

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1091

66th Legislature
2019 Regular Session

Passed by the House March 4, 2019
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 11, 2019
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1091** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1091

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representative Goodman; by request of Statute Law Committee)

READ FIRST TIME 01/29/19.

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, and 74.13.029; reenacting and amending RCW 9.94A.515,
7 13.40.193, 41.04.665, and 66.20.300; reenacting RCW 43.21B.300,
8 66.20.310, and 69.50.412; adding a new section to chapter 74.14B RCW;
9 and creating a new section.

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

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

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

19 (2) Sections 3, 17, and 19 of this act merge double amendments
20 created when sections were amended without reference to the
21 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 adds a definition section to chapter
24 74.14B RCW to clarify that, pursuant to RCW 43.216.906, "department"
25 refers to the department of children, youth, and families, rather
26 than the department of social and health services.

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

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

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

36 TABLE 2

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

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape (RCW
10 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run—Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being under
19 the influence of intoxicating liquor
20 or any drug (RCW 79A.60.050)
21 Inciting Criminal Profiteering (RCW
22 9A.82.060(1)(b))
23 Malicious placement of an explosive 2
24 (RCW 70.74.270(2))
25 Robbery 1 (RCW 9A.56.200)
26 Sexual Exploitation (RCW 9.68A.040)
27 VIII Arson 1 (RCW 9A.48.020)
28 Commercial Sexual Abuse of a Minor
29 (RCW 9.68A.100)
30 Homicide by Watercraft, by the
31 operation of any vessel in a reckless
32 manner (RCW 79A.60.050)
33 Manslaughter 2 (RCW 9A.32.070)
34 Promoting Prostitution 1 (RCW
35 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)
2 VII Air bag diagnostic systems (causing
3 bodily injury or death) (RCW
4 46.37.660(2)(b))
5 Air bag replacement requirements
6 (causing bodily injury or death)
7 (RCW 46.37.660(1)(b))
8 Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Civil Disorder Training (RCW
11 9A.48.120)
12 Dealing in depictions of minor engaged
13 in sexually explicit conduct 1
14 (RCW 9.68A.050(1))
15 Drive-by Shooting (RCW 9A.36.045)
16 Homicide by Watercraft, by disregard
17 for the safety of others (RCW
18 79A.60.050)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1)
21 (b) and (c))
22 Introducing Contraband 1 (RCW
23 9A.76.140)
24 Malicious placement of an explosive 3
25 (RCW 70.74.270(3))
26 Manufacture or import counterfeit,
27 nonfunctional, damaged, or
28 previously deployed air bag
29 (causing bodily injury or death)
30 (RCW 46.37.650(1)(b))
31 Negligently Causing Death By Use of a
32 Signal Preemption Device (RCW
33 46.37.675)

1 Sell, install, or reinstall counterfeit,
2 nonfunctional, damaged, or
3 previously deployed airbag (RCW
4 46.37.650(2)(b))
5 Sending, bringing into state depictions
6 of minor engaged in sexually
7 explicit conduct 1 (RCW
8 9.68A.060(1))
9 Unlawful Possession of a Firearm in the
10 first degree (RCW 9.41.040(1))
11 Use of a Machine Gun or Bump-fire
12 Stock in Commission of a Felony
13 (RCW 9.41.225)
14 Vehicular Homicide, by disregard for
15 the safety of others (RCW
16 46.61.520)
17 VI Bail Jumping with Murder 1 (RCW
18 9A.76.170(3)(a))
19 Bribery (RCW 9A.68.010)
20 Incest 1 (RCW 9A.64.020(1))
21 Intimidating a Judge (RCW 9A.72.160)
22 Intimidating a Juror/Witness (RCW
23 9A.72.110, 9A.72.130)
24 Malicious placement of an imitation
25 device 2 (RCW 70.74.272(1)(b))
26 Possession of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 1 (RCW 9.68A.070(1))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Theft from a Vulnerable Adult 1 (RCW
32 9A.56.400(1))
33 Unlawful Storage of Ammonia (RCW
34 69.55.020)
35 V Abandonment of Dependent Person 2
36 (RCW 9A.42.070)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)

4 Air bag diagnostic systems (RCW
5 46.37.660(2)(c))

6 Air bag replacement requirements
7 (RCW 46.37.660(1)(c))

8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)

15 Dealing in Depictions of Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order
19 Violation (RCW 10.99.040,
20 10.99.050, 26.09.300, 26.10.220,
21 ((~~26.26.138~~) 26.26B.050,
22 26.50.110, 26.52.070, or 74.34.145)

23 Extortion 1 (RCW 9A.56.120)

24 Extortionate Extension of Credit (RCW
25 9A.82.020)

26 Extortionate Means to Collect
27 Extensions of Credit (RCW
28 9A.82.040)

29 Incest 2 (RCW 9A.64.020(2))

30 Kidnapping 2 (RCW 9A.40.030)

31 Manufacture or import counterfeit,
32 nonfunctional, damaged, or
33 previously deployed air bag (RCW
34 46.37.650(1)(c))

35 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rape 3 (RCW 9A.44.060)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Sell, install, or reinstall counterfeit,
9 nonfunctional, damaged, or
10 previously deployed airbag (RCW
11 46.37.650(2)(c))
12 Sending, Bringing into State Depictions
13 of Minor Engaged in Sexually
14 Explicit Conduct 2 (RCW
15 9.68A.060(2))
16 Sexual Misconduct with a Minor 1
17 (RCW 9A.44.093)
18 Sexually Violating Human Remains
19 (RCW 9A.44.105)
20 Stalking (RCW 9A.46.110)
21 Taking Motor Vehicle Without
22 Permission 1 (RCW 9A.56.070)
23 IV Arson 2 (RCW 9A.48.030)
24 Assault 2 (RCW 9A.36.021)
25 Assault 3 (of a Peace Officer with a
26 Projectile Stun Gun) (RCW
27 9A.36.031(1)(h))
28 Assault 4 (third domestic violence
29 offense) (RCW 9A.36.041(3))
30 Assault by Watercraft (RCW
31 79A.60.060)
32 Bribing a Witness/Bribe Received by
33 Witness (RCW 9A.72.090,
34 9A.72.100)
35 Cheating 1 (RCW 9.46.1961)
36 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))
2 Driving While Under the Influence
3 (RCW 46.61.502(6))
4 Endangerment with a Controlled
5 Substance (RCW 9A.42.100)
6 Escape 1 (RCW 9A.76.110)
7 Hit and Run—Injury (RCW
8 46.52.020(4)(b))
9 Hit and Run with Vessel—Injury
10 Accident (RCW 79A.60.200(3))
11 Identity Theft 1 (RCW 9.35.020(2))
12 Indecent Exposure to Person Under Age
13 Fourteen (subsequent sex offense)
14 (RCW 9A.88.010)
15 Influencing Outcome of Sporting Event
16 (RCW 9A.82.070)
17 Malicious Harassment (RCW
18 9A.36.080)
19 Physical Control of a Vehicle While
20 Under the Influence (RCW
21 46.61.504(6))
22 Possession of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 2 (RCW 9.68A.070(2))
25 Residential Burglary (RCW 9A.52.025)
26 Robbery 2 (RCW 9A.56.210)
27 Theft of Livestock 1 (RCW 9A.56.080)
28 Threats to Bomb (RCW 9.61.160)
29 Trafficking in Stolen Property 1 (RCW
30 9A.82.050)
31 Unlawful factoring of a credit card or
32 payment card transaction (RCW
33 9A.56.290(4)(b))

1 Unlawful transaction of health coverage
2 as a health care service contractor
3 (RCW 48.44.016(3))
4 Unlawful transaction of health coverage
5 as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(2))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicle Prowling 2 (third or subsequent
15 offense) (RCW 9A.52.100(3))
16 Vehicular Assault, by being under the
17 influence of intoxicating liquor or
18 any drug, or by the operation or
19 driving of a vehicle in a reckless
20 manner (RCW 46.61.522)
21 Viewing of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 1 (RCW 9.68A.075(1))
24 Willful Failure to Return from Furlough
25 (RCW 72.66.060)
26 III Animal Cruelty 1 (Sexual Conduct or
27 Contact) (RCW 16.52.205(3))
28 Assault 3 (Except Assault 3 of a Peace
29 Officer With a Projectile Stun Gun)
30 (RCW 9A.36.031 except subsection
31 (1)(h))
32 Assault of a Child 3 (RCW 9A.36.140)
33 Bail Jumping with class B or C Felony
34 (RCW 9A.76.170(3)(c))
35 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 Criminal Gang Intimidation (RCW
5 9A.46.120)
6 Custodial Assault (RCW 9A.36.100)
7 Cyberstalking (subsequent conviction or
8 threat of death) (RCW 9.61.260(3))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Malicious Injury to Railroad Property
17 (RCW 81.60.070)
18 Mortgage Fraud (RCW 19.144.080)
19 Negligently Causing Substantial Bodily
20 Harm By Use of a Signal
21 Preemption Device (RCW
22 46.37.674)
23 Organized Retail Theft 1 (RCW
24 9A.56.350(2))
25 Perjury 2 (RCW 9A.72.030)
26 Possession of Incendiary Device (RCW
27 9.40.120)
28 Possession of Machine Gun, Bump-fire
29 Stock, or Short-Barreled Shotgun or
30 Rifle (RCW 9.41.190)
31 Promoting Prostitution 2 (RCW
32 9A.88.080)
33 Retail Theft with Special Circumstances
34 1 (RCW 9A.56.360(2))

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death) (RCW
7 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Theft with the Intent to Resell 1 (RCW
10 9A.56.340(2))
11 Trafficking in Stolen Property 2 (RCW
12 9A.82.055)
13 Unlawful Hunting of Big Game 1 (RCW
14 77.15.410(3)(b))
15 Unlawful Imprisonment (RCW
16 9A.40.040)
17 Unlawful Misbranding of ~~((Food))~~ Fish
18 or Shellfish 1 (RCW 77.140.060(3))
19 Unlawful possession of firearm in the
20 second degree (RCW 9.41.040(2))
21 Unlawful Taking of Endangered Fish or
22 Wildlife 1 (RCW 77.15.120(3)(b))
23 Unlawful Trafficking in Fish, Shellfish,
24 or Wildlife 1 (RCW
25 77.15.260(3)(b))
26 Unlawful Use of a Nondesignated
27 Vessel (RCW 77.15.530(4))
28 Vehicular Assault, by the operation or
29 driving of a vehicle with disregard
30 for the safety of others (RCW
31 46.61.522)
32 Willful Failure to Return from Work
33 Release (RCW 72.65.070)
34 II Commercial Fishing Without a License
35 1 (RCW 77.15.500(3)(b))
36 Computer Trespass 1 (RCW 9A.90.040)

1 Counterfeiting (RCW 9.16.035(3))
2 Electronic Data Service Interference
3 (RCW 9A.90.060)
4 Electronic Data Tampering 1 (RCW
5 9A.90.080)
6 Electronic Data Theft (RCW 9A.90.100)
7 Engaging in Fish Dealing Activity
8 Unlicensed 1 (RCW 77.15.620(3))
9 Escape from Community Custody
10 (RCW 72.09.310)
11 Failure to Register as a Sex Offender
12 (second or subsequent offense)
13 (RCW 9A.44.130 prior to June 10,
14 2010, and RCW 9A.44.132)
15 Health Care False Claims (RCW
16 48.80.030)
17 Identity Theft 2 (RCW 9.35.020(3))
18 Improperly Obtaining Financial
19 Information (RCW 9.35.010)
20 Malicious Mischief 1 (RCW 9A.48.070)
21 Organized Retail Theft 2 (RCW
22 9A.56.350(3))
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Possession of a Stolen Vehicle (RCW
26 9A.56.068)
27 Retail Theft with Special Circumstances
28 2 (RCW 9A.56.360(3))
29 Scrap Processing, Recycling, or
30 Supplying Without a License
31 (second or subsequent offense)
32 (RCW 19.290.100)
33 Theft 1 (RCW 9A.56.030)
34 Theft of a Motor Vehicle (RCW
35 9A.56.065)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at five thousand dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism 1 (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW 9A.48.080)
34 Mineral Trespass (RCW 78.44.330)
35 Possession of Stolen Property 2 (RCW
36 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Spotlighting Big Game 1 (RCW
3 77.15.450(3)(b))
4 Suspension of Department Privileges 1
5 (RCW 77.15.670(3)(b))
6 Taking Motor Vehicle Without
7 Permission 2 (RCW 9A.56.075)
8 Theft 2 (RCW 9A.56.040)
9 Theft from a Vulnerable Adult 2 (RCW
10 9A.56.400(2))
11 Theft of Rental, Leased, Lease-
12 purchased, or Loaned Property
13 (valued at seven hundred fifty
14 dollars or more but less than five
15 thousand dollars) (RCW
16 9A.56.096(5)(b))
17 Transaction of insurance business
18 beyond the scope of licensure
19 (RCW 48.17.063)
20 Unlawful Fish and Shellfish Catch
21 Accounting (RCW 77.15.630(3)(b))
22 Unlawful Issuance of Checks or Drafts
23 (RCW 9A.56.060)
24 Unlawful Possession of Fictitious
25 Identification (RCW 9A.56.320)
26 Unlawful Possession of Instruments of
27 Financial Fraud (RCW 9A.56.320)
28 Unlawful Possession of Payment
29 Instruments (RCW 9A.56.320)
30 Unlawful Possession of a Personal
31 Identification Device (RCW
32 9A.56.320)
33 Unlawful Production of Payment
34 Instruments (RCW 9A.56.320)

1 Unlawful Releasing, Planting,
2 Possessing, or Placing Deleterious
3 Exotic Wildlife (RCW
4 77.15.250(2)(b))
5 Unlawful Trafficking in Food Stamps
6 (RCW 9.91.142)
7 Unlawful Use of Food Stamps (RCW
8 9.91.144)
9 Unlawful Use of Net to Take Fish 1
10 (RCW 77.15.580(3)(b))
11 Unlawful Use of Prohibited Aquatic
12 Animal Species (RCW
13 77.15.253(3))
14 Vehicle Prowl 1 (RCW 9A.52.095)
15 Violating Commercial Fishing Area or
16 Time 1 (RCW 77.15.550(3)(b))

17 **Sec. 4.** RCW 13.40.193 and 2018 c 162 s 5, 2018 c 22 s 7, and
18 2018 c 7 s 9 are each reenacted and amended to read as follows:

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

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

34 (b) For purposes of this section, "qualifying program" means an
35 aggression replacement training program, a functional family therapy
36 program, or another program applicable to the juvenile firearm
37 offender population that has been identified as evidence-based or

1 research-based and cost-beneficial in the current list prepared at
2 the direction of the legislature by the Washington state institute
3 for public policy.

4 (3) If the court finds that the respondent or an accomplice was
5 armed with a firearm, the court shall determine the standard range
6 disposition for the offense pursuant to RCW 13.40.160. If the
7 offender or an accomplice was armed with a firearm when the offender
8 committed any felony other than possession of a machine gun or bump-
9 fire stock, possession of a stolen firearm, drive-by shooting, theft
10 of a firearm, unlawful possession of a firearm in the first and
11 second degree, or use of a machine gun or bump-fire stock in a
12 felony, the following periods of total confinement must be added to
13 the sentence: (a) Except for (b) of this subsection, for a class A
14 felony, six months; for a class B felony, four months; and for a
15 class C felony, two months; (b) for any violent offense as defined in
16 RCW 9.94A.030, committed by a respondent who is sixteen or seventeen
17 years old at the time of the offense, a period of twelve months. The
18 additional time shall be imposed regardless of the offense's juvenile
19 disposition offense category as designated in RCW 13.40.0357.

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

32 (b) For the purposes of this section, "criminal street gang"
33 means any ongoing organization, association, or group of three or
34 more persons, whether formal or informal, having a common name or
35 common identifying sign or symbol, having as one of its primary
36 activities the commission of criminal acts, and whose members or
37 associates individually or collectively engage in or have engaged in
38 a pattern of criminal street gang activity. This definition does not
39 apply to employees engaged in concerted activities for their mutual

1 aid and protection, or to the activities of labor and bona fide
2 nonprofit organizations or their members or agents.

3 (5) When a disposition under this section would effectuate a
4 manifest injustice, the court may impose another disposition. When a
5 judge finds a manifest injustice and imposes a disposition of
6 confinement exceeding thirty days, the court shall commit the
7 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
8 shall be used to determine the range. When a judge finds a manifest
9 injustice and imposes a disposition of confinement less than thirty
10 days, the disposition shall be comprised of confinement or community
11 supervision or both.

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

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

17 Effective operation of the passport to careers program requires
18 early and accurate identification of former foster care youth and
19 unaccompanied youth experiencing homelessness so that they can be
20 linked to the financial and other assistance that will help them
21 succeed in college or in a registered apprenticeship or recognized
22 preapprenticeship. To that end:

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

36 (2) With substantial input from the office of the superintendent
37 of public instruction, the department of social and health services
38 and the department of children, youth, and families shall devise and
39 implement procedures for efficiently, promptly, and accurately

1 identifying students and applicants who are eligible for services
2 under RCW 28B.117.030, and for sharing that information with the
3 office, the institutions of higher education, and the nongovernmental
4 entity or entities identified in RCW 28B.77.250, 28B.117.030(5)(e),
5 and 28B.117.055. The procedures shall include appropriate safeguards
6 for consent by the applicant or student before disclosure.

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

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

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

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

35 The legislature also intends for this chapter (~~(113, Laws of~~
36 ~~2018)~~) to be consistent with legal precedent from *Mt. Spokane Skiing*
37 *Corp. v. Spokane Co.* (86 Wn. App. 165, 1997) that found that
38 noncharter counties need not adhere to a single uniform county system

1 of government, but that each county have the same "authority
2 available" in order to be deemed uniform.

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

5 (1) A political subdivision is in violation of this chapter
6 (~~((113, Laws of 2018))~~) when it is shown that:

7 (a) Elections in the political subdivision exhibit polarized
8 voting; and

9 (b) Members of a protected class or classes do not have an equal
10 opportunity to elect candidates of their choice as a result of the
11 dilution or abridgment of the rights of members of that protected
12 class or classes.

13 (2) The fact that members of a protected class are not
14 geographically compact or concentrated to constitute a majority in a
15 proposed or existing district-based election district shall not
16 preclude a finding of a violation under this chapter (~~((113, Laws of
17 2018))~~), but may be a factor in determining a remedy. The equal
18 opportunity to elect shall be assessed pragmatically, based on local
19 election conditions, and may include crossover districts.

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

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

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

38 (6) Other factors such as the history of discrimination, the use
39 of electoral devices or other voting practices or procedures that may

1 enhance the dilutive effects of at-large elections, denial of access
2 to those processes determining which groups of candidates will
3 receive financial or other support in a given election, the extent to
4 which members of a protected class bear the effects of past
5 discrimination in areas such as education, employment, and health,
6 which hinder their ability to participate effectively in the
7 political process, and the use of overt or subtle racial appeals in
8 political campaigns are probative, but not necessary factors, to
9 establish a violation of this chapter (~~(113, Laws of 2018)~~).

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

12 (1)(a) Prior to the adoption of its proposed plan, the political
13 subdivision must provide public notice to residents of the
14 subdivision about the proposed remedy to a potential violation of RCW
15 29A.92.020. If a significant segment of the residents of the
16 subdivision have limited English proficiency and speaks a language
17 other than English, the political subdivision must:

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

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

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

27 (c) For purposes of this section, "significant segment of the
28 community" means five percent or more of residents, or five hundred
29 or more residents, whichever is fewer, residing in the political
30 subdivision.

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

37 (b) If the political subdivision invokes its authority under RCW
38 29A.92.040 and the plan is adopted during the period of time between
39 January 16th and on or before the first Monday of November, the next

1 election will occur as scheduled and organized under the current
2 electoral system, but the political subdivision shall order new
3 elections to occur pursuant to the remedy at the general election the
4 following calendar year.

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

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

11 (b) Each district shall be reasonably compact.

12 (c) Each district shall consist of geographically contiguous
13 area.

14 (d) To the extent feasible, the district boundaries shall
15 coincide with existing recognized natural boundaries and shall, to
16 the extent possible, preserve existing communities of related and
17 mutual interest.

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

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

25 (5) No later than eight months after its receipt of federal
26 decennial census data, the governing body of the political
27 subdivision that had previously invoked its authority under RCW
28 29A.92.040 to implement a district-based election system, or that was
29 previously charged with redistricting under RCW 29A.92.110, shall
30 prepare a plan for redistricting its districts, pursuant to RCW
31 29A.76.010, and in a manner consistent with this chapter (~~((113, Laws
32 of 2018))~~).

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

35 (1) A voter who resides in the political subdivision who intends
36 to challenge a political subdivision's electoral system under this
37 chapter (~~((113, Laws of 2018))~~) shall first notify the political
38 subdivision. The political subdivision shall promptly make such
39 notice public.

1 (2) The notice provided shall identify and provide contact
2 information for the person or persons who intend to file an action,
3 and shall identify the protected class or classes whose members do
4 not have an equal opportunity to elect candidates of their choice or
5 an equal opportunity to influence the outcome of an election because
6 of alleged vote dilution and polarized voting. The notice shall also
7 include a type of remedy the person believes may address the alleged
8 violation of RCW 29A.92.030.

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

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

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

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

1 during this four-year period that would otherwise give rise to an
2 action under this chapter (~~((113, Laws of 2018))~~).

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

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

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

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

36 (3) If the court concludes that the political subdivision's
37 remedy complies with RCW 29A.92.020, an action under this chapter
38 (~~((113, Laws of 2018))~~) may not be brought against that political
39 subdivision for four years by any party so long as the political

1 subdivision does not enact a change to or deviation from the remedy
2 during this four-year period that would otherwise give rise to an
3 action under this chapter (~~((113, Laws of 2018))~~).

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

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

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

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

21 (1) In an action filed pursuant to this chapter (~~((113, Laws of
22 2018))~~), the trial court shall set a trial to be held no later than
23 one year after the filing of a complaint, and shall set a discovery
24 and motions calendar accordingly.

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

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

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

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

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

3 (1) No action under this chapter (~~((113, Laws of 2018))~~) may be
4 brought by any person against a political subdivision that has
5 adopted a remedy to its electoral system after an action is filed
6 that is approved by a court pursuant to RCW 29A.92.070 or implemented
7 a court-ordered remedy pursuant to RCW 29A.92.110 for four years
8 after adoption of the remedy if the political subdivision does not
9 enact a change to or deviation from the remedy during this four-year
10 period that would otherwise give rise to an action under this chapter
11 (~~((113, Laws of 2018))~~).

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

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

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

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

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

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

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

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

36 (ii) The employee has been called to service in the uniformed
37 services;

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

5 (iv) The employee is a spouse of a current member of the
6 uniformed services or a veteran as defined under RCW 41.04.005, who
7 is attending medical appointments or treatments for a service
8 connected injury or disability and requires assistance while
9 attending appointment or treatment;

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

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

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

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

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

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

28 (ii) Terminate state employment;

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

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

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

34 (ii) Annual leave and paid military leave allowed under RCW
35 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

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

38 (iv) Annual leave and sick leave reserves if the employee
39 qualifies under (a) ~~((v) or (vi))~~ (vii) or (viii) of this
40 subsection. However, the employee is not required to deplete all of

1 his or her annual leave and sick leave and can maintain up to forty
2 hours of annual leave and forty hours of sick leave in reserve;

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

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

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

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

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

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

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

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

36 (b) An employee may transfer a specified amount of sick leave to
37 an employee requesting shared leave only when the donating employee
38 retains a minimum of one hundred seventy-six hours of sick leave
39 after the transfer.

1 (c) An employee may transfer, under the provisions of this
2 section relating to the transfer of leave, all or part of his or her
3 personal holiday, as that term is defined under RCW 1.16.050, or as
4 such holidays are provided to employees by agreement with a school
5 district's board of directors if the leave transferred under this
6 subsection does not exceed the amount of time provided for personal
7 holidays under RCW 1.16.050.

8 (5) An employee of an institution of higher education under RCW
9 28B.10.016, school district, or educational service district who does
10 not accrue annual leave but does accrue sick leave and who has an
11 accrued sick leave balance of more than twenty-two days may request
12 that the head of the agency for which the employee works transfer a
13 specified amount of sick leave to another employee authorized to
14 receive leave under subsection (1) of this section. In no event may
15 such an employee request a transfer that would result in his or her
16 sick leave account going below twenty-two days. Transfers of sick
17 leave under this subsection are limited to transfers from employees
18 who do not accrue annual leave. Under this subsection, "sick leave"
19 also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or
20 28A.310.240(1) with compensation for illness, injury, and
21 emergencies.

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

24 (7) Leave transferred under this section may be transferred from
25 employees of one agency to an employee of the same agency or, with
26 the approval of the heads of both agencies, to an employee of another
27 state agency.

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

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

37 (b) In the case of leave transferred by an employee of one agency
38 to an employee of another agency, the agencies involved shall arrange
39 for the transfer of funds and credit for the appropriate value of
40 leave.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (2) Interest as determined by the director under this section is
18 "regular interest" as defined in RCW 41.40.010(~~((+15))~~),
19 41.32.010(~~((+23))~~), 41.35.010(~~((+12))~~), 41.37.010(~~((+12))~~),
20 41.26.030(~~((+23))~~), and 43.43.120(~~((+8))~~).

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

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

28 (1) Any civil penalty provided in RCW 18.104.155, 70.94.431,
29 70.95.315, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.46.270,
30 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 90.76 RCW
31 shall be imposed by a notice in writing, either by certified mail
32 with return receipt requested or by personal service, to the person
33 incurring the penalty from the department or the local air authority,
34 describing the violation with reasonable particularity. For penalties
35 issued by local air authorities, within thirty days after the notice
36 is received, the person incurring the penalty may apply in writing to
37 the authority for the remission or mitigation of the penalty. Upon
38 receipt of the application, the authority may remit or mitigate the

1 penalty upon whatever terms the authority in its discretion deems
2 proper. The authority may ascertain the facts regarding all such
3 applications in such reasonable manner and under such rules as it may
4 deem proper and shall remit or mitigate the penalty only upon a
5 demonstration of extraordinary circumstances such as the presence of
6 information or factors not considered in setting the original
7 penalty.

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

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

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

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

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

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

34 (5) All penalties recovered shall be paid into the state treasury
35 and credited to the general fund except those penalties imposed
36 pursuant to RCW 18.104.155, which shall be credited to the
37 reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431,
38 the disposition of which shall be governed by that provision, RCW
39 70.105.080, which shall be credited to the hazardous waste control
40 and elimination account created by RCW 70.105.180, RCW 90.56.330,

1 which shall be credited to the coastal protection fund created by RCW
2 90.48.390, and RCW 90.76.080, which shall be credited to the
3 underground storage tank account created by RCW 90.76.100.

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

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

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

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

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

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

19 (a) Premises licensed to sell alcohol by the glass or by the
20 drink, or in original containers primarily for consumption on the
21 premises as authorized by this section and RCW 66.20.310, 66.24.320,
22 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690, 66.24.450,
23 66.24.570, 66.24.610, 66.24.650, (~~and~~) 66.24.655, and 66.24.680;

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

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

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

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

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

36 (1)(a) There is an alcohol server permit, known as a class 12
37 permit, for a manager or bartender selling or mixing alcohol,

1 spirits, wines, or beer for consumption at an on-premises licensed
2 facility.

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

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

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

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

19 (c) Except as provided in (d) of this subsection, no licensee
20 holding a license as authorized by this section and RCW 66.20.300,
21 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690,
22 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, ((and))
23 66.24.655, and 66.24.680 may employ or accept the services of any
24 person without the person first having a valid class 12 or class 13
25 permit.

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

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

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

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

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

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

3 (5) The suspension or revocation of a permit under this section
4 does not relieve a licensee from responsibility for any act of the
5 employee or agent while employed upon the retail licensed premises.
6 The board may, as appropriate, revoke or suspend either the permit of
7 the employee who committed the violation or the license of the
8 licensee upon whose premises the violation occurred, or both the
9 permit and the license.

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

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

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

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

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

34 (2) It is unlawful for any person to deliver, possess with intent
35 to deliver, or manufacture with intent to deliver drug paraphernalia,
36 knowing, or under circumstances where one reasonably should know,
37 that it will be used to plant, propagate, cultivate, grow, harvest,
38 manufacture, compound, convert, produce, process, prepare, test,
39 analyze, pack, repack, store, contain, conceal, inject, ingest,

1 inhale, or otherwise introduce into the human body a controlled
2 substance other than marijuana. Any person who violates this
3 subsection is guilty of a misdemeanor.

4 (3) Any person eighteen years of age or over who violates
5 subsection (2) of this section by delivering drug paraphernalia to a
6 person under eighteen years of age who is at least three years his or
7 her junior is guilty of a gross misdemeanor.

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

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

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

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

24 (a) The ((emergency)) volunteer health practitioner;

25 (b) The supervisor or supervisors of the ((emergency)) volunteer
26 health practitioner;

27 (c) Any facility or their officers or employees;

28 (d) The employer of the ((emergency)) volunteer health
29 practitioner;

30 (e) The owner of the property or vehicle where the act or
31 omission may have occurred;

32 (f) Any organization that registered the ((emergency)) volunteer
33 health practitioner under the provisions of this chapter;

34 (g) The state or any state or local governmental entity; or

35 (h) Any professional or trade association of the ((emergency))
36 volunteer health practitioner.

37 (2) A person that, pursuant to this chapter, operates, uses, or
38 relies upon information provided by a volunteer health practitioner
39 registration system is not liable for damages for an act or omission

1 relating to that operation, use, or reliance unless the act or
2 omission constitutes gross negligence, an intentional tort, or
3 willful or wanton misconduct.

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

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

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

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

22 (3) "Department" means the department of social and health
23 services.

24 (4) "Evidence-based" has the same meaning as in RCW
25 (~~(43.216.141)~~) 43.216.157.

26 (5) "Research-based" has the same meaning as in RCW
27 (~~(43.216.141)~~) 43.216.157.

28 (6) "Secretary" means the secretary of social and health
29 services.

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

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

34 Once a dependency is established under chapter 13.34 RCW, the
35 department employee assigned to the case shall provide the dependent
36 child age twelve years and older with a document containing the
37 information described in RCW 74.13.031(~~(16)~~) (18). The department
38 employee shall explain the contents of the document to the child and

1 direct the child to the department's web site for further
2 information. The department employee shall document, in the
3 electronic data system, that this requirement was met.

4 NEW SECTION. **Sec. 26.** A new section is added to chapter 74.14B
5 RCW to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Department" means the department of children, youth, and
9 families.

10 (2) "Secretary" means the secretary of the department of
11 children, youth, and families.

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