
22 The disposition may be comprised of one or more local sanctions.

23 (b) When the court sentences an offender to a standard range as  
24 provided in RCW 13.40.0357 option A that includes a term of  
25 confinement exceeding thirty days, commitment shall be to the  
26 department for the standard range of confinement, except as provided  
27 in subsection (2), (3), (4), (5), or (6) of this section.

28 (2) If the court concludes, and enters reasons for its  
29 conclusion, that disposition within the standard range would  
30 effectuate a manifest injustice the court shall impose a disposition  
31 outside the standard range, as indicated in option D of RCW  
32 13.40.0357. The court's finding of manifest injustice shall be  
33 supported by clear and convincing evidence.

34 A disposition outside the standard range shall be determinate and  
35 shall be comprised of confinement or community supervision, or a  
36 combination thereof. When a judge finds a manifest injustice and  
37 imposes a sentence of confinement exceeding thirty days, the court

1 shall sentence the juvenile to a maximum term, and the provisions of  
2 RCW 13.40.030(2) shall be used to determine the range. A disposition  
3 outside the standard range is appealable under RCW 13.40.230 by the  
4 state or the respondent. A disposition within the standard range is  
5 not appealable under RCW 13.40.230.

6 (3) If a juvenile offender is found to have committed a sex  
7 offense, other than a sex offense that is also a serious violent  
8 offense as defined by RCW 9.94A.030, and has no history of a prior  
9 sex offense, the court may impose the special sex offender  
10 disposition alternative under RCW 13.40.162.

11 (4) If the juvenile offender is subject to a standard range  
12 disposition of local sanctions or 15 to 36 weeks of confinement and  
13 has not committed an A- or B+ offense, the court may impose the  
14 disposition alternative under RCW 13.40.165.

15 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of  
16 confinement, the court may impose the disposition alternative under  
17 RCW 13.40.167.

18 (6) When the offender is subject to a standard range commitment  
19 of 15 to 36 weeks and is ineligible for a suspended disposition  
20 alternative, a manifest injustice disposition below the standard  
21 range, special sex offender disposition alternative, chemical  
22 dependency disposition alternative, or mental health disposition  
23 alternative, the court in a county with a pilot program under RCW  
24 13.40.169 may impose the disposition alternative under RCW 13.40.169.

25 (7) RCW 13.40.193 shall govern the disposition of any juvenile  
26 adjudicated of possessing a firearm in violation of RCW  
27 9.41.040(2)(a) (~~(iii)~~) (vi) or any crime in which a special finding  
28 is entered that the juvenile was armed with a firearm.

29 (8) RCW 13.40.308 shall govern the disposition of any juvenile  
30 adjudicated of theft of a motor vehicle as defined under RCW  
31 9A.56.065, possession of a stolen motor vehicle as defined under RCW  
32 9A.56.068, taking a motor vehicle without permission in the first  
33 degree under RCW 9A.56.070, and taking a motor vehicle without  
34 permission in the second degree under RCW 9A.56.075.

35 (9) Whenever a juvenile offender is entitled to credit for time  
36 spent in detention prior to a dispositional order, the dispositional  
37 order shall specifically state the number of days of credit for time  
38 served.

39 (10) Except as provided under subsection (3), (4), (5), or (6) of  
40 this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the

1 court shall not suspend or defer the imposition or the execution of  
2 the disposition.

3 (11) In no case shall the term of confinement imposed by the  
4 court at disposition exceed that to which an adult could be subjected  
5 for the same offense.

6 **Sec. 10.** RCW 13.40.193 and 2019 c 64 s 4 are each amended to  
7 read as follows:

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

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

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

30 (3) If the court finds that the respondent or an accomplice was  
31 armed with a firearm, the court shall determine the standard range  
32 disposition for the offense pursuant to RCW 13.40.160. If the  
33 offender or an accomplice was armed with a firearm when the offender  
34 committed any felony other than possession of a machine gun or bump-  
35 fire stock, possession of a stolen firearm, drive-by shooting, theft  
36 of a firearm, unlawful possession of a firearm in the first and  
37 second degree, or use of a machine gun or bump-fire stock in a  
38 felony, the following periods of total confinement must be added to  
39 the sentence: (a) Except for (b) of this subsection, for a class A

1 felony, six months; for a class B felony, four months; and for a  
2 class C felony, two months; (b) for any violent offense as defined in  
3 RCW 9.94A.030, committed by a respondent who is sixteen or seventeen  
4 years old at the time of the offense, a period of twelve months. The  
5 additional time shall be imposed regardless of the offense's juvenile  
6 disposition offense category as designated in RCW 13.40.0357.

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

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

29 (5) When a disposition under this section would effectuate a  
30 manifest injustice, the court may impose another disposition. When a  
31 judge finds a manifest injustice and imposes a disposition of  
32 confinement exceeding thirty days, the court shall commit the  
33 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)  
34 shall be used to determine the range. When a judge finds a manifest  
35 injustice and imposes a disposition of confinement less than thirty  
36 days, the disposition shall be comprised of confinement or community  
37 supervision or both.

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

1       **Sec. 11.** RCW 13.40.265 and 2016 c 136 s 6 are each amended to  
2 read as follows:

3       (1) If a juvenile thirteen years of age or older is found by  
4 juvenile court to have committed an offense while armed with a  
5 firearm or an offense that is a violation of RCW 9.41.040(2)(a)  
6 (~~(iv)~~) (vi) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court  
7 shall notify the department of licensing within twenty-four hours  
8 after entry of the judgment, unless the offense is the juvenile's  
9 first offense while armed with a firearm, first unlawful possession  
10 of a firearm offense, or first offense in violation of chapter 66.44,  
11 69.41, 69.50, or 69.52 RCW.

12       (2) Except as otherwise provided in subsection (3) of this  
13 section, upon petition of a juvenile who has been found by the court  
14 to have committed an offense that is a violation of chapter 66.44,  
15 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems  
16 appropriate notify the department of licensing that the juvenile's  
17 driving privileges should be reinstated.

18       (3) If the offense is the juvenile's second or subsequent  
19 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile  
20 may not petition the court for reinstatement of the juvenile's  
21 privilege to drive revoked pursuant to RCW 46.20.265 until the date  
22 the juvenile turns seventeen or one year after the date judgment was  
23 entered, whichever is later.

24       **Sec. 12.** RCW 28A.400.210 and 2000 c 231 s 1 are each amended to  
25 read as follows:

26       Every school district board of directors may, in accordance with  
27 chapters 41.56 and 41.59 RCW, establish an attendance incentive  
28 program for all certificated and classified employees in the  
29 following manner, including covering persons who were employed during  
30 the 1982-'83 school year:

31       (1) In January of the year following any year in which a minimum  
32 of sixty days of leave for illness or injury is accrued, and each  
33 January thereafter, any eligible employee may exercise an option to  
34 receive remuneration for unused leave for illness or injury  
35 accumulated in the previous year at a rate equal to one day's  
36 monetary compensation of the employee for each four full days of  
37 accrued leave for illness or injury in excess of sixty days. Leave  
38 for illness or injury for which compensation has been received shall  
39 be deducted from accrued leave for illness or injury at the rate of



1 four days for every one day's monetary compensation. No employee may  
2 receive compensation under this section for any portion of leave for  
3 illness or injury accumulated at a rate in excess of one day per  
4 month.

5 (2) Except as provided in RCW 28A.400.212, at the time of  
6 separation from school district employment an eligible employee or  
7 the employee's estate shall receive remuneration at a rate equal to  
8 one day's current monetary compensation of the employee for each four  
9 full days accrued leave for illness or injury. For purposes of this  
10 subsection, "eligible employee" means (a) employees who separate from  
11 employment due to retirement or death; (b) employees who separate  
12 from employment and who are at least age fifty-five and have at least  
13 ten years of service under the teachers' retirement system plan 3 as  
14 defined in RCW 41.32.010(~~((+40))~~) (33), or under the Washington school  
15 employees' retirement system plan 3 as defined in RCW  
16 41.35.010(~~((+31))~~) (25); or (c) employees who separate from employment  
17 and who are at least age fifty-five and have at least fifteen years  
18 of service under the teachers' retirement system plan 2 as defined in  
19 RCW 41.32.010(~~((+39))~~) (32), under the Washington school employees'  
20 retirement system plan 2 as defined in RCW 41.35.010(~~((+30))~~) (24), or  
21 under the public employees' retirement system plan 2 as defined in  
22 RCW 41.40.010(~~((+34))~~) (28).

23 (3) In lieu of remuneration for unused leave for illness or  
24 injury as provided in subsections (1) and (2) of this section, a  
25 school district board of directors may, with equivalent funds,  
26 provide eligible employees a benefit plan that provides reimbursement  
27 for medical expenses. Any benefit plan adopted after July 28, 1991,  
28 shall require, as a condition of participation under the plan, that  
29 the employee sign an agreement with the district to hold the district  
30 harmless should the United States government find that the district  
31 or the employee is in debt to the United States as a result of the  
32 employee not paying income taxes due on the equivalent funds placed  
33 into the plan, or as a result of the district not withholding or  
34 deducting any tax, assessment, or other payment on such funds as  
35 required under federal law.

36 Moneys or benefits received under this section shall not be  
37 included for the purposes of computing a retirement allowance under  
38 any public retirement system in this state.

1 The superintendent of public instruction in its administration  
2 hereof, shall promulgate uniform rules and regulations to carry out  
3 the purposes of this section.

4 Should the legislature revoke any benefits granted under this  
5 section, no affected employee shall be entitled thereafter to receive  
6 such benefits as a matter of contractual right.

7 **Sec. 13.** RCW 41.05.175 and 2011 c 159 s 2 are each amended to  
8 read as follows:

9 (1) Each health plan offered to public employees and their  
10 covered dependents under this chapter, including those subject to the  
11 provision of Title 48 RCW, and is issued or renewed beginning January  
12 1, 2012, and provides coverage for cancer chemotherapy treatment must  
13 provide coverage for prescribed, self-administered anticancer  
14 medication that is used to kill or slow the growth of cancerous cells  
15 on a basis at least comparable to cancer chemotherapy medications  
16 administered by a health care provider or facility as defined in RCW  
17 48.43.005 (~~((15) and (16))~~) (25) and (26).

18 (2) Nothing in this section may be interpreted to prohibit a  
19 health plan from administering a formulary or preferred drug list,  
20 requiring prior authorization, or imposing other appropriate  
21 utilization controls in approving coverage for any chemotherapy.

22 **Sec. 14.** RCW 43.09.025 and 1995 c 301 s 2 are each amended to  
23 read as follows:

24 The state auditor may appoint deputies and assistant directors as  
25 necessary to carry out the duties of the office of the state auditor.  
26 These individuals serve at the pleasure of the state auditor and are  
27 exempt from the provisions of chapter 41.06 RCW as stated in RCW  
28 41.06.070(1) (~~((+y))~~) (v).

29 **Sec. 15.** RCW 46.18.255 and 2011 c 171 s 71 are each amended to  
30 read as follows:

31 (1) A registered owner may apply to the department, county  
32 auditor or other agent, or subagent appointed by the director for a  
33 horseless carriage license plate for a motor vehicle that is at least  
34 forty years old. The motor vehicle must be operated primarily as a  
35 collector vehicle and be in good running order. The applicant for the  
36 horseless carriage license plate shall:

1 (a) Purchase a registration for the motor vehicle as required  
2 under chapters 46.16A and 46.17 RCW; and

3 (b) Pay the special license plate fee established under RCW  
4 46.17.220(~~((1)-(i))~~) (11), in addition to any other fees or taxes  
5 required by law.

6 (2) Horseless carriage license plates:

7 (a) Are valid for the life of the motor vehicle;

8 (b) Are not required to be renewed;

9 (c) Are not transferable to any other motor vehicle; and

10 (d) Must be displayed on the rear of the motor vehicle.

11 **Sec. 16.** RCW 46.18.265 and 2010 c 161 s 624 are each amended to  
12 read as follows:

13 (1) A registered owner who has a valid military affiliate radio  
14 system station license may apply to the department for special  
15 license plates for use on only one motor vehicle owned by the  
16 qualified applicant. The applicant must:

17 (a) Be a resident of this state;

18 (b) Provide a copy of the current official military affiliate  
19 radio system station license authorized by the department of defense  
20 and issued by the United States army, air force, navy, or marine  
21 corps;

22 (c) Be recorded as the registered owner of the motor vehicle on  
23 which the military affiliate radio system license plates will be  
24 displayed; and

25 (d) Pay the military affiliate radio system license plate fee  
26 required under RCW 46.17.220(~~((1)-(1))~~) (14), in addition to any other  
27 fees or taxes required by law.

28 (2) A person who has been issued military affiliate radio system  
29 license plates as provided in this section must:

30 (a) Notify the department if the military affiliate radio system  
31 station license assigned is canceled or expires; and

32 (b) Provide a copy of the renewed military affiliate radio system  
33 station license to the department when it is renewed.

34 (3) Military affiliate radio system license plates:

35 (a) Are not available for motorcycles; and

36 (b) May be transferred from one motor vehicle to another motor  
37 vehicle owned by the military affiliate radio system operator upon  
38 application to the department, county auditor or other agent, or  
39 subagent appointed by the director.

1       **Sec. 17.** RCW 46.18.285 and 2011 c 171 s 72 are each amended to  
2 read as follows:

3       (1) A registered owner who uses a passenger motor vehicle for  
4 commuter ride sharing or ride sharing for persons with special  
5 transportation needs, as defined in RCW 46.74.010, shall apply to the  
6 department, county auditor or other agent, or subagent appointed by  
7 the director for special ride share license plates. The registered  
8 owner must qualify for the tax exemptions provided in RCW 82.08.0287,  
9 82.12.0282, or 82.44.015, and pay the special ride share license  
10 plate fee required under RCW 46.17.220(~~((1)-(n))~~) (18) when the  
11 special ride share license plates are initially issued.

12       (2) The special ride share license plates:

13       (a) Must be of a distinguishing separate numerical series or  
14 design as defined by the department;

15       (b) Must be returned to the department when no longer in use or  
16 when the registered owner no longer qualifies for the tax exemptions  
17 provided in subsection (1) of this section; and

18       (c) Are not required to be renewed annually for motor vehicles  
19 described in RCW 46.16A.170.

20       (3) Special ride share license plates may be transferred from one  
21 motor vehicle to another motor vehicle as described in subsection (1)  
22 of this section upon application to the department, county auditor or  
23 other agent, or subagent appointed by the director.

24       (4) Any person who knowingly makes a false statement of a  
25 material fact in the application for a special license plate under  
26 subsection (1) of this section is guilty of a gross misdemeanor.

27       **Sec. 18.** RCW 46.18.290 and 2011 c 332 s 9 are each amended to  
28 read as follows:

29       A registered owner may apply to the department, county auditor or  
30 other agent, or subagent appointed by the director for a square  
31 dancer license plate. The registered owner shall pay the special  
32 license plate fee required under RCW 46.17.220(~~((1)-(q))~~) (27), in  
33 addition to any other fee or tax required by law. The square dancer  
34 license plate may be issued in lieu of standard issue or personalized  
35 license plates for motor vehicles required to display one or two  
36 license plates, but may not be issued for vehicles registered under  
37 chapter 46.87 RCW.

1       **Sec. 19.** RCW 48.20.389 and 2011 c 159 s 3 are each amended to  
2 read as follows:

3       (1) Each health plan issued or renewed on or after January 1,  
4 2012, that provides coverage for cancer chemotherapy treatment must  
5 provide coverage for prescribed, self-administered anticancer  
6 medication that is used to kill or slow the growth of cancerous cells  
7 on a basis at least comparable to cancer chemotherapy medications  
8 administered by a health care provider or facility as defined in RCW  
9 48.43.005 (~~((15) and (16))~~) (25) and (26).

10       (2) Nothing in this section may be interpreted to prohibit a  
11 health plan from administering a formulary or preferred drug list,  
12 requiring prior authorization, or imposing other appropriate  
13 utilization controls in approving coverage for any chemotherapy.

14       **Sec. 20.** RCW 48.21.223 and 2011 c 159 s 4 are each amended to  
15 read as follows:

16       (1) Each health plan issued or renewed on or after January 1,  
17 2012, that provides coverage for cancer chemotherapy treatment must  
18 provide coverage for prescribed, self-administered anticancer  
19 medication that is used to kill or slow the growth of cancerous cells  
20 on a basis at least comparable to cancer chemotherapy medications  
21 administered by a health care provider or facility as defined in RCW  
22 48.43.005 (~~((15) and (16))~~) (25) and (26).

23       (2) Nothing in this section may be interpreted to prohibit a  
24 health plan from administering a formulary or preferred drug list,  
25 requiring prior authorization, or imposing other appropriate  
26 utilization controls in approving coverage for any chemotherapy.

27       **Sec. 21.** RCW 48.44.323 and 2011 c 159 s 5 are each amended to  
28 read as follows:

29       (1) Each health plan issued or renewed on or after January 1,  
30 2012, that provides coverage for cancer chemotherapy treatment must  
31 provide coverage for prescribed, self-administered anticancer  
32 medication that is used to kill or slow the growth of cancerous cells  
33 on a basis at least comparable to cancer chemotherapy medications  
34 administered by a health care provider or facility as defined in RCW  
35 48.43.005 (~~((15) and (16))~~) (25) and (26).

36       (2) Nothing in this section may be interpreted to prohibit a  
37 health plan from administering a formulary or preferred drug list,

1 requiring prior authorization, or imposing other appropriate  
2 utilization controls in approving coverage for any chemotherapy.

3 **Sec. 22.** RCW 48.46.274 and 2011 c 159 s 6 are each amended to  
4 read as follows:

5 (1) Each health plan issued or renewed on or after January 1,  
6 2012, that provides coverage for cancer chemotherapy treatment must  
7 provide coverage for prescribed, self-administered anticancer  
8 medication that is used to kill or slow the growth of cancerous cells  
9 on a basis at least comparable to cancer chemotherapy medications  
10 administered by a health care provider or facility as defined in RCW  
11 48.43.005 (~~((15) and (16))~~) (25) and (26).

12 (2) Nothing in this section may be interpreted to prohibit a  
13 health plan from administering a formulary or preferred drug list,  
14 requiring prior authorization, or imposing other appropriate  
15 utilization controls in approving coverage for any chemotherapy.

16 **Sec. 23.** RCW 64.50.010 and 2002 c 323 s 2 are each amended to  
17 read as follows:

18 Unless the context clearly requires otherwise, the definitions in  
19 this section apply throughout this chapter.

20 (1) "Action" means any civil lawsuit or action in contract or  
21 tort for damages or indemnity brought against a construction  
22 professional to assert a claim, whether by complaint, counterclaim,  
23 or cross-claim, for damage or the loss of use of real or personal  
24 property caused by a defect in the construction of a residence or in  
25 the substantial remodel of a residence. "Action" does not include any  
26 civil action in tort alleging personal injury or wrongful death to a  
27 person or persons resulting from a construction defect.

28 (2) "Association" means an association, master association, or  
29 subassociation as defined and provided for in RCW 64.34.020(4),  
30 64.34.276, 64.34.278, and 64.38.010(~~((1))~~) (11).

31 (3) "Claimant" means a homeowner or association who asserts a  
32 claim against a construction professional concerning a defect in the  
33 construction of a residence or in the substantial remodel of a  
34 residence.

35 (4) "Construction professional" means an architect, builder,  
36 builder vendor, contractor, subcontractor, engineer, or inspector,  
37 including, but not limited to, a dealer as defined in RCW  
38 64.34.020(~~((12))~~) and a declarant as defined in RCW

1 64.34.020(~~(+13)~~), performing or furnishing the design, supervision,  
2 inspection, construction, or observation of the construction of any  
3 improvement to real property, whether operating as a sole proprietor,  
4 partnership, corporation, or other business entity.

5 (5) "Homeowner" means: (a) Any person, company, firm,  
6 partnership, corporation, or association who contracts with a  
7 construction professional for the construction, sale, or construction  
8 and sale of a residence; and (b) an "association" as defined in this  
9 section. "Homeowner" includes, but is not limited to, a subsequent  
10 purchaser of a residence from any homeowner.

11 (6) "Residence" means a single-family house, duplex, triplex,  
12 quadraplex, or a unit in a multiunit residential structure in which  
13 title to each individual unit is transferred to the owner under a  
14 condominium or cooperative system, and shall include common elements  
15 as defined in RCW 64.34.020(~~(+6)~~) and common areas as defined in RCW  
16 64.38.010(4).

17 (7) "Serve" or "service" means personal service or delivery by  
18 certified mail to the last known address of the addressee.

19 (8) "Substantial remodel" means a remodel of a residence, for  
20 which the total cost exceeds one-half of the assessed value of the  
21 residence for property tax purposes at the time the contract for the  
22 remodel work was made.

23 **Sec. 24.** RCW 69.50.414 and 1986 c 124 s 10 are each amended to  
24 read as follows:

25 The parent or legal guardian of any minor to whom a controlled  
26 substance, as defined in RCW 69.50.101, is sold or transferred, shall  
27 have a cause of action against the person who sold or transferred the  
28 controlled substance for all damages to the minor or his or her  
29 parent or legal guardian caused by such sale or transfer. Damages  
30 shall include: (a) Actual damages, including the cost for treatment  
31 or rehabilitation of the minor child's drug dependency, (b)  
32 forfeiture to the parent or legal guardian of the cash value of any  
33 proceeds received from such sale or transfer of a controlled  
34 substance, and (c) reasonable attorney fees.

35 This section shall not apply to a practitioner, as defined in RCW  
36 69.50.101(~~(+t)~~), who sells or transfers a controlled substance to a  
37 minor pursuant to a valid prescription or order.

1       **Sec. 25.** RCW 69.52.030 and 1983 1st ex.s. c 4 s 5 are each  
2 amended to read as follows:

3       (1) It is unlawful for any person to manufacture, distribute, or  
4 possess with intent to distribute, an imitation controlled substance.  
5 Any person who violates this subsection shall, upon conviction, be  
6 guilty of a class C felony.

7       (2) Any person eighteen years of age or over who violates  
8 subsection (1) of this section by distributing an imitation  
9 controlled substance to a person under eighteen years of age is  
10 guilty of a class B felony.

11       (3) It is unlawful for any person to cause to be placed in any  
12 newspaper, magazine, handbill, or other publication, or to post or  
13 distribute in any public place, any advertisement or solicitation  
14 offering for sale imitation controlled substances. Any person who  
15 violates this subsection is guilty of a class C felony.

16       (4) No civil or criminal liability shall be imposed by virtue of  
17 this chapter on any person registered under the Uniform Controlled  
18 Substances Act pursuant to RCW 69.50.301 or 69.50.303 who  
19 manufactures, distributes, or possesses an imitation controlled  
20 substance for use as a placebo or other use by a registered  
21 practitioner, as defined in RCW 69.50.101(~~(t)~~), in the course of  
22 professional practice or research.

23       (5) No prosecution under this chapter shall be dismissed solely  
24 by reason of the fact that the dosage units were contained in a  
25 bottle or other container with a label accurately describing the  
26 ingredients of the imitation controlled substance dosage units. The  
27 good faith of the defendant shall be an issue of fact for the trier  
28 of fact.

29       **Sec. 26.** RCW 28B.76.540 and 2019 c 406 s 40 are each amended to  
30 read as follows:

31       In addition to administrative responsibilities assigned in this  
32 chapter, the office shall administer the programs set forth in the  
33 following statutes: RCW 28A.600.100 through 28A.600.150 (Washington  
34 scholars); chapter 28B.85 RCW (degree-granting institutions); chapter  
35 28B.92 RCW (Washington college grant); chapter 28B.12 RCW (work-  
36 study); RCW 28B.15.543 (grants for undergraduate coursework); RCW  
37 28B.15.760 through 28B.15.766 (math and science loans); RCW  
38 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.734  
39 (Oregon reciprocity); RCW 28B.15.750 and 28B.15.752 (Idaho



1 reciprocity); RCW 28B.15.756 (British Columbia reciprocity); chapter  
2 28B.101 RCW (educational opportunity grant); chapter 28B.102 RCW  
3 (~~((future teachers))~~) educator conditional scholarship and repayment  
4 programs); chapter 28B.108 RCW (American Indian endowed scholarship);  
5 chapter 28B.109 RCW (Washington international exchange scholarship);  
6 chapter 28B.115 RCW (health professional conditional scholarship);  
7 and chapter 28B.133 RCW (gaining independence for students with  
8 dependents).

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