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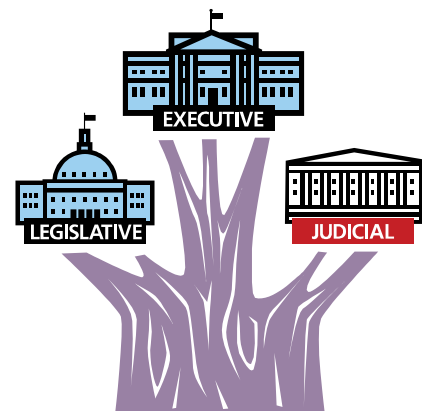
SUMMARY


of Selected

2011 LEGISLATION

of Interest to the Courts

June 2011
Corrected





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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.

2011 Legislative Summary

We are pleased to present a **Summary of Selected 2011 Legislation of Interest to the Courts** and hope it will be useful to implement bills that impact your court. During the 2011 legislative session, the Legislature and Governor enacted **93** bills that affect the courts and are of general interest to the legal community. Between updating/creating pattern forms, law table work and making JIS additions/changes, AOC expects to spend more than 1,500 hours implementing the 2011 legislation on the following pages.

Brief descriptions of these measures follow, arranged by court level within each area of law. Designators indicate whether the measure is of primary interest to judges and/or court managers in appellate (A), superior (S), juvenile (S-JUV), or district/municipal courts (D/M).

Unless otherwise noted at the end of the bill summary, the **effective date of bills is July 22, 2011**. Partial vetoes by the Governor are also indicated at the end of the summary. For details on vetoes and other bill information, please click on the bill number to go directly to the bill. If the link does not work, go to the Washington State Legislature’s website at www.leg.wa.gov and enter the bill number under the “Bill Information” tab located on the left side.

A list of AOC Bill Trackers is provided below. Please feel free to contact the person responsible for the subject area directly if you have questions about a particular bill, or you may call Mellani McAleenan at 360-357-2113 for general legislative inquiries.

BILL TRACKERS

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CIVIL

ADVERSE POSSESSION CLAIMS

ESHB [1026](#)

Chapter 255, Laws 2011 S

The doctrine of adverse possession allows a person who, without permission, physically possesses another person's land and makes a legal claim for the title of the property. The bill addresses possible requirements of the prevailing party in an adverse possession claim related to taxes and assessments owing. The court determines equitable and just payment of taxes, assessments, and attorneys' fees between the prevailing party and the property title holder.

LEGAL CLAIMS INITIATED BY PERSONS SERVING CRIMINAL SENTENCES

SHB [1037](#)

Chapter 220, Laws 2011 A, S

Requires court to deny waiver of filing fees in a civil action or appeal against the state, a state or local governmental agency or entity, a state or local official, employee, or volunteer brought by a correctional inmate if the inmate has had three or more previous actions dismissed as frivolous or malicious. Provides exceptions for actions affecting the inmate's duration of confinement and actions where the court finds the inmate is in imminent danger of serious injury.

TRUSTS AND ESTATES

SHB [1051](#)

Chapter 327, Laws 2011 S

Adopts changes to trust and estate law, including: modifying the method for determining a trust situs and venue for proceedings; requiring notice by trustees to beneficiaries; allowing the courts to reform mistakes in trust documents; making non-charitable trusts without ascertainable beneficiaries enforceable; and codifying pre-existing common law.

Effective date: January 1, 2012.

CRIMES AGAINST ANIMALS BELONGING TO ANOTHER PERSON

SHB [1243](#)

Chapter 67, Laws 2011 S

Creates the crime of maliciously killing or causing substantial bodily harm to another's livestock as a class C felony offense. Establishes cause of action for exemplary damages up to three times actual damages sustained, plus attorney fees. (Livestock includes horses, mules, cattle, sheep, swine, goats, and bison.)

LANDLORD-TENANT ACT

SHB [1266](#)

Chapter 132, Laws 2011 D/M, S

Makes numerous modifications to the Residential Landlord-Tenant Act, including: tenant remedies for defective conditions; long-arm jurisdiction over out-of-state owners; landlord access to rental premises; deposits and other fees; damages for prohibited actions; written copies of rental agreements and receipts for rental payments, and other issues.

CIVIL JUDGMENTS FOR ASSAULT

HB [1334](#)

Chapter 282, Laws 2011 S

Requires the Department of Corrections to deduct a portion of an inmate's wages and gratuities for payment of a civil judgment for assault that has been awarded as monetary damages to a correctional officer or department employee injured in the course of his or her employment.

COMMERCIAL SHELLFISH ENFORCEMENT

SHB [1453](#)

Chapter 194, Laws 2011 S

Requires certification of growing areas where shellfish are harvested in a commercial quantity or for sale for human consumption and approved tags, which are to be affixed to containers of shellfish, in accordance with rules developed by the Department of Health. Creates a class C felony for a person who engages in commercial shellfish operations after having his or her license denied, revoked, or suspended.

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BLOODBORNE PATHOGEN TESTING

HB [1454](#)

Chapter 232, Laws 2011 S

Permits an at-risk employee who is eligible to request HIV testing upon a person to whose bodily fluids he or she has been exposed to also request testing for other bloodborne pathogens and to be informed of the test results.

RESTORING FIREARM POSSESSION RIGHTS

HB [1455](#)

Chapter 193, Laws 2011 S

Provides that a petition for restoration of the right to possess a firearm must be brought in the superior court that ordered the prohibition or in the superior court where the petitioner resides. Requires the superior court clerk to keep records of petitions and outcomes.

CHARITABLE SOLUTIONS

SHB [1485](#)

Chapter 199, Laws 2011 S

Makes modifications to the Charitable Solicitations Act, including reorganizing sections for clarity, providing definitions, specifying registration requirements, and authorizing the Office of the Secretary of State to send notices electronically. Provides violation of the chapter is an unfair or deceptive act and an unfair method of competition for purposes of applying the Consumer Protection Act.

STOLEN OR MISAPPROPRIATED INFORMATION TECHNOLOGY

SHB [1495](#)

Chapter 98, Laws 2011 S

Creates a new cause of action against businesses that use stolen or misappropriated information technology to manufacture products sold in Washington, subject to certain exemptions. The attorney general or an injured party may seek to enjoin a violation or to recover damages.

PENALTY AMOUNTS FOR PUBLIC RECORDS VIOLATIONS

SHB [1899](#)

Chapter 273, Laws 2011 S

Changes the range of the monetary penalty that may be assessed against an agency under the Public Records Act from a minimum of zero up to a maximum of \$100 for each day the agency has unlawfully failed to provide requested records.

TRANSFERRING THE MASTER LICENSE SERVICE PROGRAM TO THE DEPARTMENT OF REVENUE

SHB [2017](#)

Chapter 298, Laws 2011 S

Transfers the administration and all powers, duties, and functions related to the Master License Service Program from the Department of Licensing to the Department of Revenue. Section 33 provides that a warrant issued to the owner of a manufactured/mobile home community for unpaid registration assessments and delinquency fees may be filed with the superior court clerk and is to be entered in the judgment docket. The amount of the warrant becomes a lien upon the title to, and interest in, the owner's real and personal property.

Effective date: July 1, 2011.

INMATE PUBLIC RECORD REQUEST

SSB [5025](#)

Chapter 300, Laws 2011 S

Prohibits a court from awarding penalties under the Public Records Act to an inmate in a state, local, or privately operated correctional facility on the date the records request was made unless the court finds the agency acted in bad faith in denying the opportunity to inspect or copy a public record.

RECEIVERSHIPS

ESB [5058](#)

Chapter 34, Laws 2011 S

Amends the receivership statutes to clarify when actions are commenced for the purposes of appointment of a receiver, to provide the court

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flexibility as to time frames, to add an exception to when a receivership automatically stays proceedings, and to update the limits on claims for certain creditors.

SUBPOENA AUTHORITY OF THE DEPARTMENT OF FINANCIAL INSTITUTIONS **SB 5076**

Chapter 93, Laws 2011 S

Creates a process for the Department of Financial Institutions to seek judicial approval of a subpoena in advance of its issuance.

NOTIFICATIONS AND APPEALS TIMELINES UNDER SHORELINE MANAGEMENT ACT **SSB 5192**

Chapter 277, Laws 2011 S

Makes technical changes to effective date provisions for shoreline master programs and to notification and timing requirements governing appeals under the Shoreline Management Act.

NEGLIGENT DRIVING

SSB 5326

Chapter 372, Laws 2011 D/M

Creates a new traffic infraction, which is committed when a person operates a vehicle in a manner that is both negligent and endangers any person or property, and he or she proximately causes the death, great bodily harm, or substantial bodily harm of a vulnerable user of the public way. This is a unique traffic infraction because it has conditions including possible traffic school, community service and/or a possible license suspension.

In addition to paying the fine levied for negligent driving in the second degree, a person who has committed this infraction must pay a fine fixed by the court in an amount of at least \$1,000 but not to exceed \$5,000 and have his or her driving privileges suspended for 90 days.

However, a person who requests and personally appears for a hearing may request to instead pay a penalty of \$250; attend traffic school for a number of days to be determined by the court; perform up to 100 hours of community service

related to driver improvement and providing public education on traffic safety, as determined by the court; and submit certification to the court that the person has completed the requirements. If a person fails to complete the required traffic safety and community service requirements within one year of the date of the violation, a court must assess a fine in the amount of \$1,000 and \$5,000 and suspend the person's driving privileges for 90 days. The court has the discretion to extend the period of time in which the person must complete the requirements. The infraction may not be deferred.

LIMOUSINE CARRIERS

SSB 5502

Chapter 374, Laws 2011 D/M

Allows cities with a population of 500,000 or more to enter into cooperative agreements with the Department of Licensing to regulate limousines and allows for the transfer of fee and fine revenue to offset city enforcement costs. Changes certain requirements and penalties related to the operations of limousine carriers and chauffeurs. Increases and limits the fee for a limousine vehicle certificate, carrier license, and vehicle inspection.

Effective date: January 1, 2012, except section 14 which is effective July 1, 2012.

AUTOMATED SCHOOL BUS SAFETY CAMERAS

SSB 5540

Chapter 375, Laws 2011 D/M

An automated school bus safety camera is affixed to a school bus for the purposes of recording one or more sequenced photographs of the rear of a vehicle that drives past school buses when the stop paddle and flashing lights are deployed. Infractions issued by automated school bus safety cameras must be processed like parking infractions and any revenue collected, less the cost to operate the program, must be remitted to school districts for school zone safety projects.

The maximum monetary penalty for failure to stop for a school bus that displays a stop signal is limited, when the infraction is generated by an

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automated school bus safety camera, to twice the amount permitted under the penalty schedule. The maximum amount of the penalty is set at \$394.

HUMAN TRAFFICKING

SSB 5546

Chapter 111, Laws 2011 S

Expands trafficking in the first or second degree to include transferring or receiving another person knowing that force, fraud, or coercion will be used to cause the person to engage in a commercial sex act, and expands trafficking in the first degree to include involvement in the illegal harvesting or sale of human organs. Includes human trafficking in the first or second degree and promoting commercial sexual abuse of a minor among offenses requiring detention pending sentencing and for which execution of the judgment of conviction is not stayed by a defendant's appeal.

MODIFYING HARASSMENT PROVISIONS

SSB 5579

Chapter 307, Laws 2011 D/M

Provides district courts with original jurisdiction over proceedings related to civil antiharassment protection orders. Prohibits courts from restricting a respondent to such an order from exercising his or her constitutionally protected free speech rights, caring for his or her minor children, and enjoying his or her real property.

FORECLOSURE SALES/LIENS

SSB 5590

Chapter 364, Laws 2011 S

Requires that under certain circumstances a senior beneficiary of a deed of trust on owner-occupied residential real property must respond to a short sale offer within 120 days of receiving the offer. Establishes a seller's right of action for actual monetary damages resulting from the senior beneficiary's failure to comply.

CRIME VICTIMS' COMPENSATION

SSB 5691

Chapter 346, Laws 2011 S

Provides a comprehensive, modified scheme for administration of benefits and services to crime victims, removing provisions as to crime victims from the workers' compensation program.

Effective date: July 1, 2011.

Partial veto: Sections 402, 503, 804, and 805.

STREAMLINING/TECHNICAL CORRECTIONS TO VEHICLE AND VESSEL REGISTRATION AND TITLE PROVISIONS

SB 6379 (2010)

Chapter 161, Laws 2010 S, D/M

Creates a new cause of action. Under section 314, a person may file a petition in district or superior court requesting a judgment awarding ownership of a vehicle.

FAMILY & JUVENILE

EXTENDED FOSTER CARE

2SHB 1128

Chapter 330, Laws 2011 S-JUV

Amends the definition of a youth, child, or juvenile to mean an individual age 18 to age 21 who is eligible for and elects to receive extended foster care services and clarifies that this definition does not apply to any other statute. Allows foster youth to continue to receive extended foster care services, up to age 21, if the youth is participating in a secondary education program or secondary education equivalency program. Requires the court to postpone the dismissal of a dependency proceeding for a youth who turns age 18 while in foster care if the youth is enrolled in a secondary educational or secondary education equivalency program. Rearranges the statute to create a separate section for the current Foster Care to 21 Program and adds eligibility prong for youth enrolled in secondary education or secondary education equivalency program.

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CLARIFYING AND EXPANDING RIGHTS AND OBLIGATIONS OF STATE REGISTERED DOMESTIC PARTNERS AND OTHER COUPLES RELATED TO PARENTAGE

E2SHB [1267](#)

Chapter 283, Laws 2011 S

Amends the Uniform Parentage Act to among other things: 1) reference state-registered domestic partnerships in specific provisions; 2) prove that a person is a presumed parent if for the first two years of the child's life the person resided in the same home with the child and openly held out the child as his or her own; 3) extend the time under which a person can challenge parentage or rescind an acknowledgment under certain circumstances; 4) permit birth certificate copy to be attached to petition to establish parenting plan under RCW 26.26.375; 5) provides that a person who signed a parentage affidavit when the person was a minor, the person may start an action to rescind until the date of his or her 19th birthday; and 6) use gender-neutral terms.

CHILD SUPPORT ORDER FORMS

HB [1298](#)

Chapter 21, Laws 2011 S

Eliminates the child support summary report forms that parties must complete when establishing or modifying child support orders. Division of Child Support will use data directly from court and administrative orders for its federally required quadrennial review.

RESTRICTING ACCESS TO JUVENILE RECORDS

SHB [1793](#)

Chapter 333, Laws 2011 S-JUV

This bill amends the Fair Credit Reporting Act to provide that consumer reporting agencies may not include information about a subject's juvenile offense cases in consumer reports in which the subject of the report is 21 years of age or older.

The bill also establishes a joint legislative task force on juvenile record sealing. The charges of the task force are: 1) to determine how to cost-effectively restrict public access to juvenile records when an individual has met the statutory

sealing requirements in RCW 13.50.050 (12) without requiring the subject of the records to file a motion to seal the records; 2) whether and how to restrict access to diversion records; and 3) other juvenile criminal record access issues that may arise during the work of the task force. Court-related representatives to be appointed to the task force are representatives of AOC, the JISC Data Dissemination Committee, the county clerks, and the juvenile court administrators' association. The report of the task force is due by December 15, 2011.

Finally, the bill provides that if a person receives a full and unconditional pardon from the governor, then the juvenile court, as well as other agencies, must destroy all records relating to the individual and must treat the proceedings as though they never existed, within 30 days of receiving notice of the pardon from the governor's office. The bill applies retroactively as well as prospectively.

JUVENILES WHO HAVE BEEN ADJUDICATED OF A SEX OFFENSE

SSB [5204](#)

Chapter 338, Laws 2011 S-JUV

Allows offenders required to register for a sex offense or kidnapping offense who have committed a class A felony at the age of 15 years or older to petition the court to be relieved of the duty to register five years after release from confinement. Provides that juveniles who committed class A sex or kidnapping offenses at age 14 years or younger and juveniles who have committed a nonclass A sex or kidnapping offense may petition the court to be relieved from the duty to register two years after being released from confinement. Creates a uniform burden of proof for individuals who petition the court for relief from the duty to register as a sex offender for offenses committed as a juvenile. Allows records for most juvenile sex offenses to be sealed where a person convicted of a juvenile sex offense has been relieved of the duty to register and the person has complied with all other statutory requirements. Requires case-by-case risk assessments of sex offenders being released from confinement and those accepted for supervision from another state under the Interstate Corrections Compact.

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NOTIFICATION TO SCHOOLS REGARDING RELEASE OF CERTAIN OFFENDERS

SSB [5428](#)

Chapter 107, Laws 2011 S-JUV

Requires notification of school districts as to release of youthful offenders convicted of a violent offense, sex offense, or stalking.

INDIAN CHILD WELFARE ACT

ESSB [5656](#)

Chapter 209, Laws 2011 S-JUV

Establishes a state Indian Child Welfare Act. The provisions of the act are substantially similar to those in the federal ICWA. The state act will apply to child custody proceedings, which are defined as proceedings to determine: 1) foster care placements; 2) terminations of parental rights; 3) pre-adoptive placements, which are placements of children after parental rights have been terminated; and 4) adoptive placements. There are some differences between the federal statute and the provisions in the act regarding definitions, jurisdiction, notice requirements, and placement preferences of the child. Repeals RCW 13.34.250, regarding preference characteristics for foster care placement of an Indian child.

PROBATE/GUARDIANSHIP

TRUSTS AND ESTATES

SHB [1051](#)

Chapter 327, Laws 2011 S

See *Civil*, page 4.

ESTATES AND TRUSTS

SB [5849](#)

Chapter 113, Laws 2011 S

Amends provisions relating to interpreting wills and trusts that use formulas or terms tied to federal estate and generation skipping-transfer taxes. The provisions are effective retroactive to December 31, 2009 and apply to estates of decedents dying after December 31, 2009 and prior to December 18, 2010.

Effective date: April 18, 2011.

SOCIAL SERVICES PROGRAMS

SB [5921](#)

Chapter 42, Laws 2011 D/M, S

Addresses redesign and policy changes to Washington's WorkFirst program, including provisions for eligibility, accountability, fraud detection, and enforcement. Prohibits using an electronic benefit card for certain activities and selling or exchanging a benefit card or benefits to another. A first violation constitutes a class 4 civil infraction, and a subsequent violation is a class 3 civil infraction. Provides that the DSHS secretary may apply for a superior court order approving and authorizing a subpoena in advance of its issuance.

Vetoes requirement that DSHS engage in competitive performance-based contracting for all WorkFirst activities. Also vetoes establishment of a fraud ombudsman in the State Auditor's Office.

Effective date: July 1, 2011, except section 6, which takes effect September 1, 2011.

Partial veto: Sections 3 and 26.

CRIMINAL

FIREARM NOISE SUPPRESSORS

HB [1016](#)

Chapter 13, Laws 2011 D/M

Allows the use of a contrivance or device for suppressing the noise of a firearm if the suppressor is legally registered and possessed under federal law.

MAIL THEFT

SHB [1145](#)

Chapter 164, Laws 2011 S

Establishes the crimes of mail theft and possession of stolen mail as class C felony offenses.

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TAMPERING WITH A WITNESS

HB [1182](#)

Chapter 165, Laws 2011 ALL

Clarifies that each instance of an attempt to intimidate or tamper with a witness constitutes a separate violation for purposes of determining the unit of prosecution for tampering with a witness and intimidating a witness.

CONCERNING SUFFOCATION AND OTHER DOMESTIC VIOLENCE OFFENSES

SHB [1188](#)

Chapter 166, Laws 2011 S

Assault in the second degree includes assaulting another by suffocation. "Suffocation" means to block or impair the intake of air at the nose and mouth, whether by smothering or other means, with the intent to obstruct the ability to breathe. Modifies offender scoring to "wash out" nonfelony domestic violence offenses where the person has spent 10 years in the community without being convicted of a crime.

CRIMES AGAINST ANIMALS BELONGING TO ANOTHER PERSON

SHB [1243](#)

Chapter 67, Laws 2011 S

See *Civil*, page 4.

UNLAWFUL HUNTING OF BIG GAME

HB [1340](#)

Chapter 133, Laws 2011 D/M

Adds a new element to the crime of unlawful hunting of big game in the first degree so that a person may be convicted of this crime without first being convicted of a different wildlife-related crime if the person kills, or attempts to kill, three or more big game animals within the same course of events.

DEPORTATION OF CRIMINAL ALIEN OFFENDERS

ESHB [1547](#)

Chapter 206, Laws 2011 S

Predicates conditional release on agreement by the Immigration and Customs Enforcement

Agency that the alien offender will be detained in total confinement at an agency-operated facility pending deportation. Upon the offender's release to the agency, the Department of Corrections shall issue a warrant for the offender's arrest in the United States, which remains in effect indefinitely. These provisions apply to persons convicted before, on, or after the legislation's effective date.

Vetoes requirement that the Department of Corrections provide written notice of rights in removal proceedings to all offenders subject to potential conditional release. Also vetoes requirement that the court advise a defendant that he or she may be subject to early removal from the United States as a consequence of conviction and that the defendant may be able to contest a removal order.

Effective date: April 29, 2011.

Partial veto: Sections 2 and 3.

DUI ACCOUNTABILITY

E2SHB [1789](#)

Chapter 293, Laws 2011 D/M

Ignition Interlock Device changes/applicability - A person convicted of reckless driving who has one or more prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required under RCW 46.20.720 to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502, 46.61.504 or an equivalent local ordinance. A person convicted of reckless driving shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug.

A person convicted of negligent driving in the first degree that has one or more prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles

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operated by the person. The court shall order any person participating in a deferred prosecution program under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to have a functioning ignition interlock device installed on motor vehicles operated by the person.

For those required to install the IID because of conviction of Negligent Driving First Degree or Reckless Driving, the period of time for the restriction shall be for six months and shall remain in effect until the department receives a declaration from the vendor that no prohibited incidents have occurred in the four consecutive months prior to the date of release.

The bill includes several Department of Licensing provisions for day-for-day credit for these devices.

Alcohol Monitoring - Changes the monitoring period to the period of the mandatory license suspension or revocation.

Sentencing Enhancements - Makes sentence enhancements for vehicular homicide committed while under the influence of intoxicating liquor or drug, mandatory, to be served in total confinement and shall run consecutively to all other sentencing provisions.

DUI Courts - Allows counties to establish and operate DUI courts with established minimum requirements for participation in the program.

Associated Fees - Increases the fee from \$125 to \$200 for a person who is convicted, sentenced to a lesser charge, or given a deferred prosecution for RCW 46.61.502, 46.61.504, 46.61.520 or 46.61.522. It creates a fee split - \$175 of the fee is distributed to the original accounts and \$25 must be distributed to the highway safety account to be used solely for funding Washington traffic safety commission grants to reduce statewide collisions caused by persons driving under the influence of alcohol or drugs.

Victim Impact Panels - A court may require a person to attend a victim impact panel but the program must meet the minimum standards established by the Washington Traffic Safety

Commission who shall create and maintain a registry of qualified programs.

Effective date: July 22, 2011, except sections 1 through 9 which are effective September 1, 2011.

VICTIMIZATION OF HOMELESS PERSONS **SB 5011**

Chapter 87, Laws 2011 S

Creates a new aggravating circumstance that permits the court to impose an exceptional sentence if an offense was intentionally committed because the defendant perceived the victim to be homeless. Defines "homeless" as a condition where an individual lacks a fixed, regular, and adequate nighttime residence.

ANIMAL CRUELTY PREVENTION **SSB 5065**

Chapter 172, Laws 2011 D/M

Animal cruelty in the second degree is a gross misdemeanor. If a person is convicted of animal cruelty in the second degree the court orders forfeiture of the person's animal, then the person is prohibited from owning, caring for or residing with any similar animals for a set period of time.

If a person has no more than two convictions for animal cruelty in the second degree, the person may petition the sentencing court for a restoration of his or her right after five years, and the court may consider, among other things, whether the person complied with the prohibition of owning, caring for or residing with similar animals. If a person violates the prohibition, that person must pay a \$1,000 civil penalty for the first violation and a \$2,500 penalty for the second violation. The third and subsequent violations will result in gross misdemeanors.

MEDICAL USE OF CANNABIS **E2SSB 5073**

Chapter 181, Laws 2011 ALL

Establishes protections from criminal liability for health care professionals, qualifying patients, and designated providers. Vetoes provisions regarding licensed producers, processors, and dispensers of cannabis products.

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Partial veto: Sections 101, 201, 407, 410, 411, 412, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806, 807, 901, 902, 1104, 1201, 1202, 1203, and 1206.

MODIFYING ELECTIONS BY MAIL

ESSB 5124

Chapter 10, Laws 2011 D/M

Modifying elections by mail provisions. Creates a new gross misdemeanor for any person who intentionally fails to return another person's completed voter registration form or signed ballot declaration to the proper state or county elections office by the applicable deadline. Expands misdemeanor for electioneering to the entire voting period instead of just the primary or election days.

Effective date: July 22, 2011, except sections 53 and 58 which are effective July 1, 2013.

GROSS MISDEMEANOR SENTENCES

SSB 5168

Chapter 96, Laws 2011 D/M

Reduces maximum sentences for gross misdemeanors by one day to 364 days.

SEX OFFENDER REGISTRATION

SSB 5203

Chapter 337, Laws 2011 S, S-JUV, D/M

Section 3 amends RCW 9A.44.130(1) by deleting complex language regarding notice requirements for a person who attends or works at a school or institution of higher education and replacing it with clearer provisions.

AREAS CLOSED TO SKIING

ESSB 5186

Chapter 276, Laws 2011 D/M

Provides that a person is guilty of a misdemeanor if the person knowingly skis in an area or on a ski trail, owned or controlled by a ski operator, that is closed to the public and that has signs posted indicating the closure.

DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED

SSB 5195

Chapter 46, Laws 2011 D/M

May be required to be filed by the prosecuting attorney for certain violations under driving while license is suspended or revoked provisions so the prosecutor can make a determination of whether the case should be filed or diverted for a pre-charge diversion program.

ABANDONED OR DERELICT VESSELS

SSB 5271

Chapter 247, Laws 2011 D/M

Creates a new misdemeanor for a person who intentionally, through action or inaction and without the appropriate state, local or federal authorization, causes a vessel to sink, break up, or block a navigational channel upon aquatic lands.

MODIFYING LEGAL FINANCIAL OBLIGATION PROVISIONS

SSB 5423

Chapter 106, Laws 2011 S, AOC

Revises the standards for the reduction or waiver of interest on legal financial obligations (LFOs) imposed as part of a criminal judgment and sentence. Allows county clerks to issue orders to withhold and deliver any notices of debt to offenders for enforcement of past due LFOs. Requires the Administrative Office of the Courts to issue periodic, rather than monthly, individualized billing statements for LFOs. Specifies that a judgment resulting from a crime committed on or after July 1, 2000, remains a lien on non-exempt real property of the judgment debtor until the judgment is fully satisfied.

Court action: County Clerks to change LFO practices as needed.

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SHARK FINNING ACTIVITIES

SSB [5688](#)

Chapter 324, Laws 2011 D/M, S

Creates the crime of unlawful trade in shark fins. A person is guilty of unlawful shark trade in the second degree if that person (1) offers to or does buy, sell, or otherwise exchange a shark fin or derivative product for commercial purposes; or (2) prepares or processes a shark fin or derivative product for human or animal consumption for commercial purposes. A violation is a gross misdemeanor and triggers suspension of commercial fishing privileges for one year.

A person is guilty of a violation in the first degree if the violation (1) involves shark fins or a derivative product worth more than \$250; (2) is committed with knowledge the shark was illegally caught; or (3) is committed within five years of a conviction of this or other specified fish and wildlife crimes. A violation constitutes a class C felony and triggers suspension of commercial fishing privileges for one year. There are some exceptions to this activity.

COTTAGE FOOD OPERATIONS

ESSB [5748](#)

Chapter 281, Laws 2011 D/M

Creates a new misdemeanor for engaging in a cottage food operation without a valid permit or violating a provision of the newly created chapter (in Chapter 69) related to cottage food operation. Creates a new gross misdemeanor for a second or subsequent violation unless the offense was committed more than five years after a previous conviction, then it is treated as a first offense (misdemeanor).

NEW & AMENDED CRIMES

MAIL THEFT

SHB [1145](#)

Chapter 164, Laws 2011 S

See *Criminal*, page 9.

CONCERNING HARASSMENT AGAINST CRIMINAL JUSTICE PARTICIPANTS

E2SHB [1206](#)

Chapter 64, Laws 2011 ALL

Expands the elements for the crime of Harassment to include the harassment of a criminal justice participant who was performing his or her duties at the time of the offense or because of an action taken or decision made by the criminal justice participant. Makes harassment of a criminal justice participant a seriousness level III, class C felony offense. Provides that a criminal justice participant who is a target for threats or harassment and any family members residing with him or her is eligible for the Address Confidentiality Program.

Partial veto: Vetoes the provisions that: 1) require the Sentencing Guidelines Commission to annually report to the Legislature on the number of prosecutions of harassment crimes against criminal justice participants under the act; and 2) require the entire act to expire on July 1, 2018.

CRIMES AGAINST ANIMALS BELONGING TO ANOTHER PERSON

SHB [1243](#)

Chapter 67, Laws 2011 S

See *Civil*, page 4.

COMMERCIAL SHELLFISH ENFORCEMENT

SHB [1453](#)

Chapter 194, Laws 2011 S

See *Civil*, page 4.

SECONDHAND DEALERS/PRECIOUS METALS

ESHB [1716](#)

Chapter 289, Laws 2011 D/M, S

Establishes standards as to transactions involving gold and other precious metals. Defines "secondhand precious metal dealer" as a person or entity engaged in transferring for value, more than three times per year, secondhand property that is a precious metal. Requires dealers to obtain a business license and to maintain detailed, written records as to transactions involving precious metal bought or received from

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individuals. Prohibits removal of consigned precious metal property from the dealer's place of business for 30 days, except when returned to the owner. Creates a gross misdemeanor offense for commission of certain illegal transactions, and makes a subsequent offense a class C felony. Regulates hosted home parties where a dealer purchases or sells precious metals.

DUI ACCOUNTABILITY

E2SHB [1789](#)

Chapter 293, Laws 2011 D/M

See Criminal, page 10.



HB 1794 May 3, 2011 From left: Dylan Doty*; Rep. Connie Ladenberg; Mellani McAleenan, Washington Courts; Rick Jensen*; (*); Judge Stephen E. Brown; Sen. Jeanne Kohl-Welles; Governor Gregoire (seated).

*Representatives of the Washington Court Reporters Association.

ADDING COURT-RELATED EMPLOYEES TO THE ASSAULT IN THE THIRD DEGREE STATUTE

HB [1794](#)

Chapter 238, Laws 2011 ALL

Makes assault of a judicial officer, court-related employee, or county clerk who was performing his or her duties at the time of the offense an Assault in the third degree offense.

ENHANCING ELECTION CAMPAIGN DISCLOSURE REQUIREMENTS TO PROMOTE GREATER TRANSPARENCY FOR THE PUBLIC

ESSB [5021](#)

Chapter 145, Laws 2011 ALL

Lowers the dollar threshold of what constitutes an electioneering communication from \$5,000 to \$1,000. Adds definitions for "sponsor" and "sponsored committee." Adds restrictions on the naming of political committees. Restricts contributions from one political committee to another political committee. Adds criminal penalties. Increases the maximum fine that may be assessed by Public Disclosure Commission.

ANIMAL CRUELTY PREVENTION

SSB [5065](#)

Chapter 172, Laws 2011 D/M

See Criminal, page 11.

MODIFYING ELECTIONS BY MAIL

ESSB [5124](#)

Chapter 10, Laws 2011 D/M

See Criminal, page 12.

AREAS CLOSED TO SKIING

ESSB [5186](#)

Chapter 276, Laws 2011 D/M

See Criminal, page 12.

ABANDONED OR DERELICT VESSELS

SSB [5271](#)

Chapter 247, Laws 2011 D/M

See Criminal, page 12.

SHARK FINNING ACTIVITIES

SSB [5688](#)

Chapter 324, Laws 2011 D/M, S

See Criminal, page 13.

COTTAGE FOOD OPERATIONS

ESSB [5748](#)

Chapter 281, Laws 2011 D/M

See Criminal, page 13.

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INFRACTIONS

EXPRESS TOLL LANES IN EASTSIDE CORRIDOR

EHB [1382](#)

Chapter 369, Laws 2011 D/M

Authorizes the imposition of tolls for, and the construction and operation of, express toll lanes on Interstate 405 (I-405) between the junction with Interstate 5 on the north end and Northeast 6th Street in Bellevue on the south end. Requires the state tolling authority, the Washington State Transportation Commission (Commission), to set toll rates for vehicles, which can vary by time of day, level of congestion, and other criteria. Requires the Commission to hire independent experts to conduct a traffic and revenue analysis for a 40-mile continuous express toll lane system that includes State Route 167 (SR 167) and I-405. Requires the Department of Transportation, in consultation with the Commission, to develop a corridor-wide project management plan and a finance plan for a 40-mile continuous express toll lane system that includes SR 167 and I-405. Creates the I-405 Express Toll Lanes Operations Account as a subaccount of the Motor Vehicle Fund. Requires the express toll lanes project to be terminated if it does not meet certain performance criteria within two years.

AUTHORIZING PAYMENT PLANS FOR TRAFFIC INFRACTIONS

SHB [1483](#)

Chapter 233, Laws 2011 D/M

Requires that a form for a notice of traffic infraction printed after the effective date of the bill include a statement that the person may be able to enter into a payment plan with the court.

Court action: Be aware that there is a new July 2011 Uniform Infraction and Citation Form.

ANIMAL HEALTH INSPECTIONS

SHB [1538](#)

Chapter 204, Laws 2011 D/M

Creates a per head of cattle livestock identification fee. Creates the Animal Disease Traceability Advisory Committee. Makes unlawful the transport

of animals, unless exempted, to a destination other than the address listed on the accompanying transportation document. Creates a class 1 civil infraction punishable in RCW 7.80.120 for any person failing to pay the fee established in the section. Makes it unlawful for a person to transport or deliver an animal to any physical address other than the one designated by statute.

Partial veto: Section 5 was vetoed.

COLLECTOR VEHICLE LICENSE PLATES

SHB [1933](#)

Chapter 243, Laws 2011 D/M

Directs the Department of Licensing to provide a method by which law enforcement officers may readily access vehicle information for collector vehicles. Subjects a person that provides a false or facsimile collector license plate to a traffic infraction and also pay for the cost of a vehicle license plate.

Effective date: Section 1 is effective August 1, 2011; section 2 is effective January 1, 2012.

NEGLIGENT DRIVING

SSB [5326](#)

Chapter 372, Laws 2011 D/M

See Civil, page 6.

LIMOUSINE CARRIERS

SSB [5502](#)

Chapter 374, Laws 2011 D/M

See Civil, page 6.

AUTOMATED SCHOOL BUS SAFETY CAMERAS

SSB [5540](#)

Chapter 375, Laws 2011 D/M

See Civil, page 6.

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COURT FUNDING & FEES

DNA SAMPLE COLLECTION COSTS

2SHB [1153](#)

Chapter 125, Laws 2011 D/M

Expands the collection of a \$100 fee for a biological sample for deoxyribonucleic acid (DNA) identification to misdemeanors, gross misdemeanors, and juvenile offenses that require collection of a DNA sample.

Court action: Courts need to collect this fee on newly applicable crimes.

DUI ACCOUNTABILITY

E2SHB [1789](#)

Chapter 293, Laws 2011 D/M

See *Criminal*, page 10.

REIMBURSING COUNTIES FOR PROVIDING JUDICIAL SERVICES INVOLVING MENTAL HEALTH COMMITMENTS

SSB [5531](#)

Chapter 343, Laws 2011 S

Creates a process for the state to reimburse counties for costs incurred in providing judicial services for civil commitments. Prohibits imposition of a filing fee for civil commitment cases subject to reimbursement.

Effective date: Except for section 3, the act takes effect July 1, 2012.

AUTOMATED SCHOOL BUS SAFETY CAMERAS

SSB [5540](#)

Chapter 375, Laws 2011 D/M

See *Civil*, page 6.

LOCAL OPTION SALES TAX TO SUPPORT TREATMENT PROGRAMS AND THERAPEUTIC COURTS

SSB [5722](#)

Chapter 347, Laws 2011 S

Restricts extent to which a county's sales and use tax to support mental health or chemical

dependency treatment programs and therapeutic courts can be used to supplant funding for existing services. The cost of a judicial officer and support staff of a therapeutic court are exempt from supplant restrictions.

SOCIAL SERVICES PROGRAMS

SB [5921](#)

Chapter 42, Laws 2011 D/M, S

See *Probate & Guardianship*, page 9.

CONCERNING JUDICIAL BRANCH FUNDING

SB [5941](#)

Chapter 44, Laws 2011 ALL, AOC

Extends the expiration date for surcharges on court filing fees that are deposited into the Judicial Stabilization Trust Account (JSTA) until July 1, 2013. Provides that 75 percent of the revenue from the surcharges is deposited into the JSTA and 25 percent is retained by the county collecting the fee.

Court action: Continue collection of JSTA surcharges on filing fees.

Effective date: July 1, 2011.

JUDICIAL ELECTIONS

ENHANCING ELECTION CAMPAIGN DISCLOSURE REQUIREMENTS TO PROMOTE GREATER TRANSPARENCY FOR THE PUBLIC

ESSB [5021](#)

Chapter 145, Laws 2011 ALL

See *New & Amended Crimes*, page 14.

SALARIES & BENEFITS

ADDRESSING PUBLIC EMPLOYEE POST-RETIREMENT EMPLOYMENT AND HIGHER EDUCATION EMPLOYEES' ANNUITIES AND RETIREMENT INCOME PLANS

ESHB [1981](#)

Chapter 47, Laws 2011 ALL

Eliminates Public Employees' Retirement System (PERS) and Teachers' Retirement System (TRS) Plan 1 provisions permitting retirees to receive benefits while employed in retirement system-covered positions for up to 1,500 hours per year on January 1, 2012. Makes revisions to the Higher Education Retirement Plan (HERP). Allows the Pension Funding Council (PFC), upon completion of the first actuarial valuation by the State Actuary (no later than June 30, 2013), to make changes to the 0.5 percent contribution rate, including institution-specific rates, if appropriate. Authorizes the PFC to recommend legislation, upon accumulation of sufficient funding in the Supplemental Benefit Fund, to transfer responsibility for benefit payments to the new fund.

Effective date: July 1, 2011, except Sections 10 and 19, effective January 1, 2012.

LIMITING THE ANNUAL INCREASE AMOUNTS IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1

SHB [2021](#)

Chapter 362, Laws 2011 ALL

Eliminates further increases of Public Employees' and Teachers' Retirement Systems Plan 1 (PERS Plan 1 and TRS Plan 1) benefits through the annual increase, or "Uniform COLA," above the amount in effect on July 1, 2010, unless a retiree qualifies for the minimum benefit. Permits members of PERS Plan 1 and TRS Plan 1 that qualify for the basic minimum benefit formula in the plans to continue to receive the Uniform COLA. Reduces the minimum employer contribution rates for the PERS Plan 1 unfunded liability from 5.75 to 3.5 percent, and for the TRS Plan 1 unfunded liability from 8.0 to 5.75 percent. Increases the alternative minimum benefit, commonly referred to as the "\$1,000 minimum

benefit," to \$1,500, and continues to index the alternative minimum benefit by 3 percent per year.

OTHER

USING STATE CORRECTIONAL FACILITY POPULATIONS TO DETERMINE POPULATION THRESHOLDS FOR CERTAIN LOCAL GOVERNMENT PURPOSES

EHB [1028](#)

Chapter 14, Laws 2011 D/M

Authorizes qualifying cities to include the population of state correctional facilities within their jurisdiction when determining the number of city council members it may have.

RECOMMENDATIONS FROM THE WSBA ELDER LAW SECTION'S GUARDIANSHIP TASK FORCE

SHB [1053](#)

Chapter 329, Laws 2011 S

Requires lay guardians to receive training if the training is made available by the Administrative Office of the Courts or superior courts. Requires courts to review guardianship reports and accounts and creates new deadlines for guardianship proceedings. Requires guardians to obtain letters of guardianship from the court before acting on behalf of an incapacitated person. Requires the court clerk to collect a fee for filings of guardianship accounts.

Partial veto: Vetoes section 11, the provision creating a new filing fee.

HOMEOWNER FORECLOSURES

2SHB [1362](#)

Chapter 58, Laws 2011 S

Creates Foreclosure Fairness Act. Amends meet-and-confer requirement. Establishes a program for foreclosure mediation when a housing counselor or attorney determines mediation is appropriate (for deeds of trust recorded against owner-occupied residential real property). Creates the foreclosure fairness account, of which up to two percent of expenditures are to be designated for the office of civil legal aid.

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Requires certain beneficiaries to remit to the Department of Commerce quarterly payments based on the number of notices of default issued. Makes certain actions violations of the Consumer Protection Act.

Effective date: July 22, 2011 (except sections 11, 12, and 16, which become effective April 14, 2011).

EXISTING FEES COLLECTED FOR COST OF TRAFFIC SCHOOLS

HB 1473

Chapter 197, Laws 2011 D/M

Allows fees collected for attending a traffic school provided by a city, town, or county that are in excess of the cost of providing the traffic school to be used for safe driving materials and programs, safe driving promotions and advertising, and law enforcement training. Limits the fee charged for traffic schools to the amount of the penalty for an unscheduled traffic infraction.

REVISING PUBLICATION REQUIREMENTS OF THE STATUTE LAW COMMITTEE

HB 1479

Chapter 156, Laws 2011 A, S, AOC

Eliminates the requirement that the Statute Law Committee provide free paper copies of the session laws to the Administrative Office of the Courts, the Supreme Court, the Courts of Appeal, the superior courts, and the state law library. The Committee, in its discretion, may provide free paper copies to a state agency at the agency's request. Current digital copies of the session laws, as well as the RCW, the WAC, and the WA State Register, shall be maintained for permanent public access on the Code Reviser or legislative website.

ELDER AND VULNERABLE ADULT REFERRAL AGENCIES

ESHB 1494

Chapter 357, Laws 2011 S

Establishes requirements for elder and vulnerable adult referral agencies related to fees and refunds, recordkeeping, disclosure statements, and intake forms. Declares that a violation of regulations

pertaining to elder and vulnerable adult referral agencies are violations of the Consumer Protection Act.

Effective date: January 1, 2012.

MODIFICATION AND TERMINATION OF DOMESTIC VIOLENCE PROTECTION ORDERS

SHB 1565

Chapter 137, Laws 2011 S, D/M

Requires respondents to permanent domestic violence protection orders and orders issued for a period of greater than two years to submit an affidavit setting forth relevant facts when filing a motion to modify or terminate an order, and requires the court to review the affidavits prior to granting a hearing on a motion. Prohibits the modification or termination of permanent domestic violence protection orders and orders issued for a period of greater than two years by a motion of a respondent unless the respondent proves by a preponderance of the evidence that it is warranted or he or she will refrain from acts of domestic violence. Allows courts to require respondents to pay the costs and attorneys fees of petitioners.

RECIPROCITY AND STATUTORY CONSTRUCTION WITH REGARD TO DOMESTIC PARTNERSHIPS

HB 1649

Chapter 9, Laws 2011 S

A legal union of two persons of the same sex that was validly formed in another jurisdiction shall be recognized as a valid domestic partnership in this state and shall be treated the same as a domestic partnership registered in this state regardless of whether it bears the name domestic partnership. Provides that validly formed same-sex marriages from other jurisdictions will be recognized as state-registered domestic partnerships. Amends the statutory interpretation provision to explicitly state that it applies to any future legislation, unless the legislation expressly states otherwise.

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OFFENDERS WITH DEVELOPMENTAL DISABILITIES OR TRAUMATIC BRAIN INJURIES

SHB 1718

Chapter 236, Laws 2011 S, D/M

Expands eligibility for mental health court to nonviolent offenders who have a developmental disability (DD) or traumatic brain injury (TBI). Requires jail staff to make a reasonable effort to communicate the nature of a person's DD or TBI to a receiving facility's staff.

SERVICE ANIMALS ON BUSINESS PREMISES

SHB 1728

Chapter 237, Laws 2011 D/M

Changes the requirements regarding prohibiting discrimination by public accommodations with respect to persons with disabilities using service animals by limiting the definition of "service animal" in the context of food establishments to the current definition under federal regulations.

RECOGNIZING ADOPTED SIBLINGS AND ADOPTIVE PARENTS AS RELATIVES

ESHB 1774

Chapter 292, Laws 2011 S-JUV

Allows DSHS to place a dependent child with a person with whom the child's sibling or half sibling has been placed or with the adoptive parent of a sibling or half sibling, where the person or adoptive parent has passed a criminal background check and is competent to care for the child.

Permits a child to petition for reinstatement of terminated parental rights of his or her parents even if the child has achieved his or her permanency plan if the permanency plan has not been sustained.

Allows the court, in an adoption proceeding involving a dependent child and a minor parent, to rely on certain reports from the GAL or the attorney representing the minor parent in the dependency proceeding. Allows the court, in adoption proceedings, to order the parties, as opposed to the county, to pay the fee of the GAL or attorney. Defines the term "investigator" for the purposes of family law cases and requires

investigators who are not supervised by a GAL or CASA to comply with training requirements.

BUSINESS PRACTICES OF COLLECTION AGENCIES

ESHB 1864

Chapter 162, Laws 2011 D/M

Increases various amounts of personal property exemptions from the collection process. Expands tuition and employee benefit exemptions from the collection process. Prohibits a licensed collection agency from sending a first notice to a debtor unless it includes the complete or redacted original account number assigned to the debt and the date of the last payment, if known, although the licensee may be required to provide this information or cease collection efforts. Prohibits licensees from sending certain notices to a debtor without including the name of the original creditor to whom the debt is owed, if known, although the licensee may be required to provide the name or cease collection efforts. Prohibits a licensee from asking a court to transfer a bond posted by a debtor to the licensee when the debtor has appeared at special proceedings as required.

Effective date: July 22, 2011, except section 6 which is effective January 1, 2018.

POLICE INVESTIGATIONS OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN AND HUMAN TRAFFICKING

SHB 1874

Chapter 241, Laws 2011 S-JUV

Permits law enforcement to record a communication with one party's consent if there is probable cause to believe the communication involves Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, or Promoting Travel for Commercial Sexual Abuse of a Minor. Provides that if there was no probable cause, a notice may not be given to the non-consenting party if the confidential informant was a minor or an alleged victim of an offense involving Commercial Sexual Abuse of a Minor. Permits law enforcement to employ a minor, who is also the victim, in investigating certain sex offenses when the minor's aid is limited to telephone or electronic communication

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or when an investigation is authorized by the one-party consent laws.

Effective date: August 1, 2011.

REQUIRING THE DENIAL OF A CONCEALED PISTOL LICENSE APPLICATION WHEN THE APPLICANT IS INELIGIBLE TO POSSESS A FIREARM UNDER FEDERAL LAW

SHB 1923

Chapter 294, Laws 2011 S, S-JUV, D/M

An application for a concealed pistol license will be denied if the applicant is prohibited from possessing a firearm under federal law.

DUI 12-HOUR IMPOUND HOLD

E2SSB 5000

Chapter 167, Laws 2011 D/M

Requires a police officer to impound the vehicle operated by a person arrested for driving under the influence of alcohol or drugs, and requires that the vehicle be held for 12 hours if the person arrested is the only registered owner of the vehicle. Provides some immunity from liability for tow truck operators and police officers complying with the impoundment requirements. Allows a police officer to release a commercial vehicle or farm transport vehicle to the owner without impounding the vehicle, under limited circumstances.

Effective date: July 22, 2011, except section 6 which is effective July 1, 2011.

SOCIAL WORKERS

ESSB 5020

Chapter 89, Laws 2011 S

With limited exceptions, prohibits a person from representing himself or herself as a social worker unless he or she is qualified as a social worker by licensure or by graduation from an accredited social work program.

Effective date: January 1, 2012.

VULNERABLE ADULTS

SSB 5042

Chapter 170, Laws 2011 S

Prohibits wrongful control over or withholding of a vulnerable adult's property and gives examples of situations constituting financial exploitation of vulnerable adults. Requires the Department of Social and Health Services (DSHS) to provide a statement of rights to vulnerable adults whose cases are under investigation. Provides standards for the DSHS to agree with federally recognized tribes to investigate reported abuse or financial exploitation on tribal land.

MAKING TECHNICAL CORRECTIONS TO GENDER-BASED TERMS

SB 5045

Chapter 336, Laws 2011 ALL

Amends numerous sections in the code to make them gender-neutral.

Partial veto: Makes technical corrections.

VEHICLE AND VESSEL REGISTRATION AND TITLE

ESB 5061

Chapter 171, Laws 2011 D/M

Realigns and makes technical corrections to vehicle and vessel statutes to complete the vehicle and vessel statutes streamline project.

Effective date: July 1, 2011, except section 129 which is effective June 30, 2012.

INCREASING THE NUMBER OF JUDGES TO BE ELECTED IN GRANT COUNTY

SB 5170

Chapter 43, Laws 2011 D/M

Increases the number of elected district court judges in Grant County from two to three.

DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED

SSB 5195

Chapter 46, Laws 2011 D/M

See Criminal, page 12.

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SB 5170, April 13, 2011 From left: Rep. Bill Hinkle; Kyle Lynch, legislative aide to Rep. Warnick; (below Lynch) Court Manager Angie Hightower; Court Administrator Barbara Smith; Mellani McAleenan, Washington State Courts; Governor Gregoire; Rep. Judy Warnick; Judge Janis Whitener-Moberg; Sen. Janéa Holmquist Newbry.

PRIVATE INFRASTRUCTURE DEVELOPMENT

2SSB [5034](#)

Chapter 214, Laws 2011 S

Expands the jurisdiction of the Utilities and Transportation Commission by requiring certain wastewater companies to comply with the Commission's regulations. Requires wastewater companies subject to regulation to obtain a certificate and to file a bond or surety before providing sewerage services for compensation. Addresses the expansion or transfer of a wastewater company. Modifies general laws applicable to regulated utilities to make them applicable to wastewater companies. Provides a process by which the Commission may petition the Thurston County Superior Court to place a wastewater company in receivership. Permits the Commission to begin rulemaking to implement the legislation, including rules as to a regulatory fee on wastewater companies.

Effective date: July 1, 2012, except for section 29 (rulemaking), which is effective July 22, 2011.

CHANGING PROVISIONS INVOLVING DOMESTIC VIOLENCE FATALITY REVIEW PANELS

SB [5395](#)

Chapter 105, Laws 2011 S

The contracting entity is authorized to convene statewide issue-specific review panels to review any domestic violence (DV) fatality, gather information for the use of a statewide review panel, and provide training and technical assistance to a statewide panel. The requirement that the coordinating entity issue biennial reports is removed. Regional DV review panels may, but are no longer required to, include the statutory list of persons on every DV fatality review panel. School teachers, guidance counselors, and student health services staff is added to the list of persons that may be included on the panel. Statewide issue-specific panels must include persons with particular subject matter expertise helpful to the panel. The statewide issue specific panel must make periodic reports to the contractor and must make a final report to the contractor for every fatality that is reviewed. The contractor may issue periodic reports. The requirement that the contractor issue biennial reports is removed.

NONLEGAL IMMIGRATION-RELATED SERVICES

SSB [5023](#)

Chapter 244, Laws 2011 ALL

Prohibits a person from engaging in certain immigration assistance practices unless the person is an attorney or is authorized under federal law to represent others in immigration matters. Prohibits persons from using terms (such as immigration assistant and notario publico) that imply he or she has professional legal skills in immigration law. Requests that the Supreme Court's Practice of Law Board evaluate issues of immigration-related services.

Effective date: October 20, 2011.

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UNLAWFUL SOLID WASTE DUMPING

SSB [5350](#)

Chapter 279, Laws 2011 D/M

Requires an enforcing authority to take reasonable action to determine and identify the person responsible for illegally dumping solid waste before requiring the owner or lessee of the property to clean up the site where illegal dumping of solid waste has occurred. Requires a jurisdictional health department to reserve one-half of the restitution payment it receives to assist property owners with clean up when the person responsible for the illegal dumping of solid waste cannot be determined. Prohibits a landowner from receiving any portion of the litter cleanup restitution payment ordered by the court if the landowner authorized or assisted a person with littering on the landowner's property. Removes the provision allowing the court to order an offender to pick up and remove litter in lieu of restitution.

PERSONS WITH MENTAL HEALTH OR CHEMICAL DEPENDENCY DISORDERS WHO ARE CONFINED OR COMMITTED

SSB [5452](#)

Chapter 305, Laws 2011 ALL

Permits disclosure of the fact, date, and place of an involuntary commitment or release from commitment to a correctional institution for use with the Post Institutional Medical Assistance system. Requires notification of law enforcement when a person with a mental disorder is released from evaluation for commitment if the officer requests notification and provides contact information. Requires the Department of Social and Health Services to notify police and sheriffs in certain jurisdictions when a person committed due to criminal insanity or incompetence escapes or is released.

EGGS AND EGG PRODUCTS

SSB [5487](#)

Chapter 306, Laws 2011 D/M

Requires new and renewal applicants for an egg handlers license to prove compliance with certain third party operational standards. Includes the handling of egg products in the definition of an egg handler.

Effective date: August 1, 2012.



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<u>SALARIES & BENEFITS</u>			
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<u>OTHER</u>			
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Social workers	5020	20	S
Vulnerable adults	5042	20	S
Making technical corrections to gender-based terms	5045	20	ALL
Vehicle and vessel registration and title	5061	20	D/M
Increasing the number of judges to be elected in Grant county	5170	21	D/M
Driving while license is suspended or revoked	5195	12	D/M
Private infrastructure development	5034	21	S
Changing provisions involving domestic violence fatality review panels	5395	21	S
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Unlawful solid waste dumping	5350	22	D/M
Persons with mental health or chemical disorders who are confined or committed	5452	22	ALL
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