



WASHINGTON  
COURTS

SUMMARY  
of Selected  
2003 LEGISLATION  
of Interest to the Courts

JUNE 2003

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Administrative Office of the Courts, Publications Department,  
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We are pleased to present a **Summary of Selected 2003 Legislation of Interest to the Courts** and hope it will be useful to implement bills that impact your court. During the 2003 Legislative session, the Legislature and Governor enacted nearly 80 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 July 27, 2003**, 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: <http://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 Jeff Hall at 360-357-2131 for general legislative inquiries.

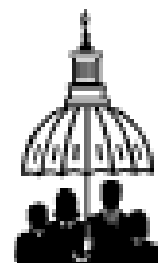


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## 2003 Legislative Summary

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### CIVIL JURISDICTION

#### **CIVIL TRIAL PROVISIONS (S,D)** **SHB 1675** **Chapter 406, Laws 2003**

Updates civil procedure statutes, many of which have not been amended since the 19th century. The act brings the statutes into conformity with modern court practices (including struck jury procedures), with existing court rules, and with notions of plain and direct language. The bill was drafted by the SCJA and sponsored by the BJA.

#### **CLEAN & SOBER HOUSING (S)** **ESB 5389** **Chapter 382, Laws 2003**

Allows a landlord to designate "drug and alcohol free housing" by using leases that prohibit tenants from using or possessing alcohol or illegal drugs. If a tenant violates these provisions, the landlord may terminate the tenancy after providing the tenant with three days' notice and a brief opportunity to cure. If the tenant cures the violation, the lease stays in effect, but a second violation allows the lease to be terminated without an opportunity to cure.

#### **COMMERCIAL E-MAIL (D)** **SB 5574** **Chapter 27, Laws of 2003**

Clarifies that district courts have jurisdiction to hear cases involving commercial e-mail.

#### **FOREIGN JUDGMENTS (S,D)** **SSB 5251** **Chapter 43, Laws 2003**

Requires the party filing a foreign judgment in this state to submit an

affidavit stating the filing and expiration dates in the other jurisdiction. This information is then entered on the judgment's summary cover sheet. The act fixes a loophole in legislation from last year.

#### **GARNISHMENTS (S,D)** **SSB 5592** **Chapter 222, Laws 2003**

Allows, in district court, writs of garnishment to be issued by the judgment creditor's attorney rather than by the court clerk. (This provision apparently applies only in district court, see sections 1 and 2, even though the Legislature's final bill report summarizes the bill as if attorneys could issue these writs at either level of court.) In both district and superior court, the judgment creditor's attorney may issue a release of garnished funds without first obtaining a court order to that effect. (See section 7.) Other changes, applying to both superior and district courts, are included elsewhere in the act.

#### **MENTAL HEALTH COUNSELORS—PRIVILEGED INFORMATION (S)** **SHB 1785** **Chapter 204, Laws of 2003**

Adds new section to RCW 18.225 that creates a privilege between clients and mental health counselors, marriage and family therapists and social workers. Provides exceptions for written authorization, waiver of privilege by bringing charges against the provider, in response to subpoena, required by statute, and where the provider reasonably believes disclosure will avoid or minimize an imminent danger to the individual.

#### **MENTAL HEALTH DIRECTIVES (S)** **SSB 5223** **Chapter 283, Laws 2003**

Allows any competent person to create a "mental health advance directive" expressing the person's preferences and instructions about mental health treatment. The validity of any such directive may be determined in superior court. A directive cannot change the standards or procedures for civil commitment under RCW Chapter 71.05. A person may nominate a proposed guardian if guardianship proceedings are commenced in the future. Creates the new crime of fraudulent creation or revocation of a mental health directive, a Class C felony.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables. Courts that publish model local guardianship forms may want to consider revising the petition to solicit information about whether or not the alleged incapacitated person has executed a mental health advance directive and nominated a proposed guardian.*

#### **REVIEW OF PERMIT DECISIONS (A,S)** **ESSB 5776** **Chapter 393, Laws 2003**

Provides, for a few large economic development projects in economically-distressed rural counties, an expedited appeal process for permit decisions. For these qualifying projects, a new administrative board is created that directly reviews the permit decisions issued by local and state agencies. Judicial review of the administrative board's decisions is on the record and is

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conducted either in Thurston County Superior Court or directly in the Court of Appeals, depending on specified statutory criteria. As a practical matter, it appears that most cases would bypass superior court and go directly to the Court of Appeals.

*This bill was effective upon the Governor's signature on May 20, 2003.*

**SERVICE OF SUMMONS—  
AUTO CASES (S)  
HB 1226  
Chapter 223, Laws 2003**

Allows a plaintiff in an auto accident case to serve process on the Secretary of State if a defendant resident motorist cannot be found in the state after a "due and diligent search." Previously, the statute required a plaintiff to show that the resident motorist actually had departed from the state or that there was a reasonable basis to conclude that the motorist had left the state. See *Martin v. Meier*, 111 Wn.2d 471, 479 (1988).

**COURT FUNDING  
& FEES**

**AUTHORIZING ADD'L  
FUNDING FOR LOCAL  
GOVERNMENTS (Partial Veto)  
2ESSB 5659 (S,D,M)  
Chapter 24, Laws 2003**

*Retail Sales and Use Taxes.* Any county may impose an increase in local sales or use tax of up to 0.3 percent. Motor vehicle sales and some motor vehicle leases are exempt from this sales tax. The increase is subject to approval of a majority of voters in the county. The county must

distribute 40 percent of the revenues received to cities within the county on a per capita basis. One-third of this tax money must be used only for criminal justice purposes. Criminal justice purposes are defined as additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities.

*Regular Property Taxes.* Voters in counties, cities and towns may by majority vote approve, in a primary or general election, a resolution for a levy lid lift that lasts up to six years. The resolution must specify the target dollar amount only for the levy's first year's collection amount. The resolution must specify some type of annual increase scale (e.g., the consumer price index) for setting the levy's succeeding years' amounts.

*Courts will confer with their local legislative authority.*

*Effective: July 1, 2003*

*Partial veto message can be found at: [http://www.leg.wa.gov/pub/billinfo/2003-04/Senate/5650-5674/5659-s\\_vto\\_06242003.txt](http://www.leg.wa.gov/pub/billinfo/2003-04/Senate/5650-5674/5659-s_vto_06242003.txt)*

**COURT ASSESSMENTS  
ESSB 6023 (S,D,M)  
Chapter 380, Laws 2003**

The additional penalty on all traffic infractions is increased from \$10 to \$20. Of the total \$20, \$8.50 is distributed entirely to the state PSEA. The remaining amount is distributed 68 percent to local governments and 32 percent to the state PSEA. The first penalty assessment on all fines, forfeitures, and penalties by courts of limited jurisdiction is increased from 60 percent to 70 percent. The existing distribution of the 32

percent of the revenue to the state PSEA and 68 percent to local governments is retained.

**REVISING AND REPORTING  
ON STATE AGENCY  
ALLOTMENTS  
SHB 2196**

**(AOC,COA,SC & Law Library)  
Chapter 206, Laws 2003**

The Governor may request correction of allotments proposed by the judicial and legislative branches and by agencies headed by separately elected officials if the proposed allotments contain significant technical errors. At the OFM's request or on an agency's own initiative, allotments may be revised on a quarterly basis. Allotments may also be revised to reflect executive increases to spending authority. Examples of this kind of increase include expenditures approved through the unanticipated receipts process or expenditures from the Governor's emergency fund. The allotment revisions must include a statement of the reasons for significant changes in the allotments.

*Effective July 1, 2003.*

**CRIMINAL  
JURISDICTION**

**COMMUNICATING WITH A  
MINOR (S,J,D)  
SB 5570  
Chapter 26, Laws 2003**

Amends the crime of communicating with a minor for immoral purposes to include communicating with someone the person believes to be a minor.

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**CREDIT CARD SCANNING DEVICE (S,J)**  
**SSB 5719**  
**Chapter 52, Laws 2003**

Makes fraudulent use of a payment card scanning device a class C felony. Subsequent violations are a class B felony.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

**CRIMINAL STATUTES (ALL)**  
**SB 5758**  
**Chapter 53, Laws 2003**

Makes technical, non-substantive changes to a variety of criminal statutes in order to: (1) clearly identify each offense as a misdemeanor, gross misdemeanor, or class A, B, or C, felony, and (2) decisions issued by local and state agencies. More specifically:

I. Classification of Felonies

A change is made to the statute establishing the maximum penalties for felonies (RCW 9A.20.021) to prevent the statute from conflicting with existing criminal statutes that authorize larger punishments. Unclassified felonies are classified according to the statutory rules in RCW 9.94A.035.

II. Classification of Misdemeanors

Unclassified misdemeanors are classified according to the statutory provisions in RCW 9A.04.040 and 9A.20.010. Misdemeanors for which the classification is ambiguous due to the conflict between the two statutes are not changed.

III. Penalty Provisions in Criminal Statutes

Criminal statutes are amended to ensure that criminal penalties are contained in separate subsections.

Separate crimes contained in the same section are separated into different sections. Penalty provisions that are in a separate section from the section defining the crime are consolidated. The subsection numbering convention in the Uniform Controlled Substances Act is changed to conform to the general numbering convention in the rest of the RCW.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

*Effective July 1, 2004.*

**DEFERRED PROSECUTIONS (S,D,M)**  
**SSB 5396**  
**Chapter 220, Laws 2003**

Authorizes courts to impose conditions, in addition to treatment, during a term of deferred prosecution. Conditions relate to continued sobriety and law abiding behavior.

Gives courts additional tools for encouraging sobriety during a term of deferred prosecution.

**DUI WITH CHILDREN IN VEHICLE (S,D,M)**  
**SHB 1619**  
**Chapter 103, Laws 2003**

Requires imposition of a 60 day interlock requirement for DUI or physical control with a passenger under 16 if no interlock requirement otherwise exists. An additional 60 days shall be imposed if interlock is required by other law.

*Sentencing enhancement is needed. The bill does not address pleading and proof issues.*

**ELUDING A POLICE VEHICLE (S,J)**  
**ESHB 1076**  
**Chapter 101, Laws 2003**

Revises the definition of the offense by requiring the prosecution to prove only that the defendant was acting in a reckless manner, rather than a "willful and wanton" manner. Adds the requirement that the pursuing police vehicle be equipped with lights and a siren. Adds to the statute the affirmative defense that the defendant was acting in a reasonable manner.

**EVIDENCE (ALL)**  
**EHB 1427**  
**Chapter 179, Laws 2003**

Changes the traditional corpus delicti rule to a "trustworthiness rule." A defendant's confession or admission is admissible if there is substantial independent evidence that tends to establish the trustworthiness of the confession or admission, even if there is no independent evidence that a crime has occurred.

**FELONY MURDER (S,J)**  
**SB 5001**  
**Chapter 3, Laws 2003**

Reinstates assault as a predicate offense for felony murder. This bill was enacted by the Legislature in response to last year's Washington Supreme Court decision in the case of *In re Andress*.

**FELONY VACATION OF RECORDS (S)**  
**SHB 1346**  
**Chapter 66, Laws 2003**

Allows for the vacation of pre-Sentencing Reform Act (SRA) felony convictions. While the SRA contains a provision allowing for the

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vacation of felony convictions entered after July 1, 1984, there is no statute expressly authorizing the vacation of records for felonies sentenced prior to July 1, 1984. A request for a vacation of a conviction under this bill is subject to the same terms and conditions applicable under the SRA.

*AOC will update the Criminal History and Records Brochure to reflect the provisions of this bill.*

**FINANCIAL FRAUD  
EQUIPMENT (S,J,D)**  
**ESHB 1844**  
**Chapter 119, Laws of 2003**

Creates five new financial fraud felony crimes and one new gross misdemeanor crime pertaining to the use, possession, or production of payment instruments, identification or devices used to produce fraudulent documents. The felony offenses are added to the list of predicate offenses that can give rise to prosecution under the Criminal Profiteering Act. When the prosecution of any of the offenses created by this bill relates to the offense of identity theft, the jurisdiction may be either the place of the victim's residence or the locality in which any part of the offense took place.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

**FRAUDULENT DRIVERS'  
LICENSES (S,J,D,M)**  
**SSB 5716**  
**Chapter 214, Laws 2003**

Prohibits the manufacture or sale of fraudulent drivers' licenses and identicards. It is a class C felony to manufacture, sell, or deliver a

forged, stolen, fictitious, counterfeit, fraudulently altered or unlawfully issued driver's license or identicard, or develop and sell or deliver a blank license. The jurisdiction of this crime is considered to be in any locality where the victim resides, or in which any part of the crime took place, regardless of whether the defendant was ever physically in that locality. For persons under age 21, making up to four fake drivers' licenses is a misdemeanor if done for the sole purpose of age misrepresentation.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

**IGNITION INTERLOCK  
DEVICES (D,M)**  
**SSB 5120**  
**Chapter 366, Laws 2003**

Makes DOL responsible for imposing interlock requirements for second or subsequent convictions, or convictions after deferred prosecution.

Removes imposition and waiver of interlock requirements from the court.

**JAIL BOOKING FEES (S,D,M)**  
**SHB 1232**  
**Chapter 99, Laws of 2003**

Increases jail booking fees from the current fee of \$10 to \$100 or the jail's actual costs, whichever is less.

*The Pattern Forms Committee will be reviewing judgment and sentencing forms to determine whether to include booking fees.*

**MINERAL TRESPASS (S,J)**  
**SHB 1380**  
**Chapter 335, Laws 2003**

Creates the new felony offense of mineral trespass, which criminalizes interference with certain mining activities and rights.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

**POST CONVICTION DNA  
TESTING (S)**  
**HB 1391**  
**Chapter 100, Laws 2003**

Directs offenders in prison who desire post-conviction DNA testing to file requests with the Office of Public Defense (OPD) instead of the prosecutor. OPD is required to transmit the requests to the prosecutor.

**SECURITIES VIOLATIONS (S)**  
**SHB 1219**  
**Chapter 288, Laws 2003**

Creates a Securities Prosecution Fund to be administered by the Department of Financial Institutions (DFI) for the purpose of assisting law enforcement authorities in the prosecution of violations of the Securities Act. Increases the criminal penalties and expands the statute of limitations for violations of the Securities Act.

Of interest to the courts is that any fine paid by an offender for a violation of new subsection RCW 21.20.400(2), a felony offense, must be deposited 100% into the DFI Securities Prosecution Fund, with no money going to PSEA. RCW 21.20.400(2) provides that it is a Class B felony to alter, destroy, shred, mutilate, or conceal a document with the intent to impair the document's integrity or

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availability for use in an official proceeding, punishable under RCW 9A.20.021(1)(b) or by a maximum fine of \$500,000, or both.

Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.

**SEX & KIDNAPPING OFFENDERS (S,J,D)**  
**HB 1712**  
**Chapter 215, Laws 2003**

Revises the registration requirements for sex and kidnapping offenders. Requires notification by the offender to the sheriff if the offender obtains employment at an institution of higher learning or terminates employment or enrollment at an institution of higher learning.

AOC will be revising the registration sections of the Guilty Plea and Judgment and Sentence Forms to conform to the requirements of this bill.

**SUPERVISION OF OFFENDERS (S,J)**  
**ESSB 5990**  
**Chapter 379, Laws 2003**

This bill implements the governor's budget cuts to the Department of Corrections (DOC) by reducing prison time for certain offenses, eliminating DOC supervision of some offenders and transferring collection of some legal financial obligations (LFOs) to the county clerk and AOC.

DOC must perform a risk assessment on offenders with sentences to community custody, community placement, or community supervision and classify the offender into one of four risk management

classifications, from A (the highest risk) to D (the lowest risk). ("Risk assessment" refers to the offender's risk to re-offend.) DOC must supervise offenders who fall into one of six categories:

(1) Those offenders classified in the two highest risk classifications;

(2) Those offenders in other classifications, if the offender has a current or prior conviction for any of the following:

- Sex offense
- Violent offense
- Crime against persons
- Residential burglary
- Felony domestic violence
- M e t h a m p h e t a m i n e manufacture, delivery or possession with intent to deliver; or
- Delivering a controlled substance to a minor;

(3) Those offenders whose conditions of community custody, community placement, or community supervision include chemical dependency treatment;

(4) Those offenders sentenced under the Special Sex Offender Sentencing Alternative (SSOSA);

(5) Those offenders sentenced under the first-time offender waiver;

(6) Those offenders subject to supervision pursuant to the Interstate Compact for Adult Offender Supervision.

The DOC is not authorized to, and may not, supervise any offender who is not in one of those six categories. This section in the bill regarding which offenders DOC may supervise is retroactive. This section expires July 1, 2010.

For offenders sentenced to less than one year, courts may

impose a term of community custody up to one year only if the crime for which the offender was convicted is a sex offense, violent offense, crime against a person, a drug offense, or if the offender was sentenced under the first time offender waiver.

Offenders convicted of offenses that are not subject to supervision in the community, and offenders convicted of drug offenses, may earn up to 50% earned release time if they are classified in one of the two lowest risk categories. This increase in earned release time does not apply to any offender with a current or prior conviction for any of the following:

- Sex offense
- Violent offense
- Crime against persons
- Residential burglary
- Felony domestic violence
- M e t h a m p h e t a m i n e manufacture, delivery or possession with intent to deliver
- Delivering a controlled substance to a minor.

The increase to a maximum of 50% earned release time applies retroactively to persons already in custody, as well as prospectively, and expires July 1, 2010. The Legislature retains the right to change the amount of earned release time for which offenders are eligible.

Offenders convicted of serious violent offenses or sex offenses that are Class A felonies committed on or after July 1, 2003 will actually see their earned release time reduced from 15% to 10% under this bill.

The implementation date of the 2002 Drug Sentence Reform Act, with its new sentencing grid for



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drug offenders, is moved up one year, to July 1, 2003.

Authorization for collection of LFOs moves from DOC to the county clerks, with the assistance of the Administrative Office of the Courts (AOC), once the offender is no longer under the supervision of the DOC.

The state, DOC, the counties and their employees, are not liable for the acts of an offender who is not under supervision by DOC, but remains under the jurisdiction of the court for payment of LFOs.

*AOC will work with county clerks to implement the LFO collection provisions. The Pattern Forms Committee will review Judgment and Sentence Forms to determine if any changes are necessary.*

*The effective date of this bill is July 1, 2003, except for the provisions relating to collection of LFOs, which are effective October 1, 2003.*

**TRAFFICKING IN PERSONS**  
**SHB 1175 (S,J)**  
**Chapter 267, Laws 2003**

Creates the new crimes of trafficking in persons in the first and second degree. Both crimes are Class A felonies. The bill also adds as an aggravating factor for sentencing purposes that the victim in a trafficking offense was a minor. Finally, the bill adds the crime of trafficking to the definition of criminal profiteering in the Criminal Profiteering Act.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

**UNLAWFUL TRANSACTION/  
INSURANCE (S,D)**  
**SSB 5641**

**Chapter 250, Laws 2003**

Enhances civil and criminal penalties for unlawful solicitation of insurance business. Penalties include class B felony liability for knowing violations, and class C felony liability for conspiracy to violate insurance sales laws. Some other insurance crimes are penalized as gross misdemeanors. The crime of "transacting of insurance business beyond the scope of licensure" is added to the felony sentencing grid.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

**VOYEURISM (S,J)**  
**ESHB 1001**  
**Chapter 213, Laws 2003**

Revises the definition of the crime of voyeurism to include photography, filming or viewing a person's "intimate area" without the person's knowledge and consent, in a place where a person has a reasonable expectation of privacy. Enacted in response to last year's Washington Supreme Court decision in *State v. Glas*. Voyeurism is a Class C felony.

*This bill became effective upon signature by the Governor on May 12, 2003.*

**FAMILY AND  
JUVENILE LAW**

**AT RISK YOUTH PREVENTION  
PROGRAMS STUDY (S,J)**  
**SHB 1028**  
**Chapter 285, Laws of 2003**

Directs the joint legislative audit and review committee to review and analyze research to identify programs that have been proven effective at preserving families and reducing crime committed by youth and to report findings to fiscal and policy committees by September 1, 2004 (interim report) and September 1, 2005 (final report).

**FAMILY LAW HANDBOOK (S,J)**  
**SB 5970**  
**Chapter 225, Laws 2003**

This is a technical correction to RCW 2.56.180, which directs AOC to create a Family Law Handbook and directs the auditor's office to provide the handbook to individuals applying for a marriage license. The original legislation directed the auditor to provide the handbook to persons filing a marriage certificate via the clergy or judicial officer who performed the marriage.

**FOSTER CHILD EDUCATION**  
**SHB 1058 (S,J)**  
**Chapter 112, Laws 2003**

Adds new sections to RCW 74.13 and creates a new section. Establishes policy in Washington that when practical and in child's best interest, foster children shall remain enrolled in the schools they were attending at time of placement in foster care. Directs DSHS to establish stakeholder oversight committee to develop

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strategies for maintaining foster children in their schools. Directs DSHS to work with AOC to develop protocols to ensure that court addresses educational stability at shelter care hearing.

*AOC will work with DSHS as requested and within available resources to develop shelter care protocols relative to education stability; review forms for possible revision.*

**INTERSTATE COMPACT FOR JUVENILES (S,J)**  
**SSB 5133**  
**Chapter 13, Laws 2003**

Creates an "Interstate Commission for Juveniles." By adopting the compact, Washington State becomes a voting member of the Interstate Commission which is responsible for defining a compacting state's supervision and transfer rules for juvenile offender and status offenders subject to an interstate compact as well as the rules used in the day to day operation of the compact.

*Effective: July 1, 2004, or when the interstate compact for juveniles is adopted by thirty-five or more states, whichever occurs later.*

**JUVENILE DRIVING PRIVILEGES (S,J)**  
**SHB 1416**  
**Chapter 20, Laws 2003**

Amends RCW 46.20.265 to clarify that periods of revocation of juvenile driving privileges shall not extend beyond the juvenile's twenty-first birthday. Reinstatement notice from court is not necessary if reinstatement is because of attainment of age 21.

**JUVENILE OFFENDER SENTENCING ALTERNATIVES (S,J)**  
**ESSB 5903**  
**Chapter 378, Laws 2003**

Creates two sentencing alternatives for juvenile offenders who would otherwise have been sentenced to a Juvenile Rehabilitation Administration (JRA) facility that would keep them under community supervision. The *Suspended Disposition Alternative* allows the court to impose and suspend a standard range disposition upon the condition that the offender comply with one or more local sanctions. The *Mental Health Disposition Alternative* allows the court to suspend a JRA disposition of 65 weeks on the condition that the offender comply with a court ordered mental health treatment plan. Additionally, a pilot program establishing a *Community Commitment Disposition Alternative* is created.

The Washington State Institute for Public Policy (WSIPP) is given the responsibility to develop outcome standards for measuring the effectiveness of treatment programs provided to juvenile offenders sentenced to one of the disposition alternatives. A taskforce is also created for the purpose of examining the coordination of information, education services, and matters of public safety when juvenile offenders are placed in schools following the imposition of a disposition alternative.

*AOC will review forms.*

**KINSHIP CAREGIVERS (S,J)**  
**SHB 1233 (with partial veto)**  
**Chapter 284, Laws 2003**

Adds new section to RCW 74.13, defining "kin" and directing DSHS

to design and implement strategies to prioritize placement of children with able and willing kin when out-of-home placement is required. Directs DSHS to request that juvenile court require parents to disclose to DSHS all contact information for available and appropriate kin within two weeks of an entered order. Directs DSHS to collaborate with stakeholders to develop grant proposal for kinship care navigator pilots. Partial veto: Section 3 was vetoed; that section would have required DSHS to report to the Legislature and the Governor on the kinship care navigator pilot.

*AOC will review for changes to existing forms.*

**OPEN DEPENDENCY HEARINGS (S,J)**  
**ESB 5379**  
**Chapter 228, Laws 2003**

Amends RCW 13.34.115 to make hearings under RCW 13.34 public unless court finds that excluding public is in child's best interests. If the public is excluded, child's relatives, foster parents, and any person requested by the parent may attend, unless the court finds it is not in the best interests of the child. Video recording of the proceedings may be released pursuant to RCW 13.50.100 but may not be televised, broadcast or further disseminated to the public.

*Note: Court files in RCW 13.34 actions remain confidential. Education of court staff is necessary.*

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**SIBLING RELATIONSHIPS**

**ESSB 5779 (S,J)**  
**Chapter 227, Laws 2003**

**A m e n d s R C W**  
13.40.030, .130, .136, .138, .200 and .210; reenacts and amends RCW 13.34.145; and adds a new section. Adds a definition of "sibling" to RCW 13.40 and establishes a presumption that placement, contact or visits with a sibling is in the dependent child's best interest. Adds provision for dependent child's placement, contact or visitation with a step-brother or step-sister. Directs the agency charged with dependent child's care to encourage the maximum possible parent and child and sibling contact. The court shall consider the child's relationships with the child's siblings in dependency review hearings and terminations. In termination cases, provides that reasonable efforts to ensure visitation and contact between siblings shall be made absent reasonable cause to believe the best interests of the child or siblings would be jeopardized and requires termination orders to include statement addressing status of the child's sibling relationships, nature and extent of sibling placement, contact or visits. Requires supervising agency of legally-free child to take reasonable steps to maintain sibling relationships and report to the court the status and extent of such relationships.

*AOC will review for changes to existing forms.*

**THIRD PARTY CUSTODY**

**PETITIONS (S,J)**  
**HB 1878**  
**Chapter 105, Laws 2003**

Amends RCW 13.50.100, 26.10.030 and 43.43.80; adds new sections to RCW 26.10 and RCW 26.50. Requires petition to contain a statement alleging whether the child is or may be an Indian child; if the child is an Indian child under ICWA, provisions of ICWA apply. Requires petitioner to list on petition names of all adult household members. Requires finding of adequate cause based on affidavits for hearing the non-parental custody petition. Requires that before entry of any custody order, the court consult JIS to determine existence of any information and proceedings relevant to placement of the child. Before entry of a final order, the court shall direct DSHS to release authorized information and require the petitioner to provide criminal histories and check results on all adult household members. DSHS and AOC will collaborate to establish a protocol for request and receipt of information from DSHS.

*Courts should check JIS before entry of any placement order; request CPS database information from DSHS per protocol to be established; review criminal background checks before entry of final order.*

*AOC will revise non-parental custody mandatory pattern forms. AOC will collaborate with DSHS to establish protocol for requesting and receiving authorized information from CPS database.*

**INFRACTIONS**

**FIRE SPRINKLER SYSTEMS**

**HB 1631 (D,M)**  
**Chapter 74, Laws 2003**

Requires the State Director of Fire Protection to adopt rules defining infractions under RCW Chapter 18.160 (Fire Sprinkler System Contractors) and fines to be assessed for such infractions.

Of interest to the courts is that 100% of fines collected must be deposited into the Fire Protection Contractor License Fund.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

**PROOF OF INSURANCE (D,M)**

**HB 1576**  
**Chapter 221, Laws 2003**

Allows the court or a violations bureau to charge a \$25 fee when dismissing a no insurance citation upon receiving proof of insurance.

*Allows courts and violation bureaus to collect a fee for dismissing no insurance citations upon presentation of proof of insurance. Does not change revenue splits or add a new revenue source.*

**TRANSPORTATION BUDGET**

**ESHB 1163 (Section 201) (D,M)**  
**Chapter 360, Laws 2003**

Allows for up to four traffic safety camera pilot projects to "detect failure to stop at railroad crossings, stoplights and school zones." Requirement that citations will be "processed in the same manner as parking violations" may require DOL notification of failure to respond and may result in vehicle

\*\*\*\*\* 2003 Legislative Summary \*\*\*\*\*

license impact. Does not address all relevant RCW sections; some revenue will continue to be sent to the state.

*Significant impact if jurisdictions implement pilot. Current JIS parking module will not accommodate processing an increase in camera citations. Modifying JIS so that camera issued citations can be treated differently than other traffic citations, requires a level of programming that is unlikely to be accomplished with current resource constraints. City of Lakewood experienced a need for three additional clerks and associated costs.*

**VIOLENT VIDEO / COMPUTER GAMES (J,D,M)**  
**SHB 1009**  
**Chapter 365, Laws 2003**

Creates the new civil infraction of selling a "violent" video or computer game to a minor. "Minors" are defined as persons under seventeen years of age. A "violent video or computer game" is defined as one containing realistic depictions of violence against a public law enforcement officer. The maximum penalty and default amount for this infraction is five hundred dollars.

*Courts must update law tables on any non-JIS local systems and AOC will update JIS law tables.*

**JUDICIAL OFFICERS**

**BOARD OF INDUSTRIAL INSURANCE APPEALS (ALL)**  
**SB 5515**  
**Chapter 224, Laws 2003**

Industrial Insurance Appeals judges and the Chair of the Board of Industrial Insurance Appeals may be either active or judicial members of the WSBA.

**DISTRICT COURT JUDGES SHB 1805 (D)**  
**Chapter 97, Laws 2003**

Creates one additional District Court Judge position in Clark County. Reduces the number of District Court Judges in King County from 26 to 21. Creates a process for holding open vacant district court judge positions following a reduction of the number of district court judges set in statute. Requires the district court districting committee to convene following a reduction of the number of district court judges set in statute.

*Clark County: Budget for additional position.*

*King County: Convene the district court districting committee.*

*Effective May 7, 2003.*

**JUDGE PRO TEMPORE (ALL)**  
**HB 1954**  
**Chapter 247, Laws 2003**

Allows a retired judge acting as a judge pro tempore to decline compensation.

*AOC will revise judge pro-tempore compensation form to reflect declination of compensation.*

**SUPERIOR COURT JUDGES HB 1292 (S,J)**  
**Chapter 96, Laws 2003**

Authorizes additional Superior Court Judge positions in Benton/Franklin (July 2003), Clark (January 2004 and January 2005), Kitsap (January 2005), and Kittitas (January 2004) Counties. The actual starting dates for the positions may be established by the county legislative authority upon request of the superior court and by recommendation of the county executive authority, if any.

*Courts should obtain county budgetary approval and plan for starting date of judicial appointees.*

**PUBLIC DISCLOSURE / PRIVACY**

**CONFIDENTIAL PUBLIC RECORDS (ALL)**  
**SHB 1153**  
**Chapter 305, Laws 2003**

Establishes that confidential (or privileged or exempt from public disclosure) government documents retain that status after they are archived with the State Archivist. The archiving jurisdiction, however, may declare in conjunction with the State Archivist that such documents become public 75 years (or earlier) after they are created.

**RETIREMENT**

**PENSION POLICY SELECTION COMMITTEE** (Affects judges with vested interest in PERS)

**SHB 1204**  
**Chapter 295, Laws 2003**

The select committee on pension policy may form three function-specific subcommittees:

- (1) public safety subcommittee;
- (2) education subcommittee; and
- (3) state and local government subcommittee. Directs the public safety subcommittee to focus on pension issues affecting public safety employees who are members of the law enforcement officers', fire fighters' and Washington State Patrol retirement systems. Directs the education subcommittee to focus on pension issues affecting educational employees who are members of the public employees', teachers', and school employees' retirement systems. Directs the state and local government subcommittee to focus on pension issues affecting state and local government employees who are members of the public employees' retirement system. Provides that the select committee on pension policy has the following powers and duties:

- (1) Study pension issues, develop pension policies for public employees in state retirement systems, and make recommendations to the Legislature;
- (2) Study the financial condition of the state pension systems, develop funding policies, and make recommendations to the Legislature;
- (3) Consult with the chair and

vice-chair on appointing members to the state actuary appointment committee upon the convening of the state actuary appointment committee established under section 13 of this act; and

- (4) Receive the results of the actuarial audits of the actuarial valuations and experience studies administered by the pension funding council pursuant to RCW 41.45.110.

The select committee on pension policy shall study and make recommendations on changes to assumptions or contribution rates to the pension funding council prior to adoption of changes under RCW 41.45.030, 41.45.035, or 41.45.060. Creates the state actuary appointment committee. Repeals RCW 44.44.015, 44.44.050, and 44.44.060.

**PUBLIC EMPLOYEE DEATH BENEFITS** (ALL)

**HB 1207**  
**Chapter 402, Laws 2003**

Provides a death benefit for certain public employees. Provides that a \$150,000 benefit for death resulting from injuries sustained in the course of employment is payable to members of PERS, TRS, and SERS. The death benefit is payable from the retirement plan of the deceased member. Provides that a similar \$150,000 death benefit is also made available to deceased employees of state agencies, the common school system, or institutions of higher education who are not members of PERS, TRS, or SERS. In this case, the death benefit is payable as a sundry claim.

**RETIREMENT CONTRIBUTIONS / PLAN 3**

(Affects those members vested in PERS3, SERS3 and TRS3)

**HB 1206**  
**Chapter 156, Laws 2003**

Each January, members of PERS3, SERS3, and TRS3 may change their contribution rate of 5 percent of pay. A member may choose to contribute according to one of six optional rate plans. The six plans offer both escalating and fixed additional rates of up to 10 percent of pay for a maximum contribution rate of 15 percent. The first Plan 3 contribution rate change opportunity will be January 2004.

**TECHNOLOGY**

**JUSTICE INFORMATION NETWORK** (ALL)

**SHB 1605**  
**Chapter 104, Laws 2003**

Revises the governance structure for the Justice Information Network. Creates the Washington Integrated Justice Information Board with representatives from participating organizations and stakeholders, including the courts. Declares intent to enable sharing and integrated delivery of justice information in state systems.

*County Clerk's Association to appoint one member. JIS Committee to appoint two members.*



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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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