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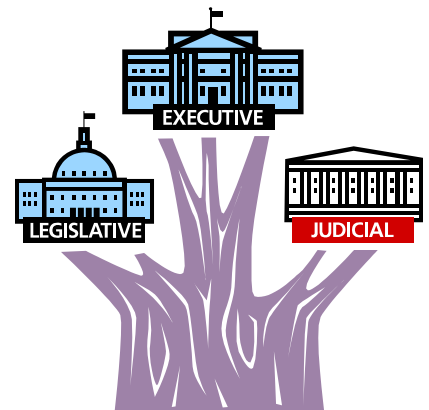
# SUMMARY


of Selected

# 2014 LEGISLATION

of Interest to the Courts

*April 2014*





To obtain this publication in an alternative format, please contact the  
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## 2014 Legislative Summary

We are pleased to present a *Summary of Selected 2014 Legislation of Interest to the Courts* and hope it will be useful to implement bills that impact your court. During the 2014 legislative session, the Legislature and Governor enacted **46** bills that affect the courts and are of general interest to the legal community.

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 (J), district/municipal courts (D/M), or applies to all (ALL).

Unless otherwise noted at the end of a bill summary, the **effective date of bills is June 12, 2014**. Vetoes and partial vetoes by the Governor are also indicated in the summaries. 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 <http://apps.leg.wa.gov/billinfo/> and enter the bill number in the box provided.

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A list of AOC Bill Trackers is 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

**MELLANI MCALEENAN:** BJA/multi-court legislation  
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**ANNE WATSON:** Superior court criminal and civil legislation  
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**JANET SKREEN:** Juvenile and family court legislation; therapeutic courts  
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### CIVIL

#### **FORCIBLE ENTRY**

[HB 1607](#)

**Chapter 3 Laws 2014 S**

The bill provides for an alternative means of service when the plaintiff in an unlawful detainer action has failed to personally serve the defendant after exercising due diligence. Upon filing an affidavit describing attempted service and filing an affidavit stating the belief that the defendant cannot be found, the court may enter an order authorizing service by (1) posting the summons and complaint in a conspicuous place on the premises unlawfully held not less than nine days from the return date stated in the summons, and (2) mailing copies of the summons and complaint by regular and certified mail to the defendant's last known address not less than nine days from the return date. When service is accomplished by the alternative procedure, the court's jurisdiction is limited to restoring possession of the premises to the plaintiff. No money judgment may be entered until jurisdiction over the defendant is obtained.

#### **CIVIL ACTIONS BY PRISONERS**

[SHB 2102](#)

**Chapter 113 Laws 2014 S**

The bill provides that a person convicted and confined for any serious violent offense, before commencing an action in state court against the victim of the offense or a member of the victim's family (including a spouse, domestic partner, children, parents, and siblings), must first obtain an order authorizing the action from the sentencing judge, if available, or the presiding judge in the county of conviction. (Domestic relations actions do not require prior authorization.) A court may refuse to authorize a claim determined to be frivolous or malicious and may consider whether: (1) the claim's realistic chance of ultimate success is slight; (2) the claim has no arguable basis in law or fact; (3) it is clear the party cannot prove facts in support of the claim; (4) the claim has been brought with the intent to harass the opposing party; or (5) the claim is substantially similar to a previous claim filed by the inmate because it arises from the same operative facts. Failure to obtain the

required authorization may result in loss of early release time or other privileges.

#### **REGIONAL TRANSIT AUTHORITIES**

[ESHB 2111](#)

**Chapter 153 Laws 2014 D/M**

Allows a regional transit authority to avoid the use of the uniform infraction form and issue its infractions on notices that are approved by AOC, but which must not contain vehicle information.

#### **DEXTROMETHORPHAN**

[2SHB 2163](#)

**Chapter 64 Laws 2014 D/M**

Creates new infractions for receiving, possessing, and distributing products containing dextromethorphan, a cough suppressant drug. Law enforcement must issue a written warning for the first violation of the act. Except in an instance where a manufacturer, distributor, or retailer can demonstrate a good faith effort to comply with the law, any second or subsequent violation of the act is a class 1 civil infraction punishable under RCW 7.80.120. Preempts local regulation of dextromethorphan. Effective 07/01/2015.

#### **VETERANS, MILITARY PERSONNEL**

[SHB 2171](#)

**Chapter 65 Laws 2014 S**

The bill establishes that the federal Service members Civil Relief Act of 2003 (SCRA) applies in Washington courts, and a violation of the SCRA is a violation of the Washington Servicemembers Civil Relief Act (WSCRA). A servicemember or dependent may bring a civil action for a violation of the WSCRA to obtain appropriate relief, including monetary damages. The court may also award the costs of the action and reasonable attorney fees. The Washington Attorney General may bring a civil action to enforce the WSCRA against a person who engages in a pattern or practice of violations or who engages in a violation that raises an issue of significant public importance. In addition to appropriate relief, the court may assess a civil penalty of up to \$55,000 for a first violation and up to \$110,000 for any

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subsequent violation. The Attorney General may issue civil investigative demands, prior to commencing a civil action, for the discovery of material information relevant to an investigation of a WSCRA violation. Standards are provided for the required contents of a demand, service of the demand, the process for production of documents and information, confidentiality of disclosed documents or information, and court action for contesting, modifying, or enforcing a demand. A reference to the federal Soldiers' and Sailors' Civil Relief Act of 1940 in state law regarding employment and reemployment rights of service members is revised to reference the federal Uniformed Services Employment and Reemployment Rights Act.

### **DERELICT & ABANDONED VESSELS**

[2SHB 2457](#)

**Chapter 195 Laws 2014 S, D/M**

Overhauls the laws related to derelict or abandoned vessels and creates a gross misdemeanor for purchasing a vessel without first obtaining the required insurance or canceling the policy before the end of its term. Certain provisions impose secondary liability to vessel sellers; challenges to secondary liability or the amount of reimbursement may be brought in superior court. The existing gross misdemeanor for registering a vessel in another state to avoid Washington's watercraft excise tax is expanded to include vessel owners who fail to register the vessel in an attempt to avoid the payment of taxes.

### **EMERGENCY PROVIDER LIABILITY**

[SHB 2492](#)

**Chapter 159 Laws 2014 S**

The bill states a health care provider credentialing or granting practice privileges to other health care providers to deliver health care in response to an emergency is immune from civil liability arising from the acts if the provider so credentialed or granted privileges was responding to an emergency and the procedures used to credential or grant privileges were substantially consistent with the standards for granting emergency practice privileges adopted

by the Joint Commission on the Accreditation of Health Care Organizations. Acts or omissions constituting gross negligence or willful or wanton misconduct are not immunized.

### **FORECLOSURES**

[HB 2723](#)

**Chapter 164 Laws 2014 S**

The bill modifies provisions governing foreclosures. The notice of pre-foreclosure options must be sent to the borrower by registered or certified mail, return receipt requested, in addition to sending it via first-class mail. If the meeting to assess the borrower's financial ability to modify or restructure the loan and to discuss options to avoid foreclosure is requested to be held in person, it must be held in the county where the property is located, unless the parties agree otherwise. The foreclosure loss mitigation form must contain additional descriptive information or explanations as to what efforts were made to meet and confer with the borrower and what transpired. For purposes of the foreclosure mediation program, owner-occupied residential real property includes residential real property of up to four units. Even if the borrower fails to elect to mediate within the applicable time frame, the parties may agree in writing to enter the mediation program. A person may be referred to mediation if the borrower is deceased and the person is a successor in interest who occupies the property as his or her primary residence. A person may be referred to mediation if he or she has been awarded title to the property in a proceeding for dissolution or legal separation. These situations do not impose an affirmative duty on the beneficiary to accept an assumption of the loan. The bill modifies the allocation of funds from the foreclosure fairness account.

### **NOTICE AGAINST TRESPASS**

[ESB 5048](#)

**VETOED**

**S, D/M**

The bill provides an alternative method for giving notice against trespass. A landowner may paint markings on trees or posts, in accordance with

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the bill's specifications about color, size, and location, instead of posting signs on land outside urban growth areas and incorporated cities and towns. Signs must be posted in a conspicuous manner on access roads.

### UNPAID WAGES COLLECTION

[SSB 5360](#)

**Chapter 210 Laws 2014 S**

The bill concerns collection of unpaid wages by the Department of Labor & Industries on behalf of workers. If the Department believes a person or entity possesses property belonging to an employer that has defaulted in payment of wages owed or a civil penalty for willful violation, the Department can issue a notice to withhold and deliver (NWD). An NWD allows the Department to levy the employer's property held by third parties, including banks and other financial institutions. The Department is now authorized to electronically serve NWDs on financial institutions by providing a list of outstanding warrants to the Department of Revenue for inclusion in any NWD served by the Department of Revenue. A financial institution served with an electronic NWD must respond within 30 days.

### CORPORATE ENTITY CONVERSIONS

[SB 5999](#)

**Chapter 83 Laws 2014 S**

The bill authorizes an organization to convert to and from an LLC and to and from a domestic corporation. The conversion provision excludes non-profit corporations, miscellaneous corporations, and governmental or quasi-governmental organizations. Conversion is effected in a single filing with the Secretary of State. A converted entity is the same entity that existed prior to the conversion as to assets, liabilities, debts, and obligations. For a converting LLC, a plan of conversion must be consented to by all members of the LLC. For a converting domestic corporation, a plan of conversion must be adopted by the corporation's board and approved by shareholders entitled to vote. A voting shareholder who dissents from conversion must receive a fair-value payment for his or her shares when shares in the converted entity are not as favorable in all material respects.

### BACKGROUND CHECKS

[SSB 6095](#)

**Chapter 88 Laws 2014 S, J**

Children's Administration (CA) must not automatically disqualify a relative or other suitable person from serving as a placement resource for a dependent child based on standards that are more extensive than the guidelines provided by the federal Adoption and Safe Families Act. The state or its officer, agents, or employees may not be held liable for such a placement unless it acted with reckless disregard. Pursuant to an order issued at a fact-finding hearing, CA may place a dependent child with a relative or suitable person before completing the fingerprint-based background check if the relative or suitable person appears otherwise suitable and competent to provide care and treatment and the fingerprint-based background check is completed as soon as possible after placement. A person licensed or employed in a position that provides care and treatment to vulnerable adults, children, persons with mental illness, or persons with developmental disabilities must not be disqualified for licensure or employment based upon a crime or negative action if the crime or negative action was reviewed by DSHS through its Background Assessment Review Team process in 2002 and the person was permitted to remain in the position of licensure or employment. DSHS and DOH must not automatically disqualify a person for licensure or employment based upon a crime or disposition that has been the subject of a pardon, annulment, or other equivalent procedure.

### BANKS AND TRUST COMPANIES

[SB 6135](#)

**Chapter 37 Laws 2014 S**

The bill addresses the modernization, clarification, reorganization, and amendment of laws regarding the charter and regulation of nondepository trust companies, fiduciary activities and trust business of state commercial banks, alien banks, state savings banks, and state savings associations, and fiduciary activities and trust business of other trust institutions and persons engaging in trust business. Title 30 RCW is divided into two separate acts: the Washington State Commercial Banking Act codified under Title 30A and the

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Washington Trust Institutions Act codified under Title 30B.

### REAL PROPERTY SALE PROCEEDS

[ESB 6553](#)

Chapter 107 Laws 2014 S

The bill concerns the distribution of real property sale proceeds in a judicial foreclosure. After confirmation and the judgment is satisfied, if there are any proceeds, the clerk must pay the proceeds to all interests or liens in the order of priority that the claims attached to the property. Any remaining proceeds must be paid to the judgment debtor. Anyone seeking disbursement of surplus funds must file a motion requesting disbursement in the superior court for the county in which the funds are deposited. Notice of the motion must be served on or mailed to all persons who had an interest in the property at the time of the sale, not less than 20 days prior to the hearing of the motion. The clerk may only disburse any surplus by court order. It is clarified that the court, not the clerk, determines the order a priority attached to any surplus funds. Rather than being paid first to the judgment debtor, excess sale proceeds must be paid first to junior interest holders in the order of priority the interest attached to the property. Only after junior interests are paid are the remaining proceeds paid to the debtor.

## CRIMINAL

### PRETRIAL RELEASE PROGRAMS

[SHB 1171](#)

Chapter 24 Laws 2014 S

The bill designates placement of a defendant in a pretrial release program as an appropriate condition of release. "Pretrial release program" is defined as any program, public or private, that supervises an offender released from custody prior to trial. Supervision includes work release, day monitoring, or electronic monitoring. A pretrial release program may not supervise an offender who is currently awaiting trial for a violent offense or sex offense and who has been convicted of one or more violent offenses or sex offenses in the 10 years before the date of the current offense unless

the offender's release before trial was secured with payment of bail.

### PROSTITUTION CONVICTIONS

[SHB 1292](#)

Chapter 109 Laws 2014 S, J, D/M

This bill amends RCW 9.96.060(3) and adds a new section to chapter 9.96 RCW. RCW 9.96.060 (3) is amended to allow a victim of trafficking, promoting prostitution in the first degree, or promoting commercial sex abuse of a minor to vacate the record of a related prostitution conviction regardless of specific other factors. A new section is added to the chapter requiring certain elements to be proven before a record of conviction for a prostitution offense is vacated.

### TRAFFICKING

[SHB 1791](#)

Chapter 188 Laws 2014 S

Expands the definition of "sex offense" to include Trafficking in the first degree when the trafficked person is caused to engage in a sexually explicit act or a commercial sex act. Allows 90 percent of the proceeds of seizure and forfeiture actions stemming from child pornography, sexual exploitation of a minor, or a Promoting Prostitution in the first degree to be used by the seizing law enforcement agencies for increased enforcement.

### FIREARMS/ RESTRAINING ORDERS

[EHSB 1840](#)

Chapter 111 Laws 2014 S, J, D/M

The bill addresses court-ordered surrender of firearms, dangerous weapons, and concealed pistol licenses by persons subject to qualifying protection, no-contact, and restraining orders. The qualifying order must (1) be issued after a hearing for which the restrained person received actual notice and at which the person had an opportunity to participate, (2) restrain the person from harassing, stalking, or threatening an intimate partner of the person (current or former spouse or domestic partner, person with whom the restrained person has a child in common, person with whom the restrained person cohabitated or is cohabitating as part of a dating



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relationship) or child of the intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, and (3) include a finding that the restrained person represents a credible threat to the physical safety of the intimate partner or child. Law enforcement agencies must develop policies and procedures for handling surrendered weapons. The Administrative Office of the Courts must develop pattern forms to document the restrained person's compliance with an order to surrender. The restrained person must file the appropriate form with the court within five judicial days of entry of the order to surrender.

### ARREST WITHOUT WARRANT

#### [SHB 2057](#)

Chapter 5 Laws 2014 S, D/M

Provides that a police officer may arrest a person without a warrant for committing a misdemeanor or a gross misdemeanor when the offense is committed in the presence of a police officer, though not necessarily the arresting officer.

### TRIBAL FISHING/ CONVICTIONS

#### [SHB 2080](#)

Chapter 176 Laws 2014 S, J, D/M

Allows any person who was convicted prior to 1975 of a misdemeanor, gross misdemeanor or felony offense related to fishing activity to apply to the sentencing court for the vacation of that conviction, if the person had claimed to be exercising a tribal treaty fishing right. A family member or tribal representative may apply on behalf of a deceased tribal member. The court must vacate the conviction, notwithstanding the requirements of RCW 9.94A.640, if: (1) the person is a member of a tribe that has a treaty fishing right at the location where the offense occurred; and (2) the state has been enjoined from enforcing the statute or rule that was violated under a ruling in United States v. Washington or another state Supreme Court or federal court decision to the extent that such enforcement interferes with a treaty Indian fishing right. Once a conviction is vacated, the procedures governing vacation of convictions under RCW 9.96.060 are applicable.

### INVOLUNTARY MEDICATION/ JAILS

#### [SHB 2195](#)

Chapter 10 Laws 2014 S, D/M

Language is added to the competency statutes stating that a court order for involuntary medication may be entered for purposes of maintaining the level of a defendant's restored competency in jail after the statutory competency restoration period has terminated.

Additional language is added to specify that the right of a restored defendant to refuse medication in the jail only applies in cases in which there is no court order authorizing involuntary medication in place.

### PARKING, PERSON W/DISABILITY

#### [ESHB 2463](#)

Chapter 124 Laws 2014 S, D/M

Creates new infractions, crimes and penalties related to disabled parking passes. Clarifies that it is a gross misdemeanor for an applicant or a health care practitioner to knowingly provide false information on an application for a disabled parking pass. Expands the conduct falling within unauthorized use of the pass, a preexisting parking infraction with a penalty of \$250 and an additional assessment of \$200. Requires a person contesting an infraction to establish that a valid pass had been issued and sign a statement under penalty of perjury that the pass was valid when it was produced prior to the court appearance. Creates a new parking infraction with a penalty of \$250 and an additional assessment of \$200 for improper display of the pass. A person charged with this infraction may escape liability if the person produces in court or before the court appearance a valid identification card. Increases the punishment for willfully obtaining a disabled parking pass from an infraction to a misdemeanor. Creates a new misdemeanor for selling a disabled parking pass. A court may order a person found to have violated the provisions relating to special parking for persons with disabilities to surrender his or her placard. Effective 07/01/2015.

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### **CHEMICAL DEPENDENCY**

#### **2SHB 2627**

**Chapter 128 Laws 2014 S, J, D/M**

The bill concerns the arrest of individuals who suffer from chemical dependency. A pilot program is established in Snohomish County allowing a police officer to take an individual to designated places for treatment of chemical dependency when the individual (1) committed a non-felony crime that is not a serious offense, (2) has not committed driving while under the influence, and (3) is known to suffer from a chemical dependency. Options include the following: (1) transport to an approved chemical dependency treatment provider for examination within three hours; (2) transport to an emergency medical service for incapacitated persons if no treatment program is readily available; (3) referral to a chemical dependency professional for involuntary detention and proceedings; or (4) release upon agreement to voluntarily participate in outpatient treatment. The officer must be guided by standards agreed upon with the prosecutor. The pilot program expires July 31, 2019. If a police officer takes a juvenile to an alternative treatment facility instead of detention, the juvenile may be examined by a chemical dependency professional, if available. The name "mental health diversions" is changed to "behavioral health diversions." If a diversion assessment identifies a chemical dependency, a youth may access up to 30 hours of counseling.

### **OFFENSES PRIOR TO AGE 18**

#### **2SSB 5064**

**Chapter 130 Laws 2014 S**

The bill concerns persons sentenced for offenses committed prior to reaching the age of 18. A youth who commits aggravated first degree murder must be sentenced to a minimum of 25 years if the crime was committed before the age of 16 or a minimum sentence between 25 years and life if the crime was committed at age 16 or 17. Life without parole is within judicial discretion for youths who commit aggravated first degree murder at age 16 or 17. In setting a minimum term, the court must take into account mitigating factors that account for diminished culpability of youth as provided in *Miller v. Alabama*. A person

sentenced prior to June 1, 2014 to a term of life without parole for an offense committed prior to his or her 18<sup>th</sup> birthday must be returned to the sentencing court or the sentencing court's successor to set a minimum term consistent with the bill's provisions. The court must provide an opportunity for victims and survivors of victims to present statements. Any person convicted of one or more crimes committed prior to the person's 18<sup>th</sup> birthday may petition the Indeterminate Sentence Review Board for early release after serving no less than 20 years of total confinement, provided the person has not been convicted for any crime committed after his or her 18<sup>th</sup> birthday, the person has not committed a major violation in the 12 months prior to filing the petition for early release, and the current sentence was not imposed under the aggravated first degree murder statute. During the minimum term of total confinement, the person must not be eligible for any form of early release or authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The bill establishes a procedure for assessing a youthful offender's dangerousness if released. And the legislature is to convene a task force to examine juvenile sentencing reform.

### **SHORT-BARRELED RIFLES**

#### **SB 5956**

**Chapter 201 Laws 2014 S, D/M**

Modifies the statute governing the possession of short-barreled rifles to provide that it is not unlawful for a person to possess, transport, acquire, or transfer a short-barreled rifle that is legally registered and possessed, transported, acquired, or transferred in accordance with federal law.

### **VESSEL OPERATION/INTOXICATED**

#### **SSB 6014**

**Chapter 132 Laws 2014 S, D/M**

For boating DUIs, the implied consent provision regarding a blood test for a person suspected of operating a vessel under the influence of marijuana or any other drug is removed. When an arrest results from a boating accident in which there is serious bodily injury to another person or the arresting officer has reasonable grounds to

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believe that the person operating the vessel was under the influence of marijuana or any other drug, a blood test may be administered (1) with the consent of the individual and a valid waiver of the warrant requirement or (2) without consent pursuant to a search warrant or when exigent circumstances exist.

### **INVASIVE SPECIES**

#### **ESSB 6040**

**Chapter 202 Laws 2014 S, D/M**

Introduces many new provisions related to the containment and eradication of invasive species. A new section provides that a court must issue a search or arrest warrant upon probable cause that there has been a violation of an invasive species law of the state of Washington, or upon a showing of probable cause to believe that evidence of such a violation may be found at a certain place; fish and wildlife officers may execute any such warrant. Upon a showing of probable cause that a water body or property has an invasive species in or on it and the owner refuses permission to allow inspection of the water body or property, a district or superior court in the county in which the water body or property is located may issue a warrant to the director or the director's designee authorizing specimen-taking, inspections or other work. Modifies and consolidates invasive species management infractions. Creates a new gross misdemeanor for unlawful use of invasive species in the second degree and a new class C felony for unlawful use of invasive species in the first degree.

### **FISH & WILDLIFE ENFORCEMENT**

#### **ESSB 6041**

**Chapter 48 Laws 2014 S, D/M**

Expands the definitions of certain crimes related to unlawful taking of endangered and protected fish and wildlife, unlawful trapping, and unlawful recreational fishing; and creates an exemption when the taking is done pursuant to permit. Expands the definition of certain infractions and creates a new infraction related to record-keeping. Imposes new monetary penalties for the taking of certain fish, which may not be suspended, waived, modified or deferred and which must be doubled if the person commits another violation that requires

payment of a criminal wildlife penalty within five years of a prior gross misdemeanor or felony conviction or if the trier of fact determines that the person took the fish with the intent of deriving an economic profit. Imposes a "fine" [base penalty] of \$500 for the infraction of harassing an orca [which corresponds with the base penalty prescribed by IRLJ 6.2]. Creates a new misdemeanor to prohibit the possession of fish, shellfish or wildlife that a person knows was taken in violation of another state's or country's laws and another to prohibit engaging in wildlife rehabilitation without a permit.

### **AERONAUTIC SAFETY**

#### **SSB 6054**

**Chapter 134 Laws 2014 S, D/M**

Imposes specific requirements related to marking and lighting temporary or permanent guyed towers 25 feet or more in height, and creates a misdemeanor for failing to do so.

### **SEX OFFENDERS/ CMTY CUSTODY**

#### **SSB 6069**

**Chapter 35 Laws 2014 S**

DOC may require a sex offender to refrain from contact with the victim of the crime or an immediate family member of the victim. If a victim or an immediate family member of a victim requests that the offender not contact them, DOC must require the offender to refrain from contact with the requestor. If the victim is a minor, the parent or guardian of the victim may make a request on the victim's behalf. At the time of providing notice of a sex offender's proposed residence to persons who requested notice, DOC must also inform the person that a victim or an immediate family member of a victim may request that the offender refrain from contacting that person as a condition of the offender's community custody if the condition is not already provided by court order.

### **WILDFIRES/INCENDIARY DEVICES**

#### **SSB 6199**

**Chapter 90 Laws 2014 S, D/M**

Clarifies the conduct that constitutes the unlawful use of incendiary devices, which is a misdemeanor.

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### SEARCH WARRANT APPLICATIONS

[SSB 6279](#)

Chapter 93 Laws 2014 ALL

Provides that applications for search warrants may be transmitted to a magistrate by telephone, email or any reliable method. Digital or electronic signatures are authorized. Specifically provides that any district or municipal court judge in the county in which the offense is alleged to have occurred may issue a search warrant for any person or evidence located anywhere within the state.

### INVOLUNTARY SERVITUDE

[SSB 6339](#)

Chapter 52 Laws 2014 S

The bill establishes coercion of involuntary servitude as a class C felony. A person is guilty of the crime if he or she coerces another person to perform labor or services by (1) withholding or threatening to withhold or destroy documents relating to a person's immigration status, or (2) threatening to notify law enforcement officials that a person is present in the United States in violation of federal immigration laws. A person may commit the crime regardless of whether he or she provides compensation or benefits to the person who is coerced.

### PRIOR OFFENSES FOR DUI

[SB 6413](#)

Chapter 100 Laws 2014 S, D/M

Five new offenses are added to the list of those that count as prior offenses when a person is charged with a DUI or PC offense:

- a conviction for driving or being in physical control of a commercial motor vehicle with alcohol in the offender's system;
- a conviction for operation of a vessel under the influence of alcohol or any drug;
- a conviction for operation of an aircraft under the influence of alcohol or any drug;
- a conviction for operation of a non-highway vehicle in a manner likely to endanger the property of another; and a conviction for operation

of a snowmobile under the influence of alcohol or any drug.

In localities where 24/7 monitoring is available and verified by the Washington Association of Sheriffs and Police Chiefs, the court must order a person to (1) install and use a functioning ignition interlock or other device in lieu of participating in 24/7 monitoring; (2) participate in 24/7 monitoring as mandated in current statute; or (3) install an ignition interlock device and participate in 24/7 monitoring. When a person is arrested and taken into custody for a DUI offense and the officer has knowledge that the person has had a prior DUI conviction within the last ten years, that person can only be released from custody by a judge.

## FAMILY & JUVENILE

### JUVENILE RECORDS ACCESS

[2SHB 1651](#)

Chapter 175 Laws 2014 J

Requires courts to hold regular hearings to seal certain juvenile court records, which will occur administratively unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case the court will hold a contested sealing hearing. Requires courts to seal certain juvenile court records administratively after an individual turns 18 and completes probation, confinement, or parole. Excludes most serious offenses, sex offenses, and certain felony drug charges from this regular sealing process. Requires an individual to have completed the terms of disposition, including financial obligation to be eligible for this regular sealing process.

### STATEMENTS BY JUVENILES

[HB 1724](#)

Chapter 110 Laws 2014 J

Provides that statements, admissions, or confessions made by a juvenile in the course of a mental health or chemical dependency screening or assessment are inadmissible as evidence of the juvenile's guilt in a juvenile offense matter or an adult criminal proceeding.

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### JUVENILE FIREARM OFFENDERS

[ESHB 2164](#)

Chapter 117 Laws 2014 J

Requires most juveniles adjudicated of unlawful possession of a firearm to participate in certain evidence-based or research-based programs, unless no appropriate qualifying program is available. Provides that juveniles adjudicated of firearms crimes who meet eligibility requirements may participate in evidence-based parole programming. Requires the Juvenile Rehabilitation Administration of the Department of Social and Health Services to compile and analyze historical data regarding juvenile firearm offenders and report its findings to the Legislature.

### EXTENDED FOSTER CARE

[EHB 2335](#)

Chapter 122 Laws 2014 J

This bill expands eligibility criteria for extended foster care services to include a youth who is employed for 80 hours or more per month. Spending for the new criteria is limited to funds specifically appropriated in Laws of 2014, Ch. 221, §202(18). Effective 03/01/2015.

### PARENTS W/DEVELOPMENTAL DISABILITIES

[SSHB 2616](#)

Chapter 163 Laws 2014 J

If a child is not returned home at a review hearing, the court must establish in writing various determinations, including whether the supervising agency is making reasonable efforts to provide services to the family and eliminate the need for out of home placement. The DSHS shall make reasonable efforts to consult with the Developmental Disability Administration (DDA) to create an appropriate service plan for a parent with a developmental disability who is eligible for services through the DDA and whose child has been ordered removed from their home. For parents meeting the statutory definition of developmental disability who are eligible for services through the DDA, the service plan must be tailored to correct a parental deficiency taking into account a parent's disability and the DSHS must determine the appropriate method to offer services based on the parents disability.

### CHILDREN/ DEPENDENCY MATTERS

[ESSSB 6126](#)

Chapter 108 Laws 2014 J

The court must appoint an attorney for a child in a dependency proceeding six months after granting



2SHB 1651 Juvenile Record Access signed 4/2/2014

## 2014 Legislative Summary

a petition to terminate the parent and child relationship and when there is no remaining parent with parental rights. The court may appoint one attorney to a group of siblings, unless there is a conflict of interest. The state must pay the costs for legal services of attorneys appointed to represent children, as specified above, subject to the availability of funds appropriated for this purpose. The court may appoint an attorney to represent the child's position in any dependency action on its own initiative, or upon the request of a parent, the child, a GAL, a caregiver, or DSHS. The Office of Civil Legal Aid (OCLA) must administer any money appropriated for the appointment of an attorney for a legally free child and verify that the appointed attorneys meet the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation workgroup. Effective 07/01/2014.

## SALARIES & BENEFITS

### STATE RESOURCES/ DE MINIMIS

[HB 1785](#)

**Chapter 28 Laws 2014 A**

It is a violation of state ethics laws for a state officer or state employee to employ or use any person, money, or property under the officer's or employee's control or direction or in his or her official custody, for his or her private benefit or for the benefit of another. An exception is created so that state facilities may be used to provide employees with information about programs such as medical, surgical, and hospital care; life insurance or accident and health disability insurance; or individual retirement accounts.

### HOLIDAYS/ FAITH & CONSCIENCE

[SSB 5173](#)

**Chapter 168 Laws 2014 A**

Excusing work and school absences for a reason of faith or conscience – Amends RCW 1.16.050 and adds new section to RCW 43.41 to allow state employees two (2) additional unpaid holidays for a reason of faith or conscience or an organized activity conducted under the auspices of a

religious denomination, church, or religious organization.

## OTHER

### NATIVE AMERICAN HERITAGE DAY

[SB 6078](#)

**Chapter 177 Laws 2014 ALL**

Native American Heritage Day – Recognizes the Friday immediately following the fourth Thursday of November as “Native American Heritage Day” (state employees already have this day off as the day after Thanksgiving).

### DUI CONSECUTIVE SENTENCES

[SB 6415](#)

**Chapter 101 Laws 2014 S, D/M**

**Null & Void**

This bill would have required sentences for a felony driving under the influence or being in physical control of a motor vehicle under the to be served consecutively with any sentences imposed for circumventing an ignition interlock device or operating a motor vehicle without a required ignition interlock device, both gross misdemeanor offenses. However, the bill was not funded in the budget and so is null and void.

## 2014 Legislative Summary



SB 5981 Mason Co. Sup Crt Judge. Signed 3/31/14

### **MASON CO. SUPERIOR CRT JUDGE**

**[SB 5981](#)**

**Chapter 169 Laws 2014 S**

Raises the number of statutorily authorized superior court judges in Mason County from two to three .

### **OPERATING SUPPLEMENTAL BUDGET**

**[ESSB 6002](#)**

**Chapter 221 Laws 2014 A, S, J**

**Partial Veto**

For the Judicial Branch, the supplemental operating budget:

- Did not provide requested funding for merit increments (Court of Appeals and Supreme Court) or step M (Supreme Court and State Law Library).
- Provided additional funding for judicial salary increases approved by the Washington Citizens' Commission on Salaries for Elected Officials.
- Did not provide requested funding for leave buy out costs (Supreme Court).
- Provided additional funding for the Appellate and Superior Court case management systems and for information technology security enhancements (Administrative Office of the Courts).
- Included proviso language changing the steering committee and operating provisions for the

- SC-CMS project, requiring AOC and JISC to create statewide data exchange standards, and prohibiting the use of JIS funds for data exchanges with counties not utilizing the SC-CMS. (Administrative Office of the Courts).
- Provided additional funding for the Office of Public Guardianship (Administrative Office of the Courts).
- Reduced funding, by 50%, for county clerk legal financial obligation collection programs.
- Did not provide funding requested for Thurston County Impact fees.
- Did not provide funding requested for a State CASA staff person.
- Provided additional funding for immigration consequences, appellate death penalty defense, and parental termination case representation (Office of Public Defense).
- Provided funding for the replacement of the CLEAR phone system and funding for implementation of SB 6126 child dependency representation (Office of Civil Legal Aid). Effective 04/04/2014.

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