

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2213

68th Legislature
2024 Regular Session

Passed by the House March 5, 2024
Yeas 95 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 49 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 **HOUSE BILL 2213** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2213

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Representatives Cheney, Taylor, Duerr, and Graham

Read first time 01/09/24. Referred to Committee on Civil Rights & Judiciary.

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; creating a new section; repealing RCW 9.68.060, 9.68.070,
6 and 9.68.090; and repealing 2020 c 1 ss 1, 2, 3, 4, 5, 6, 7, 8, 9,
7 10, 11, 12, 13, 14, 15, 16, and 17 (uncodified).

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

9 **Sec. 1.** RCW 10.116.030 and 2021 c 320 s 4 are each amended to
10 read as follows:

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

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

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

19 (b) Obtain authorization to use tear gas from a supervising
20 officer, who must determine whether the present circumstances warrant

1 the use of tear gas and whether available and appropriate
2 alternatives have been exhausted as provided under this section;

3 (c) Announce to the subject or subjects the intent to use tear
4 gas; and

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

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

12 (4) For the purposes of this section:

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

17 (b) "Highest elected official" means the county executive in
18 those charter counties with an elective office of county executive,
19 however designated, and in the case of other counties, the (~~chair of~~
20 ~~the county legislative authority~~) county sheriff. In the case of
21 cities and towns, it means the mayor, regardless of whether the mayor
22 is directly elected, selected by the council or legislative body
23 pursuant to RCW 35.18.190 or 35A.13.030, or selected according to a
24 process in an established city charter. In the case of actions by the
25 Washington state patrol, it means the governor.

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

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

34 **Sec. 2.** RCW 13.04.030 and 2022 c 243 s 2 are each amended to
35 read as follows:

36 (1) Except as provided in this section, the juvenile courts in
37 this state shall have exclusive original jurisdiction over all
38 proceedings:

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

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

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

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

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

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

14 (ii) The statute of limitations applicable to adult prosecution
15 for the offense, traffic or civil infraction, or violation has
16 expired;

17 (iii) The alleged offense or infraction is a traffic, fish,
18 boating, or game offense, or traffic or civil infraction committed by
19 a juvenile (~~sixteen~~) 16 years of age or older and would, if
20 committed by an adult, be tried or heard in a court of limited
21 jurisdiction, in which instance the appropriate court of limited
22 jurisdiction shall have jurisdiction over the alleged offense or
23 infraction, and no guardian ad litem is required in any such
24 proceeding due to the juvenile's age. If such an alleged offense or
25 infraction and an alleged offense or infraction subject to juvenile
26 court jurisdiction arise out of the same event or incident, the
27 juvenile court may have jurisdiction of both matters. The
28 jurisdiction under this subsection does not constitute "transfer" or
29 a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of
30 this subsection. Courts of limited jurisdiction which confine
31 juveniles for an alleged offense or infraction may place juveniles in
32 juvenile detention facilities under an agreement with the officials
33 responsible for the administration of the juvenile detention facility
34 in RCW 13.04.035 and 13.20.060;

35 (iv) The alleged offense is a traffic or civil infraction, a
36 violation of compulsory school attendance provisions under chapter
37 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
38 has assumed concurrent jurisdiction over those offenses as provided
39 in RCW 13.04.0301; or

1 (v) The juvenile is (~~sixteen~~) 16 or (~~seventeen~~) 17 years old
2 on the date the alleged offense is committed and the alleged offense
3 is:

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

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

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

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

16 (II) The juvenile court shall have exclusive jurisdiction over
17 the disposition of any remaining charges in any case in which the
18 juvenile is found not guilty in the adult criminal court of the
19 charge or charges for which he or she was transferred, or is
20 convicted in the adult criminal court of an offense that is not also
21 an offense listed in (e)(v) of this subsection. The juvenile court
22 shall maintain residual juvenile court jurisdiction up to age
23 (~~twenty-five~~) 25 if the juvenile has turned (~~eighteen~~) 18 years
24 of age during the adult criminal court proceedings but only for the
25 purpose of returning a case to juvenile court for disposition
26 pursuant to RCW 13.40.300(3)(d).

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

31 If the juvenile challenges the state's determination of the
32 juvenile's criminal history under (e)(v) of this subsection, the
33 state may establish the offender's criminal history by a
34 preponderance of the evidence. If the criminal history consists of
35 adjudications entered upon a plea of guilty, the state shall not bear
36 a burden of establishing the knowing and voluntariness of the plea;

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

1 (g) Relating to termination of a diversion agreement under RCW
2 13.40.080, including a proceeding in which the divertee has attained
3 (~~eighteen~~) 18 years of age;

4 (h) Relating to court validation of a voluntary consent to an
5 out-of-home placement under chapter 13.34 RCW, by the parent or
6 Indian custodian of an Indian child, except if the parent or Indian
7 custodian and child are residents of or domiciled within the
8 boundaries of a federally recognized Indian reservation over which
9 the tribe exercises exclusive jurisdiction; and

10 (i) Relating to petitions to compel disclosure of information
11 filed by the department of social and health services pursuant to RCW
12 74.13.042.

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

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

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

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

29 **Sec. 3.** RCW 21.20.380 and 2002 c 65 s 7 are each amended to read
30 as follows:

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

37 (2) If the activities constituting an alleged violation for which
38 the information is sought would be a violation of this chapter had
39 the activities occurred in this state, the director may issue and

1 apply to enforce subpoenas in this state at the request of a
2 securities agency or administrator of another state.

3 (3) A subpoena issued to a financial institution under this
4 section may, if the director finds it necessary or appropriate in the
5 public interest or for the protection of investors, include a
6 directive that the financial institution subpoenaed shall not
7 disclose to third parties that are not affiliated with the financial
8 institution, other than to the institution's legal counsel, the
9 existence or content of the subpoena.

10 (4) In case of disobedience on the part of any person to comply
11 with any subpoena lawfully issued by the director, the refusal of any
12 witness to testify to any matters regarding which the witness may be
13 lawfully interrogated, or the failure to comply with a nondisclosure
14 directive under subsection (3) of this section, a court of competent
15 jurisdiction of any county or the judge thereof, on application of
16 the director, and after satisfactory evidence of willful
17 disobedience, may compel obedience by proceedings for contempt, as in
18 the case of disobedience of the requirements of a subpoena issued
19 from such a court on a refusal to testify therein.

20 (5) Nothing in this section authorizes the director or officers
21 designated by the director to compel the production of customer
22 banking records.

23 **Sec. 4.** RCW 29A.80.061 and 2004 c 271 s 150 are each amended to
24 read as follows:

25 Within ((~~forty-five~~)) 45 days after the statewide general
26 election in even-numbered years, the county chair of each major
27 political party shall call separate meetings of all elected precinct
28 committee officers in each legislative district for the purpose of
29 ((~~electing~~)) selecting a legislative district chair in such district.
30 The district chair shall hold office until the next legislative
31 district reorganizational meeting two years later, or until a
32 successor is ((~~elected~~)) selected.

33 The legislative district chair may be removed only by the
34 majority vote of the elected precinct committee officers in the
35 chair's district.

36 NEW SECTION. **Sec. 5.** The legislature finds that Article IX,
37 section 1 of the state Constitution does not have a section caption
38 in the original source, and that the subsequently added caption of

1 "Preamble" does not accurately describe the section. Therefore, the
2 secretary of state is respectfully requested to publish Article IX,
3 section 1 of the state Constitution without a section caption.

4 NEW SECTION. **Sec. 6.** The following acts or parts of acts are
5 each repealed:

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

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

12 (3) RCW 9.68.090 (Civil liability of wholesaler or wholesaler-
13 distributor) and 2011 c 336 s 320, 1992 c 5 s 3, & 1969 ex.s. c 256 s
14 17.

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

17 (1) 2020 c 1 s 1 (uncodified);

18 (2) 2020 c 1 s 2 (uncodified);

19 (3) 2020 c 1 s 3 (uncodified);

20 (4) 2020 c 1 s 4 (uncodified);

21 (5) 2020 c 1 s 5 (uncodified);

22 (6) 2020 c 1 s 6 (uncodified);

23 (7) 2020 c 1 s 7 (uncodified);

24 (8) 2020 c 1 s 8 (uncodified);

25 (9) 2020 c 1 s 9 (uncodified);

26 (10) 2020 c 1 s 10 (uncodified);

27 (11) 2020 c 1 s 11 (uncodified);

28 (12) 2020 c 1 s 12 (uncodified);

29 (13) 2020 c 1 s 13 (uncodified);

30 (14) 2020 c 1 s 14 (uncodified);

31 (15) 2020 c 1 s 15 (uncodified);

32 (16) 2020 c 1 s 16 (uncodified); and

33 (17) 2020 c 1 s 17 (uncodified).

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