
HOUSE BILL 2213

State of Washington

68th Legislature

2024 Regular Session

By Representatives Cheney, Taylor, Duerr, and Graham

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1 AN ACT Relating to defects and omissions in the laws that have
2 been identified by the justices of the supreme court or judges of the
3 superior courts pursuant to Article IV, section 25 of the state
4 Constitution; amending RCW 10.116.030, 13.04.030, 21.20.380, and
5 29A.80.061; reenacting and amending RCW 10.95.030; creating a new
6 section; repealing RCW 9.68.060, 9.68.070, and 9.68.090; and
7 repealing 2020 c 1 ss 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
8 15, 16, and 17 (uncodified).

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

10 **Sec. 1.** RCW 10.95.030 and 2023 c 102 s 23 and 2023 c 102 s 20
11 are each reenacted and amended to read as follows:

12 (1) Except as provided in subsection (2) of this section, any
13 person convicted of the crime of aggravated first degree murder shall
14 be sentenced to life imprisonment without possibility of release or
15 parole. A person sentenced to life imprisonment under this section
16 shall not have that sentence suspended, deferred, or commuted by any
17 judicial officer and the indeterminate sentence review board or its
18 successor may not parole such prisoner nor reduce the period of
19 confinement in any manner whatsoever including but not limited to any
20 sort of good-time calculation. The department of social and health
21 services or its successor or any executive official may not permit

1 such prisoner to participate in any sort of release or furlough
2 program.

3 (2) (a) (i) Any person convicted of the crime of aggravated first
4 degree murder for an offense committed prior to the person's
5 (~~sixteenth~~) 16th birthday shall be sentenced to a maximum term of
6 life imprisonment and a minimum term of total confinement of
7 (~~twenty-five~~) 25 years.

8 (ii) Any person convicted of the crime of aggravated first degree
9 murder for an offense committed when the person is at least
10 (~~sixteen~~) 16 years old but less than (~~eighteen~~) 21 years old
11 shall be sentenced to a maximum term of life imprisonment and a
12 minimum term of total confinement of no less than (~~twenty-five~~) 25
13 years.

14 (b) In setting a minimum term, the court must take into account
15 mitigating factors that account for the diminished culpability of
16 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)
17 including, but not limited to, the age of the individual, the youth's
18 childhood and life experience, the degree of responsibility the youth
19 was capable of exercising, and the youth's chances of becoming
20 rehabilitated.

21 (c) A person sentenced under this subsection shall serve the
22 sentence in a facility or institution operated, or utilized under
23 contract, by the state. During the minimum term of total confinement,
24 the person shall not be eligible for community custody, earned
25 release time, furlough, home detention, partial confinement, work
26 crew, work release, or any other form of early release authorized
27 under RCW 9.94A.728, or any other form of authorized leave or absence
28 from the correctional facility while not in the direct custody of a
29 corrections officer. The provisions of this subsection shall not
30 apply: (i) In the case of an offender in need of emergency medical
31 treatment; or (ii) for an extraordinary medical placement when
32 authorized under RCW 9.94A.728(1)(c).

33 (d) Any person sentenced pursuant to this subsection shall be
34 subject to community custody under the supervision of the department
35 of corrections and the authority of the indeterminate sentence review
36 board. As part of any sentence under this subsection, the court shall
37 require the person to comply with any conditions imposed by the
38 board.

39 (e) No later than five years prior to the expiration of the
40 person's minimum term, the department of corrections shall conduct an

1 assessment of the offender and identify programming and services that
2 would be appropriate to prepare the offender for return to the
3 community. To the extent possible, the department shall make
4 programming available as identified by the assessment.

5 (f) No later than (~~one hundred eighty~~) 180 days prior to the
6 expiration of the person's minimum term, the department of
7 corrections shall conduct, and the offender shall participate in, an
8 examination of the person, incorporating methodologies that are
9 recognized by experts in the prediction of dangerousness, and
10 including a prediction of the probability that the person will engage
11 in future criminal behavior if released on conditions to be set by
12 the board. The board may consider a person's failure to participate
13 in an evaluation under this subsection in determining whether to
14 release the person. The board shall order the person released, under
15 such affirmative and other conditions as the board determines
16 appropriate, unless the board determines by a preponderance of the
17 evidence that, despite such conditions, it is more likely than not
18 that the person will commit new criminal law violations if released.
19 If the board does not order the person released, the board shall set
20 a new minimum term not to exceed five additional years. The board
21 shall give public safety considerations the highest priority when
22 making all discretionary decisions regarding the ability for release
23 and conditions of release.

24 (g) In a hearing conducted under (f) of this subsection, the
25 board shall provide opportunities for victims and survivors of
26 victims of any crimes for which the offender has been convicted to
27 present statements as set forth in RCW 7.69.032. The procedures for
28 victim and survivor of victim input shall be provided by rule. To
29 facilitate victim and survivor of victim involvement, county
30 prosecutor's offices shall ensure that any victim impact statements
31 and known contact information for victims of record and survivors of
32 victims are forwarded as part of the judgment and sentence.

33 (h) An offender released by the board is subject to the
34 supervision of the department of corrections for a period of time to
35 be determined by the board. The department shall monitor the
36 offender's compliance with conditions of community custody imposed by
37 the court or board and promptly report any violations to the board.
38 Any violation of conditions of community custody established or
39 modified by the board are subject to the provisions of RCW 9.95.425
40 through 9.95.440.

1 (i) An offender released or discharged under this section may be
2 returned to the institution at the discretion of the board if the
3 offender is found to have violated a condition of community custody.
4 The offender is entitled to a hearing pursuant to RCW 9.95.435. The
5 board shall set a new minimum term of incarceration not to exceed
6 five years.

7 **Sec. 2.** RCW 10.116.030 and 2021 c 320 s 4 are each amended to
8 read as follows:

9 (1) A law enforcement agency may not use or authorize its peace
10 officers or other employees to use tear gas unless necessary to
11 alleviate a present risk of serious harm posed by a: (a) Riot; (b)
12 barricaded subject; or (c) hostage situation.

13 (2) Prior to using tear gas as authorized under subsection (1) of
14 this section, the officer or employee shall:

15 (a) Exhaust alternatives to the use of tear gas that are
16 available and appropriate under the circumstances;

17 (b) Obtain authorization to use tear gas from a supervising
18 officer, who must determine whether the present circumstances warrant
19 the use of tear gas and whether available and appropriate
20 alternatives have been exhausted as provided under this section;

21 (c) Announce to the subject or subjects the intent to use tear
22 gas; and

23 (d) Allow sufficient time and space for the subject or subjects
24 to comply with the officer's or employee's directives.

25 (3) In the case of a riot outside of a correctional, jail, or
26 detention facility, the officer or employee may use tear gas only
27 after: (a) Receiving authorization from the highest elected official
28 of the jurisdiction in which the tear gas is to be used, and (b)
29 meeting the requirements of subsection (2) of this section.

30 (4) For the purposes of this section:

31 (a) "Barricaded subject" means an individual who is the focus of
32 a law enforcement intervention effort, has taken a position in a
33 physical location that does not allow immediate law enforcement
34 access, and is refusing law enforcement orders to exit.

35 (b) "Highest elected official" means the county executive in
36 those charter counties with an elective office of county executive,
37 however designated, and in the case of other counties, the (~~chair of~~
38 ~~the county legislative authority~~) county sheriff. In the case of
39 cities and towns, it means the mayor, regardless of whether the mayor

1 is directly elected, selected by the council or legislative body
2 pursuant to RCW 35.18.190 or 35A.13.030, or selected according to a
3 process in an established city charter. In the case of actions by the
4 Washington state patrol, it means the governor.

5 (c) "Hostage situation" means a scenario in which a person is
6 being held against his or her will by an armed, potentially armed, or
7 otherwise dangerous suspect.

8 (d) "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene
9 malononitrile (CS), and any similar chemical irritant dispersed in
10 the air for the purpose of producing temporary physical discomfort or
11 permanent injury, except "tear gas" does not include oleoresin
12 capsicum (OC).

13 **Sec. 3.** RCW 13.04.030 and 2022 c 243 s 2 are each amended to
14 read as follows:

15 (1) Except as provided in this section, the juvenile courts in
16 this state shall have exclusive original jurisdiction over all
17 proceedings:

18 (a) Under the interstate compact on placement of children as
19 provided in chapter 26.34 RCW;

20 (b) Relating to children alleged or found to be dependent as
21 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

22 (c) Relating to the termination of a parent and child
23 relationship as provided in RCW 13.34.180 through 13.34.210;

24 (d) To approve or disapprove out-of-home placement as provided in
25 RCW 13.32A.170;

26 (e) Relating to juveniles alleged or found to have committed
27 offenses, traffic or civil infractions, or violations as provided in
28 RCW 13.40.020 through 13.40.230, unless:

29 (i) The juvenile court transfers jurisdiction of a particular
30 juvenile to adult criminal court pursuant to RCW 13.40.110;

31 (ii) The statute of limitations applicable to adult prosecution
32 for the offense, traffic or civil infraction, or violation has
33 expired;

34 (iii) The alleged offense or infraction is a traffic, fish,
35 boating, or game offense, or traffic or civil infraction committed by
36 a juvenile (~~sixteen~~) 16 years of age or older and would, if
37 committed by an adult, be tried or heard in a court of limited
38 jurisdiction, in which instance the appropriate court of limited
39 jurisdiction shall have jurisdiction over the alleged offense or

1 infraction, and no guardian ad litem is required in any such
2 proceeding due to the juvenile's age. If such an alleged offense or
3 infraction and an alleged offense or infraction subject to juvenile
4 court jurisdiction arise out of the same event or incident, the
5 juvenile court may have jurisdiction of both matters. The
6 jurisdiction under this subsection does not constitute "transfer" or
7 a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of
8 this subsection. Courts of limited jurisdiction which confine
9 juveniles for an alleged offense or infraction may place juveniles in
10 juvenile detention facilities under an agreement with the officials
11 responsible for the administration of the juvenile detention facility
12 in RCW 13.04.035 and 13.20.060;

13 (iv) The alleged offense is a traffic or civil infraction, a
14 violation of compulsory school attendance provisions under chapter
15 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
16 has assumed concurrent jurisdiction over those offenses as provided
17 in RCW 13.04.0301; or

18 (v) The juvenile is (~~sixteen~~) 16 or (~~seventeen~~) 17 years old
19 on the date the alleged offense is committed and the alleged offense
20 is:

21 (A) A serious violent offense as defined in RCW 9.94A.030;

22 (B) A violent offense as defined in RCW 9.94A.030 and the
23 juvenile has a criminal history consisting of: One or more prior
24 serious violent offenses; two or more prior violent offenses; or
25 three or more of any combination of the following offenses: Any class
26 A felony, any class B felony, vehicular assault, or manslaughter in
27 the second degree, all of which must have been committed after the
28 juvenile's (~~thirteenth~~) 13th birthday and prosecuted separately; or

29 (C) Rape of a child in the first degree.

30 (I) In such a case the adult criminal court shall have exclusive
31 original jurisdiction, except as provided in (e)(v)(C)(II) and (III)
32 of this subsection.

33 (II) The juvenile court shall have exclusive jurisdiction over
34 the disposition of any remaining charges in any case in which the
35 juvenile is found not guilty in the adult criminal court of the
36 charge or charges for which he or she was transferred, or is
37 convicted in the adult criminal court of an offense that is not also
38 an offense listed in (e)(v) of this subsection. The juvenile court
39 shall maintain residual juvenile court jurisdiction up to age
40 (~~twenty-five~~) 25 if the juvenile has turned (~~eighteen~~) 18 years

1 of age during the adult criminal court proceedings but only for the
2 purpose of returning a case to juvenile court for disposition
3 pursuant to RCW 13.40.300(3)(d).

4 (III) The prosecutor and respondent may agree to juvenile court
5 jurisdiction and waive application of exclusive adult criminal
6 jurisdiction in (e)(v)(A) through (C) of this subsection and remove
7 the proceeding back to juvenile court with the court's approval.

8 If the juvenile challenges the state's determination of the
9 juvenile's criminal history under (e)(v) of this subsection, the
10 state may establish the offender's criminal history by a
11 preponderance of the evidence. If the criminal history consists of
12 adjudications entered upon a plea of guilty, the state shall not bear
13 a burden of establishing the knowing and voluntariness of the plea;

14 (f) Under the interstate compact on juveniles as provided in
15 chapter 13.24 RCW;

16 (g) Relating to termination of a diversion agreement under RCW
17 13.40.080, including a proceeding in which the divertee has attained
18 (~~eighteen~~) 18 years of age;

19 (h) Relating to court validation of a voluntary consent to an
20 out-of-home placement under chapter 13.34 RCW, by the parent or
21 Indian custodian of an Indian child, except if the parent or Indian
22 custodian and child are residents of or domiciled within the
23 boundaries of a federally recognized Indian reservation over which
24 the tribe exercises exclusive jurisdiction; and

25 (i) Relating to petitions to compel disclosure of information
26 filed by the department of social and health services pursuant to RCW
27 74.13.042.

28 (2) The family court shall have concurrent original jurisdiction
29 with the juvenile court over all proceedings under this section if
30 the superior court judges of a county authorize concurrent
31 jurisdiction as provided in RCW 26.12.010.

32 (3) The juvenile court shall have concurrent original
33 jurisdiction with the family or probate court over minor guardianship
34 proceedings under chapter 11.130 RCW and parenting plans or
35 residential schedules under chapter 26.09, 26.26A, or 26.26B RCW as
36 provided for in RCW 13.34.155.

37 (4) A juvenile subject to adult superior court jurisdiction under
38 subsection (1)(e)(i) through (v) of this section, who is detained
39 pending trial, may be detained in a detention facility as defined in
40 RCW 13.40.020 pending sentencing or a dismissal.

1 (5) Nothing in subsection (1) of this section deprives the
2 superior courts in this state of original jurisdiction granted by the
3 Constitution or by other laws.

4 **Sec. 4.** RCW 21.20.380 and 2002 c 65 s 7 are each amended to read
5 as follows:

6 (1) For the purpose of any investigation or proceeding under this
7 chapter, the director or any officer designated by the director may
8 administer oaths and affirmations, subpoena witnesses, compel their
9 attendance, take evidence, and require the production of any books,
10 papers, correspondence, memoranda, agreements, or other documents or
11 records which the director deems relevant or material to the inquiry.

12 (2) If the activities constituting an alleged violation for which
13 the information is sought would be a violation of this chapter had
14 the activities occurred in this state, the director may issue and
15 apply to enforce subpoenas in this state at the request of a
16 securities agency or administrator of another state.

17 (3) A subpoena issued to a financial institution under this
18 section may, if the director finds it necessary or appropriate in the
19 public interest or for the protection of investors, include a
20 directive that the financial institution subpoenaed shall not
21 disclose to third parties that are not affiliated with the financial
22 institution, other than to the institution's legal counsel, the
23 existence or content of the subpoena.

24 (4) In case of disobedience on the part of any person to comply
25 with any subpoena lawfully issued by the director, the refusal of any
26 witness to testify to any matters regarding which the witness may be
27 lawfully interrogated, or the failure to comply with a nondisclosure
28 directive under subsection (3) of this section, a court of competent
29 jurisdiction of any county or the judge thereof, on application of
30 the director, and after satisfactory evidence of willful
31 disobedience, may compel obedience by proceedings for contempt, as in
32 the case of disobedience of the requirements of a subpoena issued
33 from such a court on a refusal to testify therein.

34 (5) Nothing in this section authorizes the director or officers
35 designated by the director to compel the production of customer
36 banking records.

37 **Sec. 5.** RCW 29A.80.061 and 2004 c 271 s 150 are each amended to
38 read as follows:

1 Within (~~forty-five~~) 45 days after the statewide general
2 election in even-numbered years, the county chair of each major
3 political party shall call separate meetings of all elected precinct
4 committee officers in each legislative district for the purpose of
5 (~~electing~~) selecting a legislative district chair in such district.
6 The district chair shall hold office until the next legislative
7 district reorganizational meeting two years later, or until a
8 successor is (~~elected~~) selected.

9 The legislative district chair may be removed only by the
10 majority vote of the elected precinct committee officers in the
11 chair's district.

12 NEW SECTION. **Sec. 6.** The legislature finds that Article IX,
13 section 1 of the state Constitution does not have a section caption
14 in the original source, and that the subsequently added caption of
15 "Preamble" does not accurately describe the section. Therefore, the
16 secretary of state is respectfully requested to publish Article IX,
17 section 1 of the state Constitution without a section caption.

18 NEW SECTION. **Sec. 7.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 9.68.060 ("Erotic material"—Determination by court—
21 Labeling—Penalties) and 2011 c 96 s 8, 2003 c 53 s 41, 1992 c 5 s 2,
22 & 1969 ex.s. c 256 s 14;

23 (2) RCW 9.68.070 (Prosecution for violation of RCW 9.68.060—
24 Defense) and 2011 c 336 s 318, 1992 c 5 s 4, & 1969 ex.s. c 256 s 15;
25 and

26 (3) RCW 9.68.090 (Civil liability of wholesaler or wholesaler-
27 distributor) and 2011 c 336 s 320, 1992 c 5 s 3, & 1969 ex.s. c 256 s
28 17.

29 NEW SECTION. **Sec. 8.** The following acts or parts of acts are
30 each repealed:

31 (1) 2020 c 1 s 1 (uncodified);

32 (2) 2020 c 1 s 2 (uncodified);

33 (3) 2020 c 1 s 3 (uncodified);

34 (4) 2020 c 1 s 4 (uncodified);

35 (5) 2020 c 1 s 5 (uncodified);

36 (6) 2020 c 1 s 6 (uncodified);

1 (7) 2020 c 1 s 7 (uncodified);
2 (8) 2020 c 1 s 8 (uncodified);
3 (9) 2020 c 1 s 9 (uncodified);
4 (10) 2020 c 1 s 10 (uncodified);
5 (11) 2020 c 1 s 11 (uncodified);
6 (12) 2020 c 1 s 12 (uncodified);
7 (13) 2020 c 1 s 13 (uncodified);
8 (14) 2020 c 1 s 14 (uncodified);
9 (15) 2020 c 1 s 15 (uncodified);
10 (16) 2020 c 1 s 16 (uncodified); and
11 (17) 2020 c 1 s 17 (uncodified).

--- **END** ---