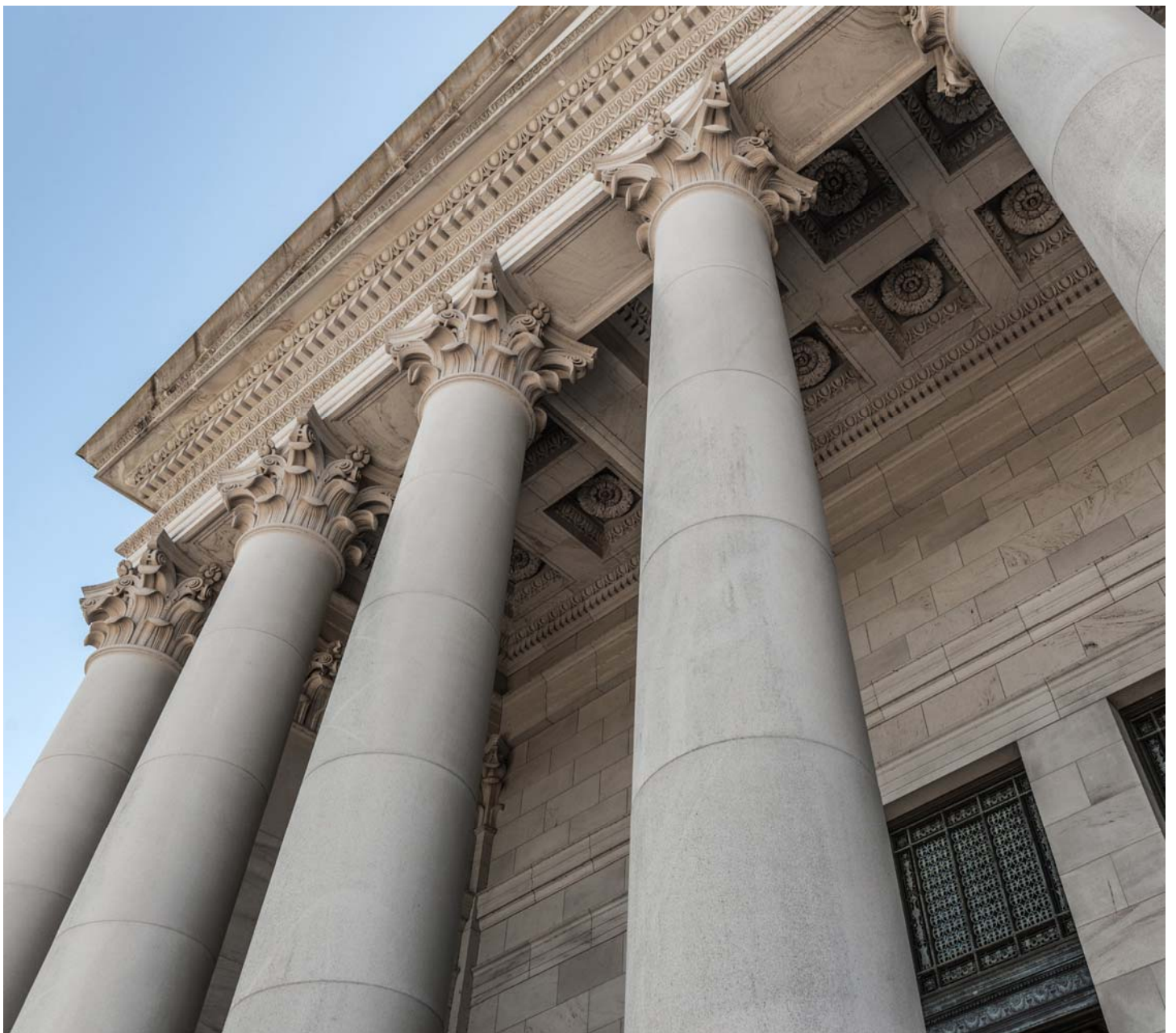


2020 LEGISLATIVE SESSION SUMMARY REPORT





WASHINGTON COURTS

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The mission of the Administrative Office of the Courts is "to advance the efficient and effective operation of the Washington Judicial System."

AOC has worked for more than 60 years to fulfill this mission for all levels of court.

2020 LEGISLATIVE SUMMARY

On January 13, 2020, the legislature convened for a 60-day session. At the beginning of the short (even-numbered year) session, every bill introduced but not passed during the prior session was reintroduced for further consideration. In addition, legislators considered 1,452 new bills and many amended versions of them. They also adjusted the state's biennial budgets (i.e., the omnibus operating, capital, and transportation budgets), which they had established in 2019 for the 2019-2021 biennium.

Each legislative session, numerous Administrative Office of the Courts (AOC) and court staff screen, analyze, and monitor hundreds of bills for their potential impact on the business and operations of courts, AOC programs and services, and the Judicial Information System. Although only a minority of bills introduced during a particular legislative session are enacted into law, they all must be reviewed for potential impact. This document provides a high-level summary of bills that may have significant court impact or interest.

Legislators passed several bills requested or supported by specific judicial branch entities. The District and Municipal Court Judges' Association (DMCJA) supported passage of SHB 2295 (Small claims court judgments) and SHB 1293 (Discover pass penalty distribution). The Superior Court Judges' Association (SCJA) supported passage of 2SSB 6211 (Drug offender sentencing) and SHB 2622 (Firearm orders compliance). The Board for Judicial Administration (BJA) supported passage of ESB 5450 (Adding superior court judges).

This year, global events informed gubernatorial vetoes. Of the 380 bills¹ that passed the legislature, the governor vetoed 24 bills in their entirety and partially vetoed 14 bills. The following veto message accompanied 23 of the 24 bills that the governor vetoed completely, including two bills that staff at the AOC tracked as of interest or impact to courts (SHB 2793 (Vacating convictions) and ESHB 2723 (Off-road vehicle registration)):

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having

¹ The legislature passed 386 acts during the 2020 session. However, six were not bills; they were joint memorials, joint resolutions, etc.

catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed [the bill] in its entirety.

The governor has also indicated that COVID-19 and economic considerations may necessitate a special session of the legislature before January 2021.

As you read through the following bill summaries, please do not hesitate to contact us at AOC with questions. You can also find detailed information about a bill on the legislature's website by visiting <https://app.leg.wa.gov/billinfo/> and entering the 4-digit bill number. You can find information about the governor's signature, veto, or partial veto of bills at <https://www.governor.wa.gov/office-governor/official-actions/bill-action>.

School notifications

2SHB 1191

Chapter 167, Laws of 2020

Court Level(s): Superior, Juvenile

Categories: Criminal, Family/Juvenile

Effective Date(s): 06/11/2020

Requires courts to notify schools in certain circumstances regarding potential enrollees who have been convicted of a violent offense, sex offense, firearm or dangerous weapon violation, or controlled substance violation. Specifically, applies to individuals under age 21, who have not yet obtained a high school diploma or equivalent and have been adjudicated in juvenile court or convicted in adult criminal court, and requires courts provide written notification of the adjudication or conviction to the school the individual was enrolled in prior to conviction or adjudication, or the school where the individual has expressed intent to enroll.

Discover pass penalty distribution

SHB 1293

Chapter 268, Laws of 2020

Court Level(s): District

Categories: Accounting, Civil, JIS, New/Amended Crimes

Effective Date(s): 06/11/2020

Modifies discover pass monetary penalty fee distribution. Requires counties to transfer 75 percent of revenue from state recreation access pass infraction penalties to the state for deposit into the Recreation Access Pass Account. The remaining 25 percent of the penalty revenue is retained by the county.

PERS/TRS 1 benefit increase

EHB 1390

Chapter 329, Laws of 2020

Court Level(s): Appellate, AOC

Categories: Salaries/Benefits/Personnel/HR

Effective Date(s): 07/01/2020

Provides a one-time, three percent increase to the retirement benefits of certain retirees in the Public Employees' Retirement System and the Teachers' Retirement System Plans 1, up to a maximum of \$62.50. Applies the one-time increase to eligible retirees on July 1, 2020.

Impaired driving

3SHB 1504

Chapter 330, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Criminal, Forms

Effective Date(s): Sections 2, 3, 5-12, and 14-18 on 01/01/2022; all other sections on 06/11/2020

Authorizes the court to waive imposition of the mandatory minimum sentence and impose alternative penalties for first-time impaired driving offenses and modifies the alternative penalties available on a second or third offense upon a showing of substantial risk to the offender's physical or mental well-being. Modifies provisions related to increased penalties for impaired driving cases involving minor passengers. Specifies that any portion of a felony impaired driving sentence that is attributed to certain impaired driving-related enhancements is not eligible for good time credits or earned release time. Prescribes procedures for circumstances in which a person has fulfilled a period of impaired driving-related driver's license suspension through day-for-day credit from a separate suspension arising from the same incident. Makes various changes to the procedures governing and processes related to the ignition interlock restriction in impaired driving cases. Makes costs incurred through emergency response to an incident caused by an Actual Physical Control While Under the Influence offense eligible for emergency response reimbursement. Increases the driver's license reissue fee following an impaired driving-related suspension or revocation from \$150 to \$170 and modifies distribution of the fee. Increases the monthly Ignition Interlock Device Revolving Account fee imposed on persons with an ignition interlock restriction from \$20 to \$21.

Communicable disease control

ESHB 1551

Chapter 76, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Civil, Criminal, New/Amended Crimes

Effective Date(s): 06/11/2020

Amends and repeals various statutes relating to communicable diseases. Authorizes a state or local health officer to conduct an investigation when there is reason to believe a person has a sexually transmitted disease and is endangering the public health. Requires the health officer to first attempt to obtain the person's voluntary cooperation before issuing a health order and allows the health officer to petition the superior court for enforcement of a health order. Allows appointment of an attorney for the respondent if necessary. Allows a disease case investigator to receive authorization from a physician or a physician's standing order to obtain physical specimens from a person. Creates a gross misdemeanor for violation of a health order, having intercourse knowingly infected with HIV, or knowing misrepresentation of infection status. Expands assault in the first degree to include transmission of HIV to a child or vulnerable adult.

Victim identity defenses

EHB 1687

Chapter 3, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Criminal

Effective Date(s): 06/11/2020

Creates the Nikki Kuhnhausen Act, which precludes use of diminished capacity defense based upon the perceived gender, gender identity, gender expression, or sexual orientation of the victim. Precludes use of force justification defense based upon the discovery, knowledge, or potential disclosure by a victim of information regarding their gender, gender identity, gender expression, or

sexual orientation, including under circumstances under which unwanted, non-forcible, sexual or romantic advances were made or the parties were in a dating or sexual relationship.

Sexually exploited children

E3SHB 1775

Chapter 331, Laws of 2020

Court Level(s): Superior, Juvenile

Categories: Criminal, Family/Juvenile

Effective Date(s): Sections 4, 5, and 6 on 01/01/2024; all other sections on 06/11/2020

Creates the Safe Harbor Act. Limits crime of prostitution to those 18 years of age and older effective January 1, 2024. Requires the Department of Children, Youth, and Families (DCYF) to administer funding for two receiving center programs for commercially sexually exploited youth ages 12-17: one to be located on the east side of the Cascades and one on the west side. Identifies juvenile courts as one of the entities or individuals who may refer youth to one of two receiving centers. Requires law enforcement to take a juvenile into protective custody if the officer reasonably believes the juvenile is being sexually exploited, and transport, or arrange transportation, to one of the two regional receiving centers, a HOPE center, a crisis residential service provider, or other community-based entities for youth in crisis. Requires DCYF to convene a work group to evaluate how decriminalization of juvenile prostitution may impact law enforcement and prosecutor efforts and ability to aid in prosecution of an adult perpetrator or abuser using victim cell phone information.

Automated traffic safety cameras

ESHB 1793

Chapter 224, Laws of 2020

Court Level(s): District/Municipal

Categories: Civil, Infractions

Effective Date(s): 06/11/2020

Authorizes a city with a population of 500,000 people or more to adopt an ordinance creating a pilot program for automated traffic safety cameras to be used to detect the following violations: 1) stopping when traffic is obstructed; 2) stopping at intersection or crosswalk; 3) public transportation only lane; and 4) stopping or traveling in a restricted lane. Specifies penalty, location and duration limitations, and legislative reporting obligations for the pilot program. Requires warnings to be issued under the pilot program through December 31, 2020. Limits the use of photographs, electronic images, and facial recognition technology. Creates the Cooper Jones Active Transportation Safety Account to fund grants administered by the Washington Traffic Safety Commission. Requires 50 percent of the penalty revenue that is in excess of the cost to install, operate, and maintain the cameras, to be remitted to the state treasurer for deposit in the new account, and the remaining penalty revenue to be retained by the city for transportation improvements that support equitable access for persons with disabilities.

Employee information disclosure

2SHB 1888

Chapter 106, Laws of 2020
Court Level(s): All, AOC
Categories: Other/Informational
Effective Date(s): 06/11/2020

Exempts month and year of birth, photographs, and payroll deduction information of government employees and volunteers held in certain personnel files from public disclosure, but permits the news media to have access to full dates of birth and photographs. Exempts certain personal demographic details of individual state employees from public disclosure. Requires governmental entities that follow procedural provisions of the PRA to provide notice when a records request has been made for information exclusively in an employee's personnel, payroll, supervision, or training file. *NOTE: The new exemptions under the PRA are incorporated into court rules through GR 31.1(j), which states that documents exempt from the PRA are also exempt under the judicial branch's equivalent rule, GR 31.1.*

Driver's license restriction

2SHB 2066
Chapter 16, Laws of 2020
Court Level(s): Superior
Categories: Criminal, Forms, New/Amended Crimes
Effective Date(s): 01/01/2022

Narrows driver's license suspension upon conviction of a felony in which a motor vehicle was used to require the Department of Licensing (DOL) to revoke the driver license of a person convicted of a felony where the sentencing court determines that, during the commission of the offense, a motor vehicle was used in a manner that endangered persons or property.

Involuntary treatment/video technology

ESHB 2099
Chapter 5, Laws of 2020
Court Level(s): Superior
Categories: Civil
Effective Date(s): Sections 3 and 5 on 07/01/2026; all other sections on 06/11/2020

Defines "video" for purpose of authorizing remote video evaluations under the Involuntary Treatment Act (ITA). Authorizes designated crisis responders to conduct ITA evaluations by video provided a health care professional or other professional who can adequately and accurately assist in obtaining necessary information is present with the individual at the time of the interview.

Bail jumping

ESHB 2231
Chapter 19, Laws of 2020
Court Level(s): Superior, District/Municipal
Categories: Criminal, New/Amended Crimes

Effective Date(s): 06/11/2020

Narrows the crime of bail jumping to apply to a person who, after receipt of written notice, either fails to appear for trial, or is held for, charged with, or convicted of a violent or sex offense and fails to meet other requirements. Adds as an element of the crime of bail jumping that the defendant has not made a motion to quash the warrant within 30 days of the warrant's issuance, and if a motion is made, the person did not appear with respect to the motion to quash. Specifies that the 30-day waiting period is inapplicable when there is a prior failure to appear in the present case. Creates the crime of failure to appear or surrender, punishable as a misdemeanor or gross misdemeanor depending upon the classification of the underlying offense. As with the crime of bail jumping, affords the defendant 30 days to make a motion to quash the warrant or otherwise appear before the court with respect to the motion, unless there is a prior failure to appear in the same matter. Creates an affirmative defense to prosecution for bail jumping and failure to appear when uncontrollable circumstances prevent the defendant from appearing or surrendering, the defendant did not negligently disregard the requirement to appear or surrender, and the defendant appeared or surrendered as soon as possible.

Environment reorganization

SHB 2246

Chapter 20, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Civil, Criminal

Effective Date(s): Section 1035 on 06/20/2021; sections 1446-1450 on 07/01/2020; all other sections on 06/11/2020

Recodifies statutes pertaining to environmental health under a new Title 70A of the Revised Code of Washington (RCW). Makes technical changes, including correcting reference to the names of accounts, statute number citations, and administrative rule number citations.

Expression of breast milk

HB 2266

Chapter 111, Laws of 2020

Court Level(s): All, AOC

Categories: Salaries/Benefits/Personnel/HR

Effective Date(s): 06/11/2020

Prohibits an employer from requiring written certification from the employee's health care provider regarding the need for a reasonable accommodation to express breast milk.

Youth solitary confinement

2SHB 2277

Chapter 333, Laws of 2020

Court Level(s): Superior, Juvenile

Categories: Criminal, Family/Juvenile

Effective Date(s): 06/11/2020

Adds new chapter to RCW Title 13 prohibiting the use of juvenile solitary confinement and limiting the use of room confinement and isolation in juvenile detention facilities and correctional institutions to no more than four hours at a time in any 24-hour period, with delineated exceptions. Requires facilities to document use of confinement and isolation, and ensure availability of certain services, evaluations and amenities. Requires counties operating detention facilities to provide monthly data to the DCYF regarding use of isolation, until November 2022, and then yearly thereafter. Directs DCYF to generate model policies for juvenile isolation and room confinement, which detention facilities and correctional institutions must adopt or explain choice not to adopt. Prohibits a court from permitting juveniles under adult criminal court jurisdiction to be held longer than 24 hours in an adult jail or detention facility unless in the interest of justice. Specifies that if a court deems in the interest of justice for a juvenile under adult criminal court jurisdiction to be held longer than 24 hours in an adult jail or detention facility, then the court must not allow sight and sound contact with adult inmates unless certain criteria are met. Requires courts to conduct review hearings every 30 days to reevaluate youth's continued confinement in adult jail or facility and decision not to impose sight and sound separation from adult inmate population when present. Entitles youth to counsel for purposes of review hearings, and requires the court to appoint counsel in cases of indigence.

Small claims court judgments

SHB 2295

Chapter 25, Laws of 2020

Court Level(s): Superior, District

Categories: Civil, Forms

Effective Date(s): 06/11/2020

Provides that if the losing party in a small claims matter fails to pay the judgment within 30 days after entry of the judgment on the judgment docket of the district court: 1) garnishment, execution, and other process on execution provided by law may issue; and 2) the prevailing party may file a transcript or certified copy of the district court judgment with superior courts for entry in the superior courts' lien dockets. Strikes statutory language that enforcement may occur once the judgment is entered on the district court's docket.

Child support

SHB 2302

Chapter 227, Laws of 2020

Court Level(s): Superior

Categories: Family/Juvenile, Forms

Effective Date(s): Sections 3-13 on 02/01/2021; all other sections on 06/11/2020

Clarifies standards for income imputation when determining whether a parent is voluntarily unemployed or underemployed. Amends factors a court must consider when making determination that a parent is voluntarily unemployed or underemployed. Creates rebuttable presumption that income be imputed at 32 hours per week in certain circumstances. Defines full-time employment as not necessarily equating to 40 hours per week, dependent upon circumstances surrounding

employment. Creates procedures for abatement of child support obligations for certain incarcerated individuals who are confined in prison, jail, or other correctional facility for at least six months. Creates rebuttable presumption that incarcerated obligors are unable to pay child support. Requires the Division of Child Support (DCS) to review orders containing automatic abatement provisions upon receiving information a parent is incarcerated. Authorizes a party to request review of an order that does not have an automatic abatement provision. Upon judicial or administrative determination that abatement is appropriate, the child support obligation will be reduced to \$10 per month for the duration of incarceration and for the three months following release. Specifies that at the conclusion of three months, the child support amount is amended to 50 percent of original order amount for up to one year post release. Allows any party or the DCS to file a request to modify or terminate the abatement at any time.

Criminal investigation

ESHB 2318

Chapter 26, Laws of 2020

Court Level(s): Superior

Categories: Civil, Criminal

Effective Date(s): Section 3 on 06/30/2020; all other sections on 06/11/2020

Modifies procedures for collecting required DNA samples from convicted offenders who will not immediately be taken into custody to provide that if the local law enforcement agency has a protocol for collecting a biological sample in the courtroom, then a sample must be taken before the individual leaves the courtroom for certain offenders. Extends current requirements pertaining to sexual assault kit (SAK) preservation, testing, and tracking to all evidence collected during sexual assault medical forensic examinations, with some exceptions. Defines "sexual assault kit," "reported sexual assault kit," and "unreported sexual assault kit." Establishes requirements for law enforcement agencies to store and preserve unreported SAKs. Allows local governments to designate alternate departments to accept found property in order to prioritize storage space at law enforcement agencies for specific found items and evidence in criminal investigations. Subject to appropriation, requires the Criminal Justice Training Commission to develop a proposal for a case review program.

Respectful language

HB 2390

Chapter 274, Laws of 2020

Court Level(s): AOC

Categories: Other/Informational

Effective Date(s): 06/11/2020

Amends statutory language to reflect the language deemed respectful by current law for: "chemical dependency" to "substance use disorder;" "children who are crippled" to "children with disabilities;" "disabled veteran" to "veterans with disabilities;" "the disadvantaged" to "disadvantaged individuals;" "elderly persons" to "persons who are aging;" "handicap(s)" to "disability" or "disabilities;" "handicapped" to "individual with disabilities" or "person with disabilities;" "less handicapped persons" to "persons with less acute disabilities;" "mentally ill or mentally handicapped" to "persons suffering from mental illness or persons with disabilities;" "non handicapped" to "persons without disabilities;"

and “physical or mental handicap or emotional disturbance” to “disability or behavioral health conditions.”

Community custody credit

SHB 2393

Chapter 275, Laws of 2020

Court Level(s): Superior

Categories: Criminal, Other/Informational

Effective Date(s): 06/11/2020

Creates supervision compliance credit for an offender serving a term of community custody. Requires the Department of Corrections (DOC) to develop and adopt procedures concerning supervision compliance credit. Requires supervision compliance credit to be awarded, at a rate of ten days per month, to offenders in compliance with their supervision terms and making progress towards the goals of their individualized supervision case plan. Prohibits application of credit to an offender’s term of supervision prior to earning the credit. Provides various circumstances where an offender is not eligible to earn supervision compliance credit. Gives the DOC discretion to implement this act over a 12-month period. Prohibits offenders from earning credit until the offender receives orientation from the DOC regarding supervision compliance credit.

Community custody

SHB 2394

Chapter 276, Laws of 2020

Court Level(s): Superior

Categories: Criminal, Forms

Effective Date(s): 06/11/2020

Revises various statutes to make terms of community custody presumptively concurrent, even when terms of confinement are consecutive, unless otherwise specified by the court. Allows for retroactive and prospective application. Requires the DOC to recalculate the scheduled end dates for terms of community custody to ensure current terms are run concurrent with previously imposed sentences of community custody, community supervision, community placement, probation, and parole, unless the court specifically pronounced consecutive terms. Recalculations of community custody terms do not create any expectations that a particular term will end before July 1, 2020, or that the recalculation will occur before July 1, 2020.

Community custody terms

SHB 2417

Chapter 82, Laws of 2020

Court Level(s): Superior

Categories: Criminal, Other/Informational

Effective Date(s): 06/11/2020

Gives DOC increased discretion regarding classification of certain violations of community custody terms. Eliminates auto-custody sentences for certain violations and requires prosecutorial notice in some instances. Requires review of DOC community corrections staffing model and report of the review to the legislature and governor.

Firearm background checks

E2SHB 2467

Chapter 28, Laws of 2020

Court Level(s): AOC

Categories: Other/Informational

Effective Date(s): Sections 5-9 have a contingent effective date; all other sections on 06/11/2020

Requires Washington State Patrol (WSP) to establish a firearms background check system. Requires the WSP system to link with the case management systems managed by the AOC to determine firearm eligibility. Directs WSP to check other databases and resources as appropriate when conducting a background check after receipt of a request from a dealer who plans to sell a firearm. Allows WSP to conduct an equivalency analysis on criminal convictions from foreign jurisdictions to determine if the applicant has been convicted of what would be a disqualifying offense in Washington State. Creates a background check advisory board consisting of the chief of WSP (or his/her designee), the executive director of the Washington Association of Sheriffs and Police Chiefs (or his/her designee), one sheriff, one police chief, one person engaged in the business of lawfully selling firearms at retail in WA who holds a federal firearms license under 18 U.S.C. Sec. 923(a), and one member of the general public. Exempts a pawnbroker's receipt of a pawned firearm and the redemption of a pawned firearm from background check fees.

Domestic violence

SHB 2473

Chapter 29, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Civil, Criminal, New/Amended Crimes, Other/Informational

Effective Date(s): 03/18/2020

Adds the term "intimate partner" to various statutes concerning domestic violence. Elevates assault in the fourth degree to a class C felony where domestic violence (and domestic violence against an intimate partner) is pled and proven and the person has at least two prior adult convictions within ten years for repetitive domestic violence, harassment, assault in the third degree, assault in the second degree, or assault in the first degree. Allows comparable offenses from municipal and foreign jurisdictions to be used to determine if assault in the fourth degree should be charged as a felony.

Debt buyer

SHB 2476

Chapter 30, Laws of 2020

Court Level(s): Superior, District

Categories: Civil, Other/Informational

Effective Date(s): 06/11/2020

Defines "debt buyer" for purposes of the Collection Agency Act (CAA). Adds provisions to the CAA that are specific only to debt buyers, including requirements with respect to what must be attached to a complaint in a legal action, the evidence that must be submitted in support of a claim or obligation, and disclosures that must be included in a complaint. Declares violations to be unfair and deceptive practices or unfair methods of competition in the conduct of trade or commerce for purposes of the Consumer Protection Act. Provides that these amendments to the CAA apply prospectively only and not retroactively, and specifically apply with respect to delinquent or charged off claims purchased for collection purposes by a debt buyer on or after the effective date.

DUI vehicle impoundment

SHB 2483

Chapter 117, Laws of 2020

Court Level(s): All

Categories: Criminal, Other/Informational

Effective Date(s): 06/11/2020

Amends statutes pertaining to vehicle impoundment in response to *State v. Villela*, 94 Wn.2d 451, 450 P.3d 170 (2019). Includes a statement that the legislature intends to clarify "Hailey's Law" (Chapter 167, Laws of 2011) that in cases in which a vehicle is lawfully impounded following the driver's arrest for impaired driving or physical control of a vehicle while under the influence, the 12 hour restriction on redemption of the vehicle still applies.

Family connections program

SHB 2525

Chapter 33, Laws of 2020

Court Level(s): Superior

Categories: Family/Juvenile

Effective Date(s): 06/11/2020

Requires the DCYF to establish a family connections program (FCP) beginning September 1, 2020, to facilitate interaction between a parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed. Specifically, requires DCYF to contract with an external organization or organizations with experience serving youth or families receiving out-of-home care services to implement and operate the FCP in one location in Eastern Washington and one location in Western Washington. Authorizes a caseworker, attorney, guardian ad litem as defined in RCW 13.34.030, parent ally, office of public defense, social worker, or court to refer families to the FCP. Changes several statutory references from "child welfare mentors" to "parent allies." Requires the DCYF to collect data and measure outcomes for families engaging in the FCP and provide a report to the legislature by September 1, 2021, that includes a plan for expanding the program.

Census rights

SHB 2527

Chapter 34, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Civil, Criminal, New/Amended Crimes

Effective Date(s): 03/18/2020

Creates the "Washington Census Bill of Rights and Responsibilities," which affirms certain rights related to participation in the United States Census, requires the Secretary of State to translate the Census Bill of Rights and Responsibilities into languages other than English, and requires the Office of Financial Management to publish the Census Bill of Rights and Responsibilities and resources on its website. Creates a new gross misdemeanor for impersonating a census taker when an individual falsely represents that he or she is a census taker with the intent to: a) interfere with operation of the census; b) obtain information; or c) obtain consent to enter a private dwelling. Creates an unfair or deceptive practice cause of action under the Consumer Protection Act when an individual mails materials with the intent to: 1) deceive a person into believing the material is an official census communication; 2) interfere with census operations; or 3) discourage a person from participating in the census.

Past due rent grace period

ESHB 2535

Chapter 177, Laws of 2020

Court Level(s): Superior

Categories: Civil

Effective Date(s): 06/11/2020

Prohibits landlords from charging late fees for past due rent unless the rent is at least five days past due. Allows late fees to be charged from the first day after the five-day period until the rent is paid. Allows tenant to propose a new rent due date and landlord must agree if the proposal is submitted in writing and the tenant can demonstrate a primary source of income that is regular, monthly source of government assistance. Limits the tenant's proposed rent due date to no more than five days after the due date in the rental agreement. Allows the landlord to serve a pay rent or vacate notice at any time after the rent is due, despite the five-day grace period.

Veterans

SHB 2544

Chapter 178, Laws of 2020

Court Level(s): AOC

Categories: Salaries/Benefits/Personnel/HR

Effective Date(s): 06/11/2020

Expands the definition of "period of war" for purposes of certain veterans' benefits. Requires the Select Committee on Pension Policy and the Law Enforcement Officers' and Firefighters' Plan 2 Retirement Board to study the provision of free military service credit under certain circumstances.

Other firearms/background

SHB 2555

Chapter 36, Laws of 2020

Court Level(s): District/Municipal, AOC

Categories: Criminal, New/Amended Crimes, Other/Informational

Effective Date(s): 06/11/2020

Requires a firearms dealer to conduct a firearm background check using a system created by the WSP for purchase or transfer of firearm frames or receivers. Defines "firearm frame or receiver" as a federally recognized firearm frame or federally regulated firearm receiver. Requires a waiver of confidentiality and a written request to release information to a court, law enforcement agency, or state on applications to purchase or transfer a firearm frame or receiver. Requires the DOL to keep copies of applications. Exempts sales or transfers of firearm frames or receivers to licensed dealers. Creates a gross misdemeanor for a knowing submission of a false statement concerning identity or eligibility is false swearing. *NOTE: While the effective date of the act is June 11, 2020, certain of the dealer obligations do not arise until 30 days after the WSP notifies dealers that the central system referenced in the bill has been established.*

Courts/arrests

SHB 2567

Chapter 37, Laws of 2020

Court Level(s): All, AOC

Categories: Civil, Criminal, Family/Juvenile, Forms

Effective Date(s): 06/11/2020

Creates the Courts Open To All Act. Prohibits judges, court staff, security personnel, prosecutors, and their staff from requesting litigant information related to immigration or citizenship status, sharing non-publicly available information with immigration authorities, or alerting immigration authorities of a litigant's court dates or intent to utilize court services unless required by federal law or court order. Permits judicial officers to make inquiries as necessary to adjudicate cases and enter orders or impose conditions to limit disclosure of information regarding immigration and citizenship status as deemed appropriate. Requires entity tasked with security at a court facility to collect information regarding law enforcement officers, including plain clothed officers, entering court facilities unless present to participate in a case or proceeding before the court. Prohibits civil arrest of individuals going to, attending, or returning from a court facility unless pursuant to a court order, necessary for the safety of judicial officers, staff, and the public, or when the criteria for warrantless arrests are met. Requires a designated judicial officer at each court facility to review any court order proffered prior to allowing a civil arrest in or at a court facility. Requires the AOC to create a form for collection of information by July 1, 2020, and to publish information received quarterly beginning October 1, 2020.

Fish and wildlife violations

ESHB 2571

Chapter 38, Laws of 2020

Court Level(s): District

Categories: Infractions, New/Amended Crimes

Effective Date(s): 06/11/2020

Allows for the safe disposal or release to the environment of seized fish, shellfish, and wildlife by fish and wildlife officers under certain circumstances. Provides additional direction regarding the forfeiture of seized fish, shellfish, and wildlife based on case disposition. Reorganizes and reclassifies certain fish and wildlife violations. Expands violations that may be cited as infractions to include failure to return a catch record card for Puget Sound Dungeness crab, not possessing a required license, or violating the terms of certain permits issued by the Department of Fish and Wildlife (DFW). Modifies license suspension timeframes for repeated fish and wildlife violations. Allows the DFW to hire lawful permanent residents as enforcement officers.

Firearm orders compliance

SHB 2622

Chapter 126, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Civil, Criminal

Effective Date(s): 06/11/2020

Allows the court to hold a compliance review hearing and initiate contempt proceedings if there is probable cause to believe a respondent failed to comply with an order to surrender weapons pursuant to a criminal case or extreme risk protection order. Requires law enforcement to file an affidavit with the court if there is reasonable suspicion that the respondent is not compliant with the order to surrender weapons. Mandates that orders to surrender weapons must be personally served if the order is entered in open court and the defendant or respondent are present. Requires that receipt and service must be acknowledged by the defendant or respondent. Allows an agent of the court to indicate on the record that service was refused if the defendant or respondent will not accept service. Requires service and receipt of service to be entered into the record and a copy of the order and service must be transmitted immediately to law enforcement.

False reporting

SHB 2632

Chapter 344, Laws of 2020

Court Level(s): Superior, Juvenile, District/Municipal

Categories: Civil, Criminal

Effective Date(s): 06/11/2020

Modifies the crime of false reporting and elevates the crime to a felony if it involves certain conduct and results in death or bodily harm. Establishes limitations and authorizes diversion for a first offense of false reporting committed by a juvenile. Creates a civil cause of action for a victim to recover damages associated with false reporting.

Sports wagering/compacts

ESHB 2638

Chapter 127, Laws of 2020

Court Level(s): Superior

Categories: Criminal, New/Amended Crimes, Other/Informational

Effective Date(s): 03/25/2020

Allows certain sports wagering in tribal casinos. Allows the Gambling Commission to issue licenses for the manufacturing, selling, distributing, and supplying equipment and software for any gambling related service. Allows the Gambling Commission to audit databases, hardware, software, and other electronic data storage devices and may require reports on suspicious activities or irregular betting to identify players, wagering information, and suspicious and illegal transactions. Creates a class C felony for a person who gives anything of value to influence the outcome of a sporting event or use knowledge not available to the general public to place a bet. Prohibits a person from accepting anything of value for the purpose of wrongfully influencing a sporting event or competition which a wager is made. Creates a class C felony when a person: alters or misrepresents the outcome of a game; bets or helps someone place a bet using knowledge not available to all players; entices another player to go to any place where gambling is conducted in violation of this act; places a bet after acquiring knowledge of the outcome of the game that is subject to the bet; or reduces or cancels a bet after acquiring knowledge of the outcome of the event subject to the bet. Adds bookmaking to the statute outlawing professional gambling, which is a class B felony. Authorizes the transmission of gambling information over the internet for sports wagering if the wager is placed and accepted at a tribes gaming facility and the customer placing the wager is physically on the premise of that tribes gaming facility.

Out-of-home services

HB 2682

Chapter 41, Laws of 2020

Court Level(s): Superior

Categories: Family/Juvenile, Forms

Effective Date(s): 06/11/2020

Repeals any court involvement (judicial determination and permanency planning hearings) with out-of-home placement of a developmentally disabled child through a voluntary placement agreement among a parent/guardian, Developmental Disability Administration of the Department of Social and Health Services (DSHS), and the DCYF. Renames "voluntary placement agreements" as "person-centered service plans." Statutes governing person-centered service plans and out-of-home services are recodified from Title 74 RCW, which references the DCYF, to Title 71A, which references the DSHS.

Shared leave program

HB 2739

Chapter 6, Laws of 2020

Court Level(s): AOC

Categories: Salaries/Benefits/Personnel/HR

Effective Date(s): Section 2 on 03/17/2020; all other sections on 06/11/2020

Provides that employees may maintain up to 40 hours of applicable leave in reserve and may not be required to deplete all leave to qualify for shared leave. Permits an agency head to grant shared leave to an employee if the employee or a relative or household member is isolated or quarantined due to the 2019 novel coronavirus (COVID-19). Allows intermittent and nonconsecutive use of shared leave. Adjusts certain requirements for when parental leave may be used following shared leave taken for a pregnancy disability. Removes the requirement for an employee to pursue and be found ineligible for industrial insurance wage benefits for shared leave eligibility. Limits the amount of shared leave that an employee may receive when also receiving industrial insurance wage replacement benefits to 25 percent of base salary.

Peer support privilege/Department of Corrections

HB 2762

Chapter 42, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Civil, Criminal

Effective Date(s): 06/11/2020

Defines "peer support group client" for purposes of testimonial privilege to include first responders, jail staff, and DOC staff. Extends statutory testimonial privilege of peer support group counselors to cover certain communications with DOC staff.

Juvenile record sealing

SHB 2794

Chapter 184, Laws of 2020

Court Level(s): Superior, Juvenile, AOC

Categories: Criminal, Family/Juvenile, Forms

Effective Date(s): Sections 1, 2, and 4 on 01/01/2021; all other sections on 06/11/2020.

Amends processes and criteria for juvenile record sealing requests. Removes ability to contest record sealing and requires individuals seeking sealing to complete conditions of disposition and no longer be subject to supervision. Eliminates requirement for restitution owed to private or public insurance companies to be paid-in-full to qualify. Requires a court to deny sealing request and provide direction on how to pursue sealing if other victims are owed restitution. Requires court to continue a hearing if the individual is still under supervision to a date within 30 days of anticipated end of supervision period. Juvenile court staff must notify respondent of any denials. If restitution is subsequently paid, respondent may provide proof to juvenile court staff who must circulate sealing order for entry upon verification. Specifies that the AOC must keep sealed juvenile records private. Prohibits Washington criminal justice agencies from disclosing sealed records through Washington State Identification System or via transmission to third party entities. Restricts WSP disclosure of sealed juvenile record information to other criminal justice entities in Washington State.

Families in conflict

SHB 2873

Chapter 51, Laws of 2020

Court Level(s): Superior, Juvenile
Categories: Family/Juvenile, Other/Informational
Effective Date(s): 06/11/2020

Requires the DCYF or a community-based entity under contract with DCYF to provide family reconciliation services to any family or youth requesting services, subject to availability of funds. Authorizes community-based entities under contract with DCYF to conduct family assessments required for filing children in need of services (CHINS) and at-risk youth (ARY) petitions. Requires DCYF to make available data regarding use of family reconciliation services.

Coronavirus response

EHB 2965
Chapter 7, Laws of 2020
Court Level(s): All, AOC
Categories: Court Funding/Fees/LFOs, Other/Informational
Effective Date(s): 03/17/2020

Appropriates \$175 million from the Budget Stabilization Account, via the Disaster Response Account, and \$25 million of federal general funds to be allotted to state agencies and distributed to local governments and federally recognized tribes for response to the Coronavirus Disease 2019 (COVID-19). Authorizes the State Board of Education to establish an emergency waiver program to grant local education agencies and private schools flexibility from graduation requirements due to the COVID-19 outbreak. Authorizes DSHS to determine nursing facility payments to adequately resource facilities responding to the COVID-19 outbreak. Establishes the COVID-19 Unemployment Account to cover the unemployment benefit charges of employers who have employees receiving unemployment insurance benefits as a direct or indirect result of the COVID-19 outbreak.

Monitoring with victim notification

2SSB 5149
Chapter 296, Laws of 2020
Court Level(s): Superior, Juvenile, District/Municipal, AOC
Categories: Civil, Criminal, Other/Informational
Effective Date(s): 06/11/2020

Enacts the Tiffany Hill Act, which pertains to electronic monitoring with victim notification technology. Amends the definition of electronic monitoring to include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location. Requires AOC to: 1) develop a list of vendors or enter into a contract with a vendor that provides electronic monitoring with victim notification technology, and provide outreach to counties as to how courts may access the vendor or vendors; and 2) create an informational handout regarding the opportunity to request electronic monitoring with victim notification technology to be provided to individuals seeking a protection order for which electronic monitoring with victim notification technology is available. Government officials and employees are immune for liability resulting from the technology unless

they act with gross negligence or in bad faith. *NOTE: The bill does not change when or whether electronic monitoring can be ordered.*

Discrimination/immigration

ESB 5165

Chapter 52, Laws of 2020

Court Level(s): Superior

Categories: Civil, Other/Informational

Effective Date(s): 06/11/2020

Adds a "citizenship and immigration status" to the list of protected classes for purposes of several statutes in chapter 49.60 RCW (Washington Law Against Discrimination). Exempts distinction or differential treatment based on citizenship or immigration status if authorized by federal or state law, regulation, rule, or government contract.

Confinement alternatives/persons with children

E2SSB 5291

Chapter 137, Laws of 2020

Court Level(s): Superior

Categories: Criminal, Forms

Effective Date(s): 06/11/2020

Modifies eligibility criteria for Parenting Sentencing Alternative for parties with minor children and for the DOC community parenting alternative program. Makes sentencing alternative available to those previously the subject of a deportation order. Expands criteria to include expectant parents and others including adoptive parents, custodians, and stepparents where there is substantial, ongoing, established, proven relationship with child at the time of offense. Exempts consideration of juvenile adjudications when determining eligibility unless offense was a sex offense, violent offense, or felony with firearm or deadly weapon. Requires the court to advise an individual of the right to counsel, and appoint counsel in cases of indigency, should an individual be required to report back at any time following initial sentencing under this alternative. Authorizes increase of community custody as a sanction, but not longer than six months.

Plastic bags

ESSB 5323

Chapter 138, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Civil, Other/Informational

Effective Date(s): Section 11 on 06/30/2021; all other sections on 06/11/2020.

Creates a new chapter in Title 70 RCW to regulate use of plastic or single-use bags at retail establishments. Prohibits a retail establishment from providing a customer or person at an event a single-use plastic bag, or non-compliant paper or reusable carryout bag, beginning January 1, 2021, subject to exceptions. Includes specifications for bags that may be issued to customers by retail

establishments. Mandates a pass-through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic. Exempts food banks and other food assistance programs from carryout bag requirements applicable to retail establishments. Prohibits retail establishments from collecting the pass-through charge from anyone using specified public assistance vouchers or electronic benefits cards. Preempts local carryout bag regulation, with exceptions. Creates civil penalty of \$250 for violation of the act, enforced by the Department of Ecology (DOE), with administrative appeals to the Pollution Control Hearings Board, subject to judicial review under the Administrative Procedure Act. Requires DOE to submit a report to the legislature by December 1, 2024.

Weapons in certain locations

ESSB 5434

Chapter 189, Laws of 2020

Court Level(s): Superior, Juvenile, District/Municipal

Categories: Criminal, New/Amended Crimes

Effective Date(s): 06/11/2020

Adds a new section to chapter 9.41 RCW creating a new gross misdemeanor for carrying a weapon on child care center premises or child care center-provided transportation. Upon conviction, the court shall order the person to immediately surrender any concealed pistol license, and shall notify DOL in writing within three business days of the required three-year revocation of any concealed pistol license held by the person.

Adding superior court judges

ESB 5450

Chapter 53, Laws of 2020

Court Level(s): Superior

Categories: Court Funding/Fees/LFOs, Salaries/Benefits/Personnel/HR

Adds two superior court judge positions: one for Clark County and one for the tri-county judicial district for Ferry, Pend Oreille, and Stevens Counties.

Youth sentencing guidelines

2SSB 5488

Chapter 141, Laws of 2020

Court Level(s): Superior, Juvenile

Categories: Criminal, Family/Juvenile

Effective Date(s): 06/11/2020

Gives sentencing court full discretion to depart from mandatory sentencing enhancements and take into consideration the circumstances surrounding the defendant's youth when sentencing juveniles in adult court.

Youth courts

SSB 5640

Chapter 191, Laws of 2020

Court Level(s): Juvenile, District/Municipal

Categories: Family/Juvenile, Infractions

Effective Date(s): 06/11/2020

Expands jurisdiction of youth courts to include civil infractions. A youth court may accept a referral from a juvenile court diversion unit of a traffic, transit, or civil infraction committed by a youth aged 12 through 15 if the youth court agrees that: 1) completion of the youth court program must be the only condition of the diversion agreement; 2) the juvenile must not serve more than 30 hours of participation in youth court; 3) no record of the juvenile's participation in youth court shall be made or reported to the DOL other than a petition for termination of the diversion agreement filed in juvenile court; and 4) the youth court may refer the juvenile back to the juvenile diversion unit for termination of the diversion agreement due to noncompliance. Language is removed prohibiting a person from participating in youth court if they have had a prior infraction referred to youth court.

Involuntary treatment act

2E2SSB 5720

Chapter 302, Laws of 2020

Court Level(s): Superior, Juvenile

Categories: Civil, Other/Informational

Effective Date(s): Sections 13, 16, 19-23, 26, 32, 34, 36, 39, 55, 59, 76, 83, 86, 89, and 92 on 01/01/2021; sections 14, 17, 27, 40, 46, 56, 79, 84, 87, 93, 95, and 98 on 07/01/2026; all other sections on 06/11/2020

Increases the initial detention period from 72 hours to 120 hours, not counting weekends and holidays, beginning January 1, 2021.

Definitions

Modifies the definition of "likelihood of serious harm" and "grave disability" under the adult ITA statutes contingent upon the Health Care Authority certifying that monthly single bed certifications falling below 200 for three consecutive months, and the minor ITA statutes contingent upon the HCA certifying that the average wait time for admission to Children's Long-Term Inpatient placements being 30 days or less for two consecutive quarters. Adds or amends several definitions for ITA purposes, including notably: "behavioral health disorder;" "written order of apprehension;" "violent act;" and "video."

Law Enforcement, Designated Crisis Responders, and Treatment Providers

Requires written orders of apprehension to be entered into the Washington Crime Information Center database. Adds chemical dependency professionals to the list of persons able to perform the examination required within three hours of a peace officer's delivery of a person at a facility. Allows a designated crisis responder (DCR) to conduct evaluations under the ITA by video provided that a licensed health care professional or professional person is present. Expands the firearms suspension notification that the DCR must make to include notification to the sheriff or police chief of the jurisdiction where the detained person is domiciled. Requires law enforcement to verify certain

commitment information with the prosecutor or DCR before returning surrendered firearms to a detained person. Expands the authority of a treatment facility to file a 90-day involuntary treatment petition.

Rights of Detained Individuals and Judicial Proceedings

Adjusts the rights of adults or minors involuntarily detained. Requires a court to issue an order of dismissal for the initial petition if a court does not issue an order to detain a person. Removes surety hearing provisions. Prescribes that the venue for a detention or revocation hearing of a minor is limited to the county where treatment is being provided. Allows a facility to restrict a minor's ability to access counsel during the initial detention period if there is an immediate risk of harm to the minor or others. Shortens the time frame to file a 180-day petition from five days before the expiration of the current commitment period to three days before expiration. Modifies provisions related to less restrictive alternatives (LRAs), including provisions regarding: the authority of a treatment provider or designee to administer outpatient involuntary medication to a person on an LRA; the entities that may request modification or revocation of the LRA; involuntary treatment periods following revocation of an LRA; the inpatient periods associated with LRAs; and factors the court may consider when determining whether an LRA for a minor should be ordered. Changes requirements for continuances, including allowing continuances for good cause or as required in the proper administration of justice and removing time limitations in ITA hearings. Requests the Washington Supreme Court to adopt rules regarding access to certain court records and files by certain state agencies and persons. Adds numerous provisions from the adult ITA to the minor ITA. Allows a family member, guardian, or conservator to use Joel's Law procedures to appeal a DCR's decision not to detain a minor 13 years of age or older.

Work Group

Establishes an interdisciplinary ITA work group to evaluate implementation of the act and vulnerabilities in the crisis system, and report recommendations to the legislature by June 30, 2022.

NOTE: Sections 12, 15, 25, 31, 33, 35, 38, 54, 75, 82, 85, 88, and 91 expire on 01/01/2021; sections 13, 16, 39, 45, 55, 78, 83, 92, 94, and 97 expire on 07/01/2021.

Drug offense sentencing

SSB 5867

Chapter 55, Laws of 2020

Court Level(s): Superior

Categories: Criminal

Effective Date(s): 06/11/2020

Requires a court to provide resentencing hearings for any drug offender whose qualifying offense was committed prior to July 1, 2004, and who remains incarcerated as a result of sentencing related to that offense. Specifies that relief is not available for offenders convicted of most serious or violent offenses. Requires a prosecutor to review sentencing documents and make motion for relief in all qualifying cases. Directs courts to hold expedited hearings and resentence offenders as if they had not previously been sentenced. Specifies that resentencing may not result in a greater term of confinement.

Uniform electronic transactions

ESSB 6028

Chapter 57, Laws of 2020

Court Level(s): AOC

Categories: Other/Informational

Effective Date(s): 06/11/2020

Enacts the Uniform Electronic Transactions Act, which provides definitions and guidelines for electronic records and electronic signatures relating to transactions, other than wills and those governed by the Uniform Commercial Code.

Uniform directed trust act

SSB 6029

Chapter 303, Laws of 2020

Court Level(s): Superior

Categories: Civil

Effective Date(s): 01/01/2021

Repeals the Washington Directed Trust Act of 2015 and replaces it with the Uniform Directed Trust Act, under which a power over a trust held by a non-trustee is called a power of direction. Identifies the holder of a power of direction as a trust director, who has the same fiduciary responsibilities as a trustee with respect to the directed powers. Exempts trustees from liability for the directed powers, except willful misconduct by the trustee. Allows a directed trustee to petition the superior court for "instructions" when there is reasonable doubt as to its duty under this act.

Business corporations

SSB 6037

Chapter 194, Laws of 2020

Court Level(s): Superior

Categories: Civil

Effective Date(s): 06/11/2020

Requires the board of directors of public corporations to be comprised of at least 25 percent of women and allows shareholders to petition the superior court for a board diversity discussion and analysis. Requires public companies that do not have a gender-diverse board of directors for at least 270 days of the fiscal year preceding the applicable annual meeting of shareholders to deliver to its shareholders a board diversity discussion and analysis no fewer than ten and no more than 60 days before the meeting. Requires the discussion and analysis to include information regarding the public company's approach to developing and maintaining diversity on its board of directors. Provides minimum information that must be included in the discussion and analysis. Allows public corporations to post discussion and analysis information on the public company's principal internet website to meet delivery obligations. Exempts public companies that do not have outstanding shares listed on a United States national securities exchange, "emerging growth companies" or "smaller reporting companies," company's which 50 percent of the voting power is held by a person or group

of persons, companies that have articles of incorporation that authorize the election of all or a specified number of directors by separate voting groups, or companies that are not required to hold an annual meeting. Allows voting shareholders to petition superior court for diversity discussion and analysis information. Provides various requirements when companies rely on facts objectively ascertainable outside the document. Disallows exercising corporate voting rights when shares of a corporation are owned by the same corporation. Prohibits election of directors by less than unanimous written consent, without a meeting or vote, when the articles of incorporation authorize shareholders to cumulate their votes pursuant to RCW 23B.07.280. Requires written consent in the form of an electronic transmission to contain or be accompanied by information from which the corporation can determine that the transmission was from the shareholder on the date which the shareholder transmitted the electronic transmission. Gives the court authority to fashion any appropriate remedy in favor of a shareholder adversely affected by a failure to give notice before taking a corporate action without a meeting or vote.

State wildlife account

SSB 6072

Chapter 148, Laws of 2020

Court Level(s): District

Categories: Other/Informational

Effective Date(s): 07/01/2021

Divides the existing State Wildlife Account into two new accounts: Fish, Wildlife, and Conservation Account for certain non-restricted revenues; and the Limited Fish and Wildlife Account for certain restricted revenues. Conforms statutory references so that future receipts are deposited into the two new accounts.

Model sexual assault protocols

SSB 6158

Chapter 202, Laws of 2020

Court Level(s): Superior

Categories: Other/Informational

Effective Date(s): 06/11/2020

Creates a Sexual Assault Coordinated Community Response Task Force within the Office of the Attorney General to develop model protocols to ensure sexual assault victims receive appropriate care at hospitals and clinics. Includes a member of the SCJA on the task force, which will examine best practices, research gaps in resources in Washington, recommendations for funding, recommendations for legislative policy, and implementation of coordinated community responses.

Resentencing discretion

SB 6164

Chapter 203, Laws of 2020

Court Level(s): Superior

Categories: Criminal

Effective Date(s): 06/11/2020

Gives county prosecutors the discretion to petition the court for resentencing of felony offenses if the original sentence no longer advances the interests of justice. Requires the prosecutor to make reasonable efforts to notify victims and survivors of victims of a petition for resentencing and the date of the resentencing. Gives the trial court discretion to grant or deny the petition for resentencing. Allows the trial court to resentence the offender if the new sentence would be less than the original. Allows the court to consider post-conviction sentencing factors when resentencing a defendant. Prohibits reopening of the defendant's conviction to challenges that would otherwise be barred.

Plumbing

SB 6170

Chapter 153, Laws of 2020

Court Level(s): Superior

Categories: Civil

Effective Date(s): Sections 21, 22, and 28 on 01/01/2021; section 26 on 07/01/2023; all other sections on 06/11/2020

Creates a residential service certificate and related program for regulation of plumbing contractors. Prescribes that violation of certain regulations by plumbing contractors are an infraction. Allows infractions to be heard by an administrative law judge and may be appealed to superior court. Permits any entity with a claim against a contractor and the contractor's bond to file suit in superior court. Outlines a procedure for filing the claim and service on the Department of Labor and Industries.

Juvenile sex offense registration

ESB 6180

Chapter 249, Laws of 2020

Court Level(s): Superior, Juvenile

Categories: Family/Juvenile, Forms

Effective Date(s): 06/11/2020

Creates Special Sex Offender Disposition Alternative (SSODA) participation eligibility for juvenile offenders convicted of assault in the fourth degree with sexual motivation with no history of prior sex offenses. Requires a court to order an individual's removal from the central sex offender registry upon completion of the supervision term unless a finding is made that the juvenile is not sufficiently rehabilitated. Identifies factors the court may consider, including but not limited to compliance with supervision and treatment requirements, input from victim and others, nature of the offense, as well as any factors the court determines relevant. Expands the pool of individuals able to provide SSODA examinations and sex offender treatment to other qualified professionals utilizing evidence-based treatment modalities.

Data breaches/social security numbers

SB 6187

Chapter 65, Laws of 2020

Court Level(s): All, AOC

Categories: Other/Informational

Effective Date(s): 06/11/2020

Adds "last four digits of social security number" to the definition of "personal information" for the purposes of a data breach notification requirements under the Public Records Act.

Bicyclists/stop signs

SSB 6208

Chapter 66, Laws of 2020

Court Level(s): District/Municipal

Categories: Infractions, Other/Informational

Effective Date(s): 10/01/2020

Authorizes a person operating a bicycle to treat a stop sign as a yield sign except at a stop sign at a rail road crossing or used by a school bus.

Drug offender sentencing

2SSB 6211

Chapter 252, Laws of 2020

Court Level(s): Superior

Categories: Criminal

Effective Date(s): 01/01/2021

Amends the drug offender sentencing alternative (DOSA). Allows offenders with a conviction for robbery in the second degree that did not involve a firearm and was not reduced from robbery in the first degree to apply for a DOSA. Raises the requisite standard range midpoint for residential DOSA from 24 months to 26 months. Permits an offender to receive credit for time served in total or partial confinement if the DOSA sentence is revoked and 50 percent credit for time previously served on community custody. Allows residential DOSA sentences to include an indeterminate term of confinement of no more than 30 days to facilitate direct transfer to a residential substance use disorder treatment facility. Limits the prison based DOSA to when the offender has a high end of the standard range that is greater than one year. Changes references of "drug addiction" to "substance use disorder." Requires the DOC to arrange a DOSA examination by an agency certified by the Department of Health (DOH) to provide substance use disorder services. Requires the Health Care Authority to provide rules for treatment completion and continued care in accordance with the American Society of Addiction Medicine criteria. Shifts responsibility for reporting on DOSA effectiveness to Washington State Institute for Public Policy instead of DOC.

Indian behavioral health system

SSB 6259

Chapter 256, Laws of 2020

Court Level(s): Superior

Categories: Civil, Other/Informational

Effective Date(s): Section 203 on 07/01/2021; section 303 on 07/01/2026; and all other sections on 06/11/2020

Grants exclusive jurisdiction to tribes over involuntary commitment related to American Indian or Alaska Native persons within the boundaries of the tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction. Requires recognition and enforcement of tribal court orders in accordance with superior court civil rule 82.5. Amends the definition of "designated crisis responder" to mean "a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe, or after meeting and conferring with an Indian health care provider. . . ." Requires the designated crisis responder to notify the tribe or Indian health care provider whether or not a petition for initial detention or involuntary outpatient treatment will be filed in an investigation or evaluation of an individual under RCW 71.05.150 or 71.05.153 whenever the designated crisis responder knows or has reason to know that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state. Provides requirements for method and timing of notification and when release of information may be restricted under federal law. Allows an immediate family member or guardian or conservator of the person, or federal recognized Indian tribe if the person is a member of such a tribe, to petition the superior court for the person's initial detention if a designated crisis responder decides not to detain a person for evaluation and treatment under the requirements provided under RCW 71.05.201.

Abusive litigation/partners

ESSB 6268

Chapter 311, Laws of 2020

Court Level(s): Superior, District/Municipal, AOC

Categories: Civil, Family/Juvenile, Forms, Other/Informational

Effective Date(s): 01/01/2021

Creates the term abusive litigation, which occurs when the opposing parties are current or former intimate partners, a finding of domestic violence has been entered, and the litigation is for the purpose of harassing, intimidating, or maintaining contact with the other party. Assigns preponderance of the evidence as the standard of proof. Requires dismissal of the litigation, imposition of costs on the abusive party, award of reasonable attorneys' fees and costs of responding to the abusive litigation (including the cost of seeking the order restricting abusive litigation) to the protected party, imposition of pre-filing restrictions on the abusive party for a period not less than 48 months nor more than 72 months. Allows an abusive litigant who has pre-filing restrictions to appear before the judicial officer that imposed the pre-filing restrictions to make an application for permission to initiate a civil action. Allows the judicial officer to examine witnesses, court records, and other evidence to determine if the proposed litigation is abusive or if there are reasonable and legitimate grounds for the proposed litigation. Requires the AOC to create forms, instructions, and brochures. Permits the protected party to appear telephonically in future hearings when possible.

Allows a motion for an order restricting abusive litigation to be brought under an existing case or as a standalone action.

Facial recognition services

ESSB 6280

Chapter 257, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Criminal, Other/Informational

Effective Date(s): 07/01/2021

Establishes requirements for government use of facial recognition technology. Requires an agency using or intending to develop, procure, or use a facial recognition service to file a notice of intent with a legislative authority. Requires an accountability report prior to using a facial recognition service which includes protocols for a security breach notification and other information such as rates of false matches. Directs the agency to issue a final accountability clearly communicated to the public at least 90 days prior to use. Requires an agency planning to use a facial recognition service for a purpose not disclosed in the accountability report to seek public comment and community consultation. Requires meaningful human review if a state or local government agency uses facial recognition to make decisions that produce legal effects. Defines "meaningful human review" and "decisions that produce legal effects." Requires the agency to test the facial recognition service technology in operational conditions prior to deployment. Requires the agency to follow guidance provided by the developer to ensure best quality results. Prescribes periodic training of all individuals that operate a facial recognition service. Compels timely disclosure if a facial recognition service is used in a criminal case to the defendant prior to trial. Requires records on use of facial recognition to be maintained for public reporting and auditing purposes. Exempts state or local agencies that must use facial recognition pursuant to federal regulation, order, partnership with a federal agency to fulfill a congressional mandate, or service with a federal agency to verify individuals presenting themselves for travel at an airport or seaport. Requires a judge who relies on facial recognition technology when deciding on a warrant to report various facts to the Washington Supreme Court in January of each year. Prohibits state and local government agencies from using facial recognition services for ongoing surveillance unless a warrant is issued, exigent circumstances exist, or a court order is obtained authorizing the use of the service for the sole purpose of identifying a missing person. Prohibits the use of facial recognition services based on a person's membership in a protected class or to create a record describing any person's exercise of constitutional rights. Prohibits use of facial recognition by law enforcement as the sole basis to establish probable cause in a criminal investigation or to identify an individual based on a sketch or manually produced image. *NOTE: Section 10, concerning a facial recognition task force, was vetoed.*

Guardianship, etc.

ESSB 6287

Chapter 312, Laws of 2020

Court Level(s): Superior, AOC

Categories: Family/Juvenile, Forms, Probate/Guardianship

Effective Date(s): Sections 101-122, 301-307, 312, 313, 725, 801, 905, and 906 on 01/01/2021; all other sections on 01/01/2022. *NOTE: This bill modifies the previously enacted effective dates of*

Chapter 437, Laws of 2019 (2SSB 5604/Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA)). The modified effective dates largely mean that sections related to minors go into effect on 01/01/2021, while sections related to adults go into effect on 01/01/2022.

Amends Chapter 437, Laws of 2019 (2SSB 5604/UGA). Creates the presumption of capacity and requires a legal determination of capacity before a guardian or conservator can be appointed, but not before a court may order a protective arrangement. Authorizes a court to order an individual to have a specific medical treatment or restrict visitation with another person, without a determination that the individual lacks legal capacity. Strikes a move to a specified place of dwelling from the statutory examples of a protective arrangement, but does not restrict a court's discretion to move a person to another place of dwelling. Adjusts language regarding right to a jury trial on the issue of guardianship or conservatorship.

Animals

ESSB 6300

Chapter 158, Laws of 2020

Court Level(s): Superior, District/Municipal

Categories: Civil, Criminal, New/Amended Crimes

Effective Date(s): 06/11/2020

Adjusts a misdemeanor related to animal treatment so it includes: a) devocalizing a dog; b) cropping *any part* of a dog's ear; or c) cropping any part of the dog's tail when the dog has opened its eyes or is seven days old or older, whichever is sooner. Eliminates customary animal husbandry practice as an exception to the prohibition against cropping an animal's ear. Adds an exception for procedures performed by a licensed veterinarian using accepted veterinarian protocols and pain management. Adds "possessing" an animal to the list of statutory prohibitions applicable to an individual upon conviction of first or second degree animal cruelty. Expands the definition of animal cruelty in the first degree to include exposing an animal to excessive heat or cold, but requires the trier of fact to consider the animal's breed, age, health, medical condition, and other physical characteristics. Creates an affirmative defense to animal cruelty in the first degree if exposing an animal to excessive heat or cold is caused exclusively by an extraordinary force of nature, or unforeseen or unpreventable accident. Adjusts the definitions of "sexual conduct" and "sexual contact" for purposes of an animal cruelty statute. Revises provisions related to abandonment of an animal, and disposition of animals abandoned after being left in the care of a veterinarian, boarding kennel, or other person. Repeals RCWs 16.08.030 (Marauding dog -- Duty of owner to kill), 16.52.110 (Old or diseased animals at large), and 16.52.165 (Punishment -- Conviction of misdemeanor).

Residential tenants

ESSB 6378

Chapter 315, Laws of 2020

Court Level(s): Superior

Categories: Civil, Other/Informational

Effective Date(s): Sections 5-8 on 04/02/2020; all other sections on 06/11/2020.

Provides residential tenant protections in unlawful detainer matters. Gives a tenant that defaults in an unlawful detainer case a five-day grace period after the entry of the judgment to pay rent. Prohibits a landlord from threatening a tenant with eviction for failure to pay nonpossessory charges. Requires service of the order and motion to stay a writ of restitution by personal delivery, mail, facsimile, or other means likely to give notice to the parties. Allows the landlord to collect attorney fees if the judgment for possession is entered and the tenant failed to respond to a pleading or other notice requiring a response. Allows a landlord to refuse to accept cash for payment of rent.

Retirement strategy funds

SB 6383

Chapter 160, Laws of 2020

Court Level(s): Appellate, AOC

Categories: Salaries/Benefits/Personnel/HR

Effective Date(s): 06/11/2020

Authorizes the State Investment Board (SIB) to offer the Commingled Trust Fund as a retirement strategy fund in several public employee retirement plans and the deferred compensation plan. Adjusts the frequency of valuation of certain public employment retirement accounts from monthly to not less than monthly. Expands the liability limitation of the SIB to include deferred compensation investments.

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<i>Civil</i>			
Discover pass penalty distribution	1293	5	D
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Automated traffic safety cameras	1793	7	D/M
Involuntary treatment/video technology	2099	8	S
Environment reorganization	2246	9	S, D/M
Small claims court judgments	2295	10	S, D
Criminal investigation	2318	11	S
Domestic violence	2473	13	S, D/M
Debt buyer	2476	13	S, D
Census rights	2527	15	S, D/M
Past due rent grace period	2535	15	S
Courts/arrests	2567	16	All, AOC
Firearm orders compliance	2622	17	S, D/M
False reporting	2632	17	S, J, D/M
Peer support privilege/Dept of Corrections	2762	19	S, D/M
Monitoring with victim notification	5149	20	S, J, D/M, AOC
Discrimination/immigration	5165	20	S
Plastic bags	5323	21	S, D/M
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Uniform directed trust act	6029	25	S
Business corporations	6037	25	S
Plumbing	6170	27	S
Indian behavioral health system	6259	28	S
Abusive litigation/partners	6268	29	S, D/M, AOC
Animals	6300	31	S, D/M
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Communicable disease control	1551	6	S, D/M
Victim identity defenses	1687	6	S, D/M
Sexually exploited children	1775	7	S, J
Driver's license restriction	2066	8	S
Bail jumping	2231	8	S, D/M
Environment reorganization	2246	9	S, D/M
Youth solitary confinement	2277	9	S, J
Criminal investigation	2318	11	S
Community custody credit	2393	12	S
Community custody	2394	12	S
Community custody terms	2417	12	S
Domestic violence	2473	13	S, D/M
DUI vehicle impoundment	2483	14	All
Census rights	2527	15	S, D/M
Other firearms/background	2555	15	D/M, AOC
Courts/arrests	2567	16	All, AOC
Firearm orders compliance	2622	17	S, D/M
False reporting	2632	17	S, J, D/M
Sports wagering/compacts	2638	17	S
Peer support privilege/Dept of Corrections	2762	19	S, D/M
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Resentencing discretion	6164	26	S
Drug offender sentencing	6211	28	S
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Sexually exploited children	1775	7	S, J
Youth solitary confinement	2277	9	S, J
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Courts/arrests	2567	16	All, AOC
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Juvenile record sealing	2794	19	S, J, AOC
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Youth sentencing guidelines	5488	22	S, J
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Abusive litigation/partners	6268	29	S, D/M, AOC
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Forms

Impaired driving	1504	5	S, D/M
Driver's license restriction	2066	8	S
Small claims court judgments	2295	10	S, D
Child support	2302	10	S
Community custody	2394	12	S
Courts/arrests	2567	16	All, AOC
Out-of-home services	2682	18	S
Juvenile record sealing	2794	19	S, J, AOC
Confinement alts./persons with children	5291	21	S
Juvenile sex offense registration	6180	27	S, J
Abusive litigation/partners	6268	29	S, D/M, AOC
Guardianship, etc.	6287	30	S, AOC

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JIS

Discover pass penalty distribution	1293	5	D
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New/Amended Crimes

Discover pass penalty distribution	1293	5	D
Communicable disease control	1551	6	S, D/M
Driver's license restriction	2066	8	S
Bail jumping	2231	8	S, D/M
Domestic violence	2473	13	S, D/M
Census rights	2527	15	S, D/M

Other firearms/background	2555	15	D/M, AOC
Fish and wildlife violations	2571	16	D
Sports wagering/compacts	2638	17	S
Weapons in certain locations	5434	22	S, J, D/M
Animals	6300	31	S, D/M
<i>Other/Informational</i>			
Employee information disclosure	1888	7	All, AOC
Respectful language	2390	11	AOC
Community custody credit	2393	12	S
Community custody terms	2417	12	S
Firearm background checks	2467	13	AOC
Domestic violence	2473	13	S, D/M
Debt buyer	2476	13	S, D
DUI vehicle impoundment	2483	14	All
Other firearms/background	2555	15	D/M, AOC
Sports wagering/compacts	2638	17	S
Families in conflict	2873	19	S, J
Coronavirus response	2965	20	All, AOC
Monitoring with victim notification	5149	20	S, J, D/M, AOC
Discrimination/immigration	5165	20	S
Plastic bags	5323	21	S, D/M
Involuntary treatment act	5720	23	S, J
Uniform electronic transactions	6028	25	AOC
State wildlife account	6072	26	D
Model sexual assault protocols	6158	26	S
Data breaches/social security numbers	6187	28	All, AOC
Bicyclists/stop signs	6208	28	D/M
Indian behavioral health system	6259	28	S
Abusive litigation/partners	6268	29	S, D/M, AOC
Facial recognition services	6280	30	S, D/M
Residential tenants	6378	31	S
<i>Probate/Guardianship</i>			
Guardianship, etc.	6287	30	S, AOC
<i>Salaries/Benefits/Personnel/HR</i>			
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Expression of breast milk	2266	9	All, AOC
Veterans	2544	15	AOC

Shared leave program	2739	18	AOC
Adding superior court judges	5450	22	S
Retirement strategy funds	6383	32	App./AOC