



WASHINGTON
COURTS

SUMMARY

of Selected

2002 LEGISLATION

of Interest to the Courts

May 2002

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Administrative Office of the Courts, Publications Department,
1206 Quince Street SE, Olympia, WA 98504-1170
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We are pleased to present a *Summary of Selected 2002 Legislation of Interest to the Courts* and hope it will be useful to implement bills that impact your court. During the 2002 Legislative session, the Legislature and Governor enacted nearly 60 bills that affect the courts and are of general interest to the legal community.

Brief descriptions of these measures follow, arranged alphabetically according to bill subjects. Designators indicate whether the measure is of primary interest to judges and/or court managers in appellate (A), superior (S), juvenile (J), or district/municipal courts (D/M). Following each bill summary is a section that outlines implementation plans to be undertaken by the Administrative Office of the Courts (AOC) and/or the courts.



The effective date of bills is June 13, 2002, unless otherwise noted at the end of the bill summary. Any bills which had partial vetoes by the Governor are indicated next to the bill number. For details on vetoes, please go to the Legislative website at: www.leg.wa.gov.

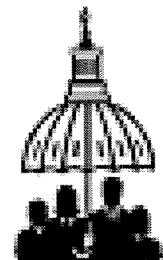
A list of AOC “bill trackers” is provided below. Please contact the tracker directly if you have questions about a particular bill, or you may call Janet McLane at 360-705-5305 or Victor Moore at 360-357-2406 for general legislative inquiries.

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CIVIL JURISDICTION

EVIDENCE – EXPRESSIONS OF SYMPATHY (S,D) SB 6429

Chapter 334, Laws 2002

Renders inadmissible in civil actions any statements or gestures of sympathy or benevolence relating to the pain, suffering, or death of a person involved in an accident. Statements of fault, however, are still admissible.

MANDATORY ARBITRATION (S) SHB 2754

Chapter 338, Laws 2002

Requires, in all counties having more than 150,000 people, the superior court to offer mandatory arbitration of civil actions (in smaller counties the program remains optional). For all superior courts, the maximum filing fee for mandatory arbitration requests is raised to \$220.

AOC will update JIS accounting codes for receipting the filing fee.

VOTING RIGHTS OF FELONS (S) SSB 6240

Chapter 16, Laws 2002

Revises the statutes on issuing a certificate of discharge to a person convicted of a felony. Under current law, after the offender has satisfied all of the terms of the sentence, including legal financial obligations, the department of corrections (DOC) must notify the sentencing court, which shall provide the offender with a certificate of discharge. This part of the statute remains unchanged, except that the DOC's obligation is only to those felons under its supervision at the time the conditions of sentence are finally satisfied.

The revised portions of the statute require that the court notify the offender either in person or by mail at the offender's last known address that a certificate of discharge has been issued by the court. The court must also send a copy of every signed certificate to the local county auditor. The bill was enacted by the legislature out of concern that persons previously convicted of felonies who had met the requirements to have their right to vote restored were not being made aware of this legal right.

If the offender is under the supervision of the Indeterminate Sentence Review Board, that Board has the responsibility of issuing the certificate and transmitting it to the offender and the auditor.

WATER RIGHTS STUDIES (A,S) ESSB 6387, § 302

*(Operating budget bill)
Chapter 371, Laws 2002*

Establishes a task force "to study judicial and administrative alternatives for resolving water disputes," which would include the feasibility of specialized water courts. Four judicial officers of the superior court and one Court of Appeals judge will serve on the task force. The study will be staffed by the Department of Ecology (DOE), and a report is due by the end of 2003. See §302, subsection 21(a).

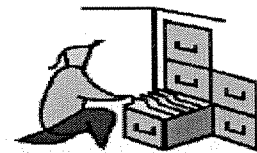
A second study will be conducted by DOE and the AG's office in order to "identify possible ways to streamline water right general adjudication procedures." A report is due by the end of 2002. See §302, subsection 21(b).

UNLAWFUL HARASSMENT-FEES (S,D)

*EHB 2655a
Chapter 117, Laws 2002*

Waives the filing fees and service-of-

process fees for those unlawful harassment petitions that allege (1) stalking, (2) conduct constituting a sex offense, or (3) domestic violence by a family or household member (section 2). Authorizes a court to permit service by publication in any of these categories of cases. See section 4. The bill also addresses law enforcement fees for servicing process (section 3) and service by publication or mail of DV protection orders (section 5).



COUNTY CLERKS/RECORDS

COUNTY CLERKS (S) SB 6401

Chapter 30, Laws 2002

Standardizes references so that information is entered into a "record" rather than in a "journal" or "book." Makes statutes referencing county clerks gender neutral.

ENFORCING JUDGMENTS (S,D) E2SSB 5827

Chapter 261, Laws 2002

Clarifies that assignees of judgment creditors (and not just the creditors themselves) may extend the ten-year period for collecting on civil judgments. See section 1(3). Specifies that the ten-year period commences either upon the entry of the judgment or the filing of a foreign judgment in this state. See section 1(1).

***** 2002 Legislative Summary *****

Limits the extension of judgments, exceptions, beyond 20 years from their original entry, and limits the extension of foreign judgments beyond the time allowed under the foreign law. See section 1(7). The bill also addresses issues relating to (a) the priority of liens when a judgment has been extended, (b) the extension of district court judgments that have been filed in superior court, and (c) the application of the new law to existing judgments.

FILING OF WILLS (S)
SB 6417
Chapter 271, Laws 2002

Removes the requirement that superior court clerks *record* each will filed in their offices. Instead, the clerks need only note each will in their record of wills and bonds. (A separate statute still requires the clerks to place original wills in a file and to preserve or duplicate them along with their other records.)



COURT FEES

AUDITOR SURCHARGE FOR FILING COURT DOCUMENTS (D)
HB 2060
Chapter 294, Laws 2002

Creates a \$10 surcharge to be charged by the county auditor for recording documents. Will apply to name changes performed in district court.

AOC will update JIS accounting codes to reflect the additional \$10

charge to be collected by the court clerk from the petitioner.

DNA DATA BASE (S,J,D,M)
SHB 2468
Chapter 289, Laws 2002

Please see full bill summary on page 6.

INMATE FUNDS AND WAGES (S)
SSB 6402
Chapter 126, Laws 2002

Requires legal financial obligations to be deducted from an inmate's gross wages for inmates working in correctional industries work programs or work release programs.

MANDATORY ARBITRATION – ATTORNEY FEES (S)
SB 5373
Chapter 339, Laws 2002

Authorizes a written “offer of compromise” when a party has appealed from an arbitrator’s decision. The offer of compromise becomes the new benchmark for determining whether the appellant has failed to improve his or her position on appeal, which in turn determines whether the appellant can be required to pay costs and attorney fees.

UNLAWFUL HARASSMENT–FEES (S, D)
EHB 2655a
Chapter 117, Laws 2002

See Bill Summary on Page 4.

CRIMINAL JURISDICTION

AGGREGATING VALUE FOR THEFT (S)
HB 2605
Chapter 97, Laws of 2002

Permits prosecutors to aggregate the value of stolen items when at least three items are stolen over a five-day period, and the value of the items individually would justify only a prosecution for third-degree theft. (Third-degree theft, a gross misdemeanor, has a limit of \$250, or 10 beverage crates or 10 merchandise pallets.)

COMMUNITY SERVICE (S,J,D,M) (Partial Veto)
SB 6627
Chapter 175, Laws 2002

Replaces the term “community service”, as used in criminal and juvenile sentencing, with “community restitution.” There was a partial veto of one section of this bill to prevent a technical conflict with another statute.

AOC will review and revise criminal and juvenile forms, as necessary.

CRIMINAL MISTREATMENT (J,D,M)
SHB 2382
Chapter 219, Laws of 2002

Revises provisions relating to the criminal mistreatment of a child or dependent person. Creates the crime of criminal mistreatment in the fourth degree, a misdemeanor. Allows deferred prosecutions for persons charged with criminal mistreatment in the third or fourth degree. (Third degree criminal mistreatment is a gross misdemeanor.) An offender is eligible for a deferred prosecution only once under this section. In any case where the offender’s parental rights are terminated with regard to the alleged victim during the pendency of the

***** 2002 Legislative Summary *****

deferred prosecution as a result of abuse or neglect that occurs during the deferred prosecution, the termination is 'per se' evidence that the offender did not successfully complete the treatment plan (child welfare services plan) ordered as part of the deferred Prosecution.

AOC will review the deferred prosecution form and make any necessary revisions.

DNA DATA BASE (S,J,D,M)
SHB 2468
Chapter 289, Laws 2002

Expands the DNA data base. Every adult convicted of a felony, or of stalking, harassment or communicating with a minor for immoral purposes, and every juvenile adjudicated of an equivalent juvenile offense must have a biological sample collected for purposes of DNA analysis.

For those persons serving a term of confinement, the sample must be collected at the place of confinement if the person is convicted or adjudicated on or after the effective date of this act. For those persons not serving a term of confinement, the sample must be collected by the local police department or sheriff's department after sentencing on or after the effective date of this act.

For persons convicted before the effective date of this act who are still incarcerated as of the effective date of this act, a sample shall be collected within a reasonable time.

Adults convicted of a felony must pay a \$100 fee for collection of the sample.

The fee is a court-ordered legal and financial obligation (LFO) payable by the offender after all other LFOs ordered as part of the sentence have been paid. The clerk of the court shall transmit fees collected under this section to the state treasurer for deposit in the state DNA database account.

Effective: July 1, 2002.

AOC will create a new JIS code for receipting the new fee. AOC will also revise plea, disposition and judgment forms as necessary.

DRUG OFFENSES (S,J)
2SHB 2338
Chapter 290, Laws of 2002

Reduces the penalties for certain drug offenses and establishes a dedicated account with the savings resulting from the reduced sentences to fund treatment and support services for drug offenders.

Reduces the seriousness level from a level VIII to a level VII for certain crimes involving the manufacture, delivery, or possession of heroin or cocaine. *(Section 2--Becomes effective July 1, 2002 for offenses committed on or after that date. Expires July 1, 2004, when the new Drug Sentencing Grid takes effect.)*

Eliminates the triple and double scoring for drug offenders with two exceptions: offenders committing certain methamphetamine offenses and offenders that have a criminal history that includes a conviction for a sex or serious violent offense. *(Section 3--effective July 1, 2002 for offenses committed on or after that date.)*

Creates a new Drug Sentencing Grid for the sole purpose of sentencing offenders convicted of drug crimes. *(Section 8--effective July 1, 2004 for crimes committed on or after that date.)*

Sets up a dedicated account with the savings resulting from the reduced sentences to be used to fund treatment and support services for drug offenders and drug courts. Provides a method for the Department of Corrections (DOC) to calculate the savings. Commencing July 1, 2003, seventy-five percent of the savings shall go into the criminal justice treatment account. Seventy percent of the money in this account will be distributed to counties to spend

pursuant to a county or regional plan approved by a panel comprised of justice agency representatives as specified in the bill. Thirty percent of the money in this account will be distributed as grants approved by this same panel, with the money to be used to treat drug offenders. The remaining twenty-five percent of the savings will go to the DOC to treat substance abuse offenders in prison. *(Section 4--effective April 1, 2002.)*

EXTORTION IN THE SECOND DEGREE (S)
SSB 6602
Chapter 47, Laws of 2002

Clarifies the definition of extortion in the second degree. This bill was introduced in response to an appellate decision reversing a conviction for second-degree extortion because the court found the definition in the current statute to be unconstitutionally overbroad.

PROPERTY OF ANOTHER PERSON (S,D,M)
SSB 6422
Chapter 32, Laws of 2002

Adds a definition of the term "property of another" for purposes of the crimes of malicious mischief, arson and reckless burning. "Property of another" is defined as property in which the accused possesses less than "exclusive ownership." The bill was introduced in response to a recent appellate case in which a malicious mischief conviction was reversed because the property destroyed by the defendant was property in which he had a community property ownership interest.

Effective: March 12, 2002.

***** 2002 Legislative Summary *****

ROBBERY OF FINANCIAL INSTITUTIONS

2SHB 2511

Chapter 85, Laws 2002

Creates the specific offense of bank robbery. Until now, robbery of a financial institution has been charged under the general robbery statutes. Under this act, robbery of a financial institution, with or without a deadly weapon, is classified as robbery in the first degree.

(S) to have no bearing on whether it is included in the criminal history or offender score for the current offense.

In two recent opinions interpreting amendments to the SRA, the Washington Supreme Court stated that the Legislature was not clear in specifying when a sentencing court should include prior convictions in an offender's score and criminal history. (*State v. Cruz* (1999) and *State v. Smith* (2001).) This bill was the Legislature's response to those cases.

VENUE

SB 6293

Chapter 59, Laws 2002

Provides that hearings on criminal matters based on state statute can be held by electronic means when the defendant is outside a court's geographic jurisdiction.

(D,M)

SABOTAGE

2SHB 1938

Chapter 169, Laws 2002

Makes certain acts of sabotage an aggravating circumstance for sentencing under the Sentencing Reform Act. Acts of sabotage involving harm to human health care, animal health care, agricultural research, forestry research, or commercial production are specified in the bill.

(S,J)

VEHICLE THEFT

ESSB 6490

Chapter 324, Laws 2002

Increases the penalties for auto theft. A person is guilty of taking a motor vehicle without permission in the first degree if a person takes the motor vehicle without permission and either alters the vehicle, intends to sell the vehicle, exports or attempts to export the vehicle across state lines or out of the country for profit, or removes a part from the vehicle, or engages in a conspiracy to steal motor vehicles for purposes of sale. First degree taking a motor vehicle without permission is a class B felony and is ranked at seriousness level V.

(S, J)

The elements of taking a motor vehicle without permission in the second degree are taking the vehicle without permission or voluntarily riding in it with knowledge of the fact that it was stolen. It is a class C felony and is ranked at seriousness level II.

SENTENCING

SSB 6423

Chapter 107, Laws of 2002

Amends the Sentencing Reform Act (SRA) to provide that an offender's criminal history and offender score are determined using the statutory provisions in effect on the day the current offense was committed.

(S)

Amends the definition of "criminal history" to explicitly provide that a conviction may only be removed if it is vacated, that the determination of a defendant's criminal history is distinct from the determination of an offender's score, and that a prior conviction not included in the offender score under a prior version of the SRA remains part of the offender's criminal history.

The fact that a prior conviction was not included in an offender's score or criminal history at a prior sentencing is

VOTING RIGHTS OF FELONS

SSB 6240

Chapter 16, Laws 2002

See Bill Summary on Page 4.

(S)

FAMILY AND JUVENILE LAW

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE (CDDA)

ESSB 6535

Chapter 42, Laws of 2002

Amends RCW 13.40.165 by adding an alternative provision to CDDA disposition when the court concludes and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice. The court shall impose a disposition above the standard range as indicated in option C of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of 52 weeks.

(S,J)

Courts are to enter reasons for manifest injustice conclusion in findings.

AOC will review for changes to existing forms.

FAMILY LAW HANDBOOK

SSB 6629

Chapter 49, Laws of 2002

Amends RCW 2.56.030 and adds a new section to chapter 2.56 RCW by directing the Administrative Office of the Courts to create, and annually

(S,J,D)

review and update, a handbook explaining Washington law pertaining to the rights and responsibilities of marital partners to each other and to any children during a marriage and a dissolution of marriage. The county auditor will provide the handbook when an individual files a certificate of marriage. The handbook will cover topics including premarital agreements, shared parental responsibilities, establishing a residential schedule and child support in the event of a divorce, parental relocation, property rights, spousal maintenance, domestic violence, child abuse and neglect (including penalties), court process for divorce, effects of dissolution on children, among others.

AOC will create a handbook and review/update annually.

PROPERTY OF ANOTHER PERSON (S,D,M)
SSB 6422
Chapter 32, Laws of 2002

See bill summary on page 6.

SEGREGATION OF MINORITY-AGE OFFENDERS (S,J)
HB 2380
Chapter 171, Laws of 2002

Amends RCW 72.01.410 by adding a provision that an offender, who, while a minor, was convicted of a felony as an adult and who attains the age of eighteen, may remain in a housing unit for offenders under the age of eighteen, provided certain conditions are met as determined by the secretary of the department of corrections. Amends RCW 13.40.040 by adding a provision that within available funds, a juvenile found guilty of rape in the first or second degree or rape of a child in the first degree, shall be detained pending disposition.

Effective: March 27, 2002

SIBLING VISITATION (S,J)
ESSB 6702
Chapter 52, Laws of 2002

Amends 13.34.025, 13.34.030, 13.34.030, 13.34.060, 13.34.130, 13.34.136, 13.34.260 and 74.13.065 and creates a new section. The Legislature recognizes that sibling relationships are an integral aspect of the family unit, which should be nurtured and presumes nurturing the existing sibling relationship is in the best interest of the child. In child dependency cases, a social study shall include an assessment of a child's relationship with siblings and the agency's plan to facilitate the child's visitation with siblings, when appropriate. Persons with whom children are placed in shelter care must be willing to facilitate sibling visitation when appropriate. If the court has removed a child from his or her home, the court shall consider whether sibling visitation is in the child's best interest. Permanency plans of care shall include provisions for promoting sibling relationships when appropriate. Sibling relationships shall be included as a preference factor in foster home placement.

AOC will modify shelter care and dependency forms as needed.

UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA) (S,J)
SHB 2347
Chapter 198, Laws of 2002

Amends Chapter 26.21 RCW. The amendments enacted in this bill clarify several portions of UIFSA. The act clarifies that the issuing state continues to have jurisdiction over the matter, absent specified reasons for its termination. Personal jurisdiction persists as long as the order is in effect. Modification provisions are clarified. Procedures are established for cases

when two or more support orders exist and a party seeks to register an order for enforcement or modification. UIFSA explicitly provides that the law of the issuing state of the controlling order is the law that applies to the consolidated unpaid obligations.

AOC will review for changes to existing forms.

UNIFORM PARENTAGE ACT (UPA) (S,J)
2SHB 2346
Chapter 302, Laws of 2002

The UPA 2000 repeals significant portions of the UPA 1973. The new UPA expands on the procedures for establishing parentage by 1) defining specific terms and distinguishing between a presumed, acknowledged and adjudicated father; 2) establishing specific rules and processes for adjudicating paternity; 3) establishing a process for voluntary acknowledgment of paternity and creating a cause of action for establishing a residential schedule and child support for acknowledged parents; 4) establishing a paternity registry for men who are not presumed, acknowledged, or adjudicated fathers; and 5) updating procedures for establishing paternity of children born by assisted reproduction. The UPA provides that the child is a permissible but not necessary party to proceedings under Article 5, "Proceeding to Adjudicate Parentage" and if the child is not a party, a GAL is required if the court finds the child's interests are not adequately represented.

AOC will review existing forms and create mandatory forms for new proceedings, including proceedings to make residential provisions and establish child support (Section 316).

YOUTH COURTS

(S,J)

ESSB 5692

Chapter 237, Laws of 2002

Provides that district and municipal courts may create youth courts for disposition of traffic infractions for juveniles age sixteen or seventeen who have not previously been referred to traffic youth court, have no convictions under Title 46 RCW, and are not under jurisdiction of any court for a violation of any provision of Title 46 RCW.

Disposition options include community service, attendance at defensive driving school, monetary penalty not to exceed \$100, and participation in future youth court proceedings. Juveniles in traffic youth court are afforded due process. Adds a new section to Title 3 RCW and amends RCW 46.63.040.

Establishes youth courts as diversion units under the supervision of the juvenile court for juveniles, ages eight through seventeen, who are eligible for diversion, but excludes youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before juvenile court but not yet adjudicated. Disposition options are those available to diversion units and may also include serving as a participant in future youth court proceedings, education classes, counseling, treatment, participating in mentoring programs, among others. Amends RCW 13.40.020, 13.40.080, 13.40.250, 9.94A.850 and adds a new section to RCW 13.40.

Both traffic and juvenile youth courts may require that a participating youth pay a nonrefundable fee of up to \$30 to cover program administration costs.

The Administrative Office of the Courts and the Office of the Superintendent of Public Instruction are charged with encouraging and assisting cities, counties, and school districts with the establishment, expansion and use of youth courts.

Courts may create youth courts in municipal, district and juvenile courts.

AOC will provide assistance in establishing and expanding youth courts. AOC will also review for changes to existing forms and court rules.

INFRACTIONS

ABANDONED VEHICLES (D,M)

SSB 6748

Chapter 279, Laws 2002

At Section 10 (2), renames previously proscribed activity as "Littering—Abandoned Vehicle."

At Section 15 (2), sets monetary penalty for Littering—Abandoned Vehicle at \$250 for each offense. Penalty shall not be reduced.

AOC will change name of infraction, and establish new penalty in JIS.

FIRE FIGHTING APPARATUS WEIGHT LIMITS (D, M)

SHB 2673

Chapter 231, Laws 2002

Amends RCW 46.44.190 to require that fire fighting apparatus, which exceed weight limits specified in Section (4), must apply for an overweight permit. Provides procedures for determining weight, permit application, and notification requirements. Prohibits operation of overweight apparatus without a permit.

Operation of overweight firefighting apparatus results in specified penalties.

AOC will add to the JIS Law Table.

JUDICIAL OFFICERS

DISTRICT COURT JUDGES—OBJECTIVE WORKLOAD ANALYSIS (D)

HB 2471

Chapter 83, Laws 2002

The weighted caseload analysis used by the Administrative Office of the Courts to make recommendations regarding a change in the number of district court judges in a county, is changed to an "objective workload analysis." The objective workload analysis must take into account available judicial resources and the caseload activity of the court.

ELECTIONS—VACANCIES IN OFFICE (A,S,D,M)

SB 6529

Chapter 108, Laws 2002

Dates at which scheduled elections lapse, are changed from the fourth Tuesday prior to a primary, to the sixth Tuesday prior to a primary. A scheduled election is lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected when:

- in an election for judge of the Supreme Court or Superintendent of Public Instruction, a void in candidacy occurs on or after the sixth Tuesday prior to a primary;
- a nominee for judge of the superior court entitled to a certificate of election dies or is disqualified on or after the sixth Tuesday prior to a primary, and;
- in other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the sixth Tuesday prior to an election.

If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the sixth Tuesday (rather than fourth Tuesday) prior to the primary, a successor is elected to that office at that general election. If the vacancy occurs on or after the sixth Tuesday prior to the primary for that general election, the election of the successor occurs at the next succeeding general election.

LAY JUDGES (D,M)
SB 6292
Chapter 136, Laws 2002

Amends RCW 3.34.060 to require that in jurisdictions over 5,000 in population, judges must be attorneys. In jurisdictions under 5,000 population, allows judges to be non-attorneys who have passed the lay judge qualifying examination by January 1, 2003.

Amends RCW 3.50.040 to require that in jurisdictions under 5,000 in population, non-attorneys must have taken, and passed, the lay judge qualifying examination by January 1, 2003 to be eligible for appointment as judge.

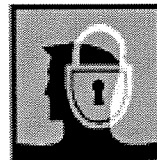
AOC tentatively plans to offer the final lay judge qualifying examination in Fall, 2002. In addition, the Supreme Court will be asked to repeal GR 8.

JUDGES PRO TEMPORE (A,S,D,M)
SB 6511
Chapter 137, Laws 2002

Any sitting elected judge of the Supreme Court, Court of Appeals, district or municipal court may serve as a judge pro tempore in superior court, as provided by Supreme Court rule. This bill aligns the statute with the constitutional amendment passed by the voters in November of 2001.

SPOKANE COUNTY (D)
SB 6596
Chapter 138, Laws 2002

Increases to ten (10) the number of statutorily authorized district court judges for Spokane County.



PUBLIC DISCLOSURE / PRIVACY

LIMITING PUBLICATION OF PERSONAL INFORMATION OF LAW ENFORCEMENT-RELATED AND COURT-RELATED EMPLOYEES (S,J,D,M)
ESSB 6700
Chapter 336, Laws 2002

Unless exempt by law or court order, a person or organization who sells, trades, gives, publishes, distributes or otherwise releases the residential address, residential telephone number, birth date or social security number of any law enforcement-related, corrections officer-related, or court-related employee, volunteer or someone with a similar name can be liable for damages if (1) intent to harm or intimidate can be shown, (2) the person or organization categories the law enforcement-related, corrections officer-related, or court-related employee or volunteer by that occupation, and (3) the person or organization did not obtain express written permission.

The prosecuting attorney or person harmed by a violation of this provision may initiate a civil action to enjoin the

violation. A law enforcement-related, corrections officer-related, or court-related employee or volunteer who suffers damages as result of a violation may recover actual damages, attorneys' fees, and costs. A court may issue a permanent injunction against a person or organization engaged in the violation.

PUBLIC DISCLOSURE (S,J,D,M)
ESSB 6439
Chapter 335, Laws 2002

Amends the Public Disclosure Act to, among other things, exempt from disclosure information on the infrastructure and security of computers and telecommunications networks.

PUBLIC DISCLOSURE/PRIVACY SHB 2015 (S,J,D,M)
Chapter 90,, Laws 2002

Adds a new chapter to Title 19 to provide that business and governmental entities must take reasonable steps to destroy personal financial and health information and government-issued identification numbers in their records when they dispose of records they no longer retain. This requirement does not apply to disposal of records, including the archiving of public records, by legal transfer to another entity.

Provides for civil actions for damages from failure to comply and for actions for injunctive relief.

RETIREMENT

RETIREEES / HEALTH CARE BENEFITS (S,D,M)
ESSB 5777
Chapter 319, Laws of 2002

Provides local government retirees access to the local government employer's health care benefits at the retirees' expense. Does not apply to currently existing plans, established under collective bargaining agreements, or health care plan contracts or policies in existence on the effective date of the legislation.

Amends RCW 41.05.050 to require that if retiree participation adversely impacts insurance rates for state employees, limitations on participation shall be implemented.

Effective: January 1, 2003. Political subdivisions unable to meet the January 1, 2003 effective date are given until January 1, 2004 to implement the change.

SEXUAL OFFENDERS

JURISDICTION OVER SEX OFFENDERS (S,D,M)
SB 6287
Chapter 19, Laws 2002

Clarifies the status of a person who has been civilly committed or detained pursuant to RCW 71.09 (sexually violent predators) who is then incarcerated for a crime. That person remains under the jurisdiction of the

Department of Social and Health Services (DSHS) following either completion of his or her criminal sentence or release from incarceration and shall be returned to DSHS custody.

SENTENCING OF SEX OFFENDERS (S)
SSB 6286
Chapter 174, Laws of 2002

Changes the time within which the Indeterminate Sentence Review Board (ISRB) must review the cases of sex offenders sentenced to "determinate plus" sentences. Under 3ESSB 6151, enacted in 2001, sex offenders who commit a first "two-strikes" offense and offenders who have a prior conviction for a two-strikes offense and commit a new sex offense receive a determinate plus sentence upon conviction. The sentence consists of a minimum term equal to the normal sentence under the SRA plus a maximum term equal to the statutory maximum term of confinement. The law required the ISRB to review offenders sentenced to a determinate plus sentence not later than 90 days before the end of the offender's minimum term of confinement.

However, concerns were raised that some offenders would be sentenced to time served or to a sentence with less than 90 days remaining at the time of sentencing, making it impossible for the ISRB to review the offender within 90 days of the end of the minimum term.

Under this bill, when an offender sentenced to a determinate plus sentence receives a minimum term that has expired at the time of sentencing or will expire within 120 days, the Department of Corrections (DOC) will conduct an examination of sexual dangerousness within 90 days of the offender's arrival at DOC. The ISRB conducts the hearing required to determine if the person is more likely than not to commit a new sex offense

after examination by the DOC, but within 120 days after the offender's arrival at DOC.

Effective: March 27, 2002.

SEX OFFENDER REGISTRATION (S)
SB 6341
Chapter 25, Laws 2002

Revises the requirements set forth in RCW 9A.44.140 for a court to relieve an offender of the duty to register as a sex offender. A court may not relieve a convicted sex offender of the duty to register if the person has been convicted of one aggravated offense or more than one sexually violent offense, and the offenses were committed on or after the effective date of this act.

Effective: March 12, 2002.

SEX OFFENDER REGISTRATION (S, J,D,M)
SB 6408
Chapter 31, Laws 2002

This act restores the gross misdemeanor offense of "communicating with a minor for immoral purposes" to the list of offenses for which registration as a sex offender is required. This act applies to all persons convicted of communicating with a minor either on, before, or after July 1, 2001, unless otherwise relieved of the duty to register under RCW 9A.44.140. July 1, 2001, was the effective date of last year's bill that inadvertently removed this offense from the list of sex offenses for which registration is required.

Effective: March 12, 2002.

AOC will revise the Misdemeanor Plea form and Judgment and Sentence form to reflect this change in the law.



**WASHINGTON
COURTS**

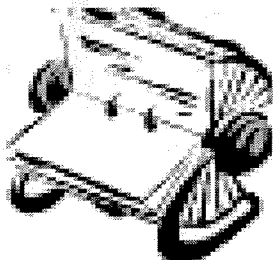
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**“... TO ADVANCE THE EFFICIENT
AND EFFECTIVE OPERATION OF THE
WASHINGTON JUDICIAL SYSTEM”
AOC Mission Statement**

The Administrative Office of the Courts (AOC) was established by the 1957 Legislature and operates under the direction and supervision of the Chief Justice of the Supreme Court, pursuant to Chapter 2.56 RCW. The AOC is organized into four areas:

- ◆ Administration
- ◆ Information Services Division
- ◆ Judicial Services Division
- ◆ Management Services Division

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