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**2001 LEGISLATIVE  
SUMMARY**

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**SUMMARY**

of Selected

**2001 LEGISLATION**

of Interest to the Courts



**State of Washington**

*June 2001*

We are pleased to present this *Summary of Selected 2001 Legislation of Interest to the Courts* and hope it will be useful to implement bills that impact your court. During the 2001 Legislative session, the Legislature and Governor enacted nearly 65 bills that affect the courts and are of general interest to the legal community.

Brief descriptions of these measures follow, arranged by bill subjects. Designators indicate whether the measure is of primary interest to judges and/or court managers in superior (S), juvenile (J), district (D), municipal (M) or appellate courts (A). Following each bill summary is a brief description in italics of implementation steps to be undertaken by the Office of the Administrator for the Courts (OAC), committees, associations or courts.

**The effective date of legislation is July 22, 2001**, unless otherwise noted at the end of the bill summary. Any bills which had partial vetoes from the Governor are indicated next to the bill number.

A list of OAC "bill trackers" is provided on this page. Please contact the tracker directly if you have questions about a particular bill, or you may call Janet McLane at (360) 705-5305 or Victor Moore at (360) 357-2406 for general legislative inquiries.

Thank you!

Mary Campbell McQueen, Washington State Court Administrator

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**SEX OFFENDERS**

**2ESSB 6151 (S)**  
*Chapter 012, Laws 2001*  
*Second Special Session*  
 Establishes an indeterminate sentencing system for any person convicted of a first two-strikes offense committed after the effective date of this act and any person who has a prior two-strikes offense who is convicted of any other felony sex offense committed after the effective date of this act. Establishes minimum terms equal to either the current determinate sentence or an exceptional minimum term, as determined by the court and maximum terms equal to the statutory maximum for the crime. Gives the Indeterminate Sentence Review Board authority over these offenders. Subjects offenders to the Offender Accountability Act when conditions of community custody are violated. Changes several "strike" offenses and attempts to Class A felonies. Creates a new Class A felony referred to as sexually violent predator. Creates a secure community transition facility on McNeil Island for civilly committed sex offenders who need placement in a least restrictive alternative site. Much of the bill concerns the DSHS operation of this facility and the siting of additional facilities.

*Pattern Forms Committee will review forms for necessary revisions.*

**Effective: September 1, 2001**  
*(sentencing provisions).*  
**All others effective immediately.**

**SMALL CLAIMS**

**SMALL CLAIMS JURISDICTION**  
**SB 5389 (D)**  
*Chapter 154, Laws 2001*  
 Increases small claims jurisdiction to \$4000.

*Update small claims brochure.*

**SMALL CLAIMS APPEALS**  
**SB 5491 (S, D)**  
*Chapter 156, Laws 2001*  
 Requires small claims appeals to be de novo, on the record. Allows superior court to employ arbitration or other methods of dispute resolution in small claims matters.

*Amend court rules to conform with new statutory language.*  
*Update JIS law table and small claims brochure.*



**PERSISTENT SEX OFFENDERS**

**ESSB 5013 (S)**

*Chapter 7, Laws 2001*

Clarifies the definition of a "persistent offender" to make clear when a prior conviction for a sex offense should be considered a sex crime "strike" for sentencing as a "persistent offender." A "persistent offender" must be sentenced to life in prison without the possibility of parole. A federal or out-of-state prior sex offense conviction, or such a conviction under prior Washington law, is a prior sex crime "strike" for sentencing purposes if the crime is comparable to an offense designated as a sex crime "strike" under current Washington law.

**SEX AND KIDNAPPING OFFENDERS**

**SSB 5014 (S)**

*Chapter 95, Laws 2001*

Harmonizes the definitions of a sex offense in the criminal statutes and the registration statute so they are the same with regard to felonies. When sex offender registration was first established, the definitions were the same. However, over the years, both definitions have been amended.

**Effective: July 1, 2001.**

**COMMITMENT OF SEXUALLY VIOLENT PREDATORS**

**ESSB 5122a (S)**

*Chapter 71, Laws 2001*

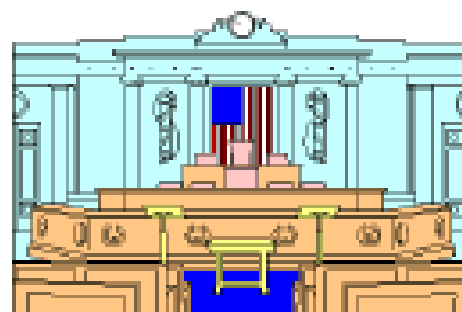
Restricts the evidence that may be presented about less restrictive alternative (LRA) conditions during a commitment hearing (courts may not consider "hypothetical" treatment conditions – only those conditions that would exist if the person were released on the SVP petition) (sections 1 and 7). Prompted by the Court of Appeals decision *In re Ross*, 102 Wn.App. 108 (2000). Also, it clarifies that LRAs may not be ordered until the respondent has first received inpatient treatment (sections 3, 4 & 7); Revises definitions for "likely to engage in predatory acts," "predatory," and "recent overt acts" (section 4); Takes away a respondent's right to exclude the testimony of the respondent's spouse (section 2); Provides that treatment providers may be compelled to testify despite any claims of privilege (section 12); and gives witnesses the right to testify by telephone (section 6).

**SEX AND KIDNAPPING OFFENDERS**

**ESSB 6143 (S)**

*Chapter 283, Laws 2001*

Adds new provisions to the community notification requirements for Level III sex offenders found in RCW 4.24.550. The sheriff of the county where the offender is registered is required to publish in a legal newspaper by legal notice, advertising or news release a sex offender community notification that meets the criteria of RCW 4.24.5501. The sheriff is also required to publish a current list of Level III registered sex offenders twice yearly. Finally, the sheriff is required to maintain a current list of Level III registered sex offenders on a publicly-accessible website that is updated at least once a month.



**CIVIL JURISDICTION**

**POWERS OF ATTORNEY**

**SHB 1135a (S)**

*Chapter 203, Laws 2001*

Creates a superior court proceeding for reviewing powers of attorney. Authorizes a court to review the attorney-in-fact's authority, to limit that authority, to ratify acts, to remove the attorney-in-fact, and to require or prohibit certain other acts (sections 3 through 10). Also addresses: the authority of attorneys-in-fact (sections 1 and 12); and third-party reliance upon powers of attorney (section 2).

**SETTLEMENT PROTECTION**

**EHB 1347a (S)**

*Chapter 178, Laws 2001*

Requires court approval before a tort plaintiff or a worker compensation claimant may transfer "structured settlement" rights (sections 4 and 6). Defines "structured settlement" (section 2) to include periodic payments for personal injuries or sickness, for worker compensation recoveries, and for certain special needs trusts, all as defined in federal law. Also provides other protection to plaintiffs who wish to transfer their structured settlement rights.

**WATER RIGHTS**

**EHB 1350a (S)**

*Chapter 220, Laws 2001*

Streamlines the appeal process for Department of Ecology's decisions to transfer or change water rights, but only with regard to property that is subject to the on-going general adjudication proceeding in the Yakima Valley basin. Does not change the appeal process for water right decisions elsewhere in the state.

**HARASSMENT ORDERS**

**SHB 1591a (S, D, M)**

*Chapter 311, Laws 2001*

Eliminates requirement to serve a permanent anti-harassment order where respondent was personally served with the temporary order and notice of the hearing, failed to appear, and the temporary order did not materially change at the hearing. Notice of the hearing must include: date and time of the hearing; notice that an ex parte order will be issued for a period of one year if the respondent fails to appear; a brief statement of the provisions of the ex parte order; and notice that the ex parte order has been filed with the clerk of the court.

*Pattern Forms Committee will review forms for necessary revisions.*

**LIABILITY OF VOLUNTEERS**

**SHB 1643 (S, D)**

*Chapter 209, Laws 2001*

Limits the liability of volunteers working for the government or certain non-profit organizations.

Provides that these volunteers will be personally liable only for acts of willful or criminal misconduct, gross negligence, or reckless misconduct. Does not apply to a variety of exempted volunteers.

**WATER RIGHTS**

**ESHB 1832 (S)**

*Chapter 237, Laws 2001*

Provides the first significant overhaul of water law in decades, although the effect on the courts should be minimal. Focuses primarily on freeing up the transferring and changing of water rights. Includes the following changes: (1) Streamlines Department of Ecology's (DOE) processing of water right applications, transfers, and changes (but does not change appeal process) (section 5); (2) Addresses water conservancy boards, including authority to consider all water right transfers and changes (sections 6-21). (3) Addresses family farm water rights, including their transferability (sections 22-25); (4) Addresses trust water rights, including their transferability (sections 27-31).

**MENTAL ILLNESS COMMITMENTS**

**SB 5048 (S)**

*Chapter 12, Laws 2001*

Requires courts in mental illness commitment cases to give "great weight" to the respondent's prior history of decompensation and discontinuation of treatment (current law requires this only when determining whether the

person is gravely disabled).  
Was proposed as a response to the Court of Appeals decision in *In re R.W.*, 98 Wn.App. 140 (1999).

**CHEMICAL DEPENDENCY COMMITMENTS**

**ESB 5051 (S)**

*Chapter 13, Laws 2001*

Expands the definition of two of the elements required for commitment – “likelihood of serious harm” and “incapacitated”– thereby lowering the threshold for committing people for chemical dependency (section 1). Allows a chemical dependency petition to be brought in another county’s court if permitted by court rule (section 3). Authorizes counties to designate the Chemical Dependency Mental Health Professional to perform chemical dependency commitment duties (section 4).

**TRUST & ESTATE DISPUTE RESOLUTION**

**ESSB 5052 (S)**

*Chapter 14, Laws 2001*

Makes various “clean-up” changes to the Trust and Estate Dispute Resolution Act (passed in 1999). Includes changes to: (1) Appointment of special representatives (section 3); and (2) Procedures for filing, and appealing from, arbitrator decisions (section 5).

**RULE AGAINST PERPETUITIES**

**SB 5054 (S)**

*Chapter 60, Laws 2001*

Replaces the common law’s complicated rule against perpetuities with a rule that requires a trust (and similar property dispositions) to vest within 150 years.

**VENUE**

**SSB 5241 (S, D, M)**

*Chapter 45, Laws 2001*

Clarifies venue provisions for unlawful issuance of a check or draft. Expands venue for filing personal injury cases to include the location the injury occurred.

**VENUE**

**SSB 5252 (D, M)**

*Chapter 15, Laws 2001*

Allows hearings to be held outside a court’s normal venue in the event of a natural disaster, civil unrest, technological failure or other hazardous condition. Provides that venue in a criminal matter based on a local ordinance can be held by electronic means when the defendant is outside the court’s geographic jurisdiction.

**USE OF JUDGES PRO TEMPORE**

**ESJR 8208 (S, D, M, A)**

The Washington State Constitution is amended to provide that, in addition to those persons currently authorized to be a judge pro tempore in superior court, any sitting elected judge may serve as a judge pro tempore in superior court without the

approval of the litigants, as provided by court rule. The rule must require that assignments of judges pro tempore be based on the experience of such judges and provide for the right, exercisable once during a case, to a change of a judge pro tempore.

*Draft Supreme Court Rule.*

*Effective upon approval by the voters and certification by the Secretary of State.*

**COURT FINES AND FEES**

**FILING FEES IN SUPERIOR COURT**

**SHB 1793 (S)**

*Chapter 146, Laws 2001*

Increases the filing fee from \$5 to \$20 for various state agencies filing warrants for unpaid taxes or overpayment of benefits (only the first \$5 of this fee is subject to the PSEA split with the state).

*Update transaction codes in the Judicial Receipting System (JRS).*

*Effective: July 1, 2003.*

**JUVENILE RECORDS—**

**MOTION TO SEAL**

**SB 5691 (S, J)**

*Chapter 49, Laws 2001*

Any motion to seal a juvenile record that is filed after July 1, 1997, must be decided based upon the criteria contained in RCW 13.50.050 in effect after July 1, 1997, regardless of when the conviction occurred.

**MUNICIPAL COURTS**

**COURT SERVICES AGREEMENTS**

**SSB 5472 (M)**

*Chapter 68, Laws 2001*

Eliminates the requirement that a city, which terminates its municipal court, must wait 10 years before forming a new court. Establishes notice and timing requirement for termination or formation of court services agreements.

**PUBLIC DISCLOSURE / PRIVACY**

**PUBLIC EMPLOYEES- PERSONAL INFORMATION**

**HB 1002 (All)**

*Chapter 70, Laws 2001*

Makes technical revisions to the Public Records Act, which specifically exempts residential addresses or residential phone numbers of public employees or volunteers of public agencies held by any public agency in

personnel records, public employment related records, volunteer rosters, or mailing lists from public disclosure.

**STALKING VICTIMS-ADDRESS CONFIDENTIALITY**

**HB 1546 (All)**

*Chapter 28, Laws 2001*

Victims of stalking may participate in the Secretary of State Address Confidentiality Program.

**PUBLIC DISCLOSURE- TERRORISM**

**SSB 5255 (All)**

*Chapter 98, Laws 2001*

Those portions of records of public agencies containing specific unique vulnerability assessments or response plans intended to prevent or mitigate criminal acts of terrorism are exempt from public inspection and copying, if the public release has a substantial likelihood of threatening public safety.

**SEXUAL OFFENDERS**

**SEX OFFENDER REGISTRATION**

**HB 1952 (S)**

*Chapter 169, Laws 2001*

Revises the Washington statutes on sex offender registration for transient sex offenders. Requires all transient sex offenders to report weekly to the county sheriff, regardless of risk level classification. The lack of a fixed residence is a factor that may be considered in determining the extent of public notification regarding

the offender. Any offender who ceases to have a fixed residence must notify the sheriff within 48 hours of failing to have a fixed residence, rather than 14 days. This bill also delays the implementation date for the statewide jail booking and reporting system.

*Pattern Forms Committee will review forms for necessary revisions.*

**SEX OFFENDER REGISTRATION**

**HB 2086 (S)**

*Chapter 170, Laws 2001*

Revises Washington statutes on sex offender registration to meet federal statutory guidelines. A person is required to register for life if: (1) the person has been convicted of an aggravated sex offense; (2) the person has been determined to be a sexually violent predator under Washington statute, federal law or the law of another state; or (3) the person has been convicted of one or more prior sexually violent offenses or criminal offenses against a victim who is a minor. A person may petition the court to be exempted from any community notification requirements as a sex offender if the person has spent 15 years in the community without being convicted of any new offenses.

*Pattern Forms Committee will review forms for any necessary revisions.*

from the date of placement but no more than 90 days from the disposition order date. The first review may be a permanency planning review if necessary. Section 7 provides that when an agreed order is presented the court must inquire of the parent on the record and make sure the parent understands his/her responsibilities, understands the fact that the process could lead to termination, understands that the agreement means the parent cannot later challenge the dependency finding, and that the parent consents without fraud or duress. The parent's attorney may appear instead, and advise the court that the parent understands the provisions.

*Pattern Forms Committee will review forms for necessary revisions.*

**DEPENDENT CHILDREN – INFORMATION SHARING**  
**ESSB 5995 (S, J)**  
*Chapter 52, Laws 2001*

Adds new sections to RCW 26.44 and RCW 13.34, as a result of the recent analysis of the child dependency system following the death of Zy'Nyia Nobles. Department of Social and Health Services (DSHS) shall, consistent with state and federal laws, establish and use guidelines for communication of relevant information among divisions, providers, the courts, the family, caregivers, caseworkers and others. Law enforcement must notify DSHS when a child is present at a methamphetamine

lab. Nothing in the act creates a private right of action.

**JUVENILE LAW**

**JUVENILE OFFENDER BASIC TRAINING CAMP**

**HB 1070 (S, J)**  
*Chapter 137, Laws 2001*  
Amends RCW 13.40 by removing from Department of Social and Health Services (DSHS) the duties to operate the camp and to site the facility in the most cost-effective facility possible. Exempts the program from licensing requirements under RCW 74.15. Allows up to 40 days in addition to the 120 days of disposition spent in the camp if a juvenile offender needs additional time to successfully complete the program. Removes provision that camp shall accommodate at least 70 offenders. Changes the term "rules" to "standards" regarding DSHS's developing means of safe and effective operation of the camp.

**JUVENILE RECORDS**

**SHB 1212 (S, J)**  
*Chapter 174, Laws 2001*  
Adds to RCW 13.50.050, section 12 provision for sealing of juvenile misdemeanor records if no convictions while in the community for two consecutive years and for sealing of juvenile gross misdemeanor records if no convictions while in the community for three consecutive years, since the last date of release or entry of disposition and the person is now at least 18 years of age.

*Pattern Forms Committee will review forms for necessary revisions. RMAC will revise the Criminal History and Record Brochure.*

**DIVERSIONS**

**SHB 1471 (S, J)**  
*Chapter 175, Laws 2001*  
Adds section to RCW 13.40.127 providing for destruction of records of a person 23 years or older whose criminal history consists of only referrals for diversion, if all diversion agreements have been successfully completed and no proceeding seeking conviction of a criminal offense is pending against the person. Amends RCW 13.40.127 eliminating diversions as ineligibility factor for deferred disposition.

*Pattern Forms Committee will review forms for necessary revisions.*

*RMAC will revise the Criminal History and Records Brochure.*

**CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

**SSB 5468 (S, J)**  
*Chapter 164, Laws 2001*  
Amends RCW 13.40.165, making more youth eligible for chemical dependency disposition alternative. Eliminates "amenable to treatment" from eligibility requirements. Adds "substance abusing" as an eligibility factor in addition to "chemically dependent."

*Pattern Forms Committee will review forms for necessary revisions.*

**FUNDING**  
**SSB 5309a (S, D, M)**  
*Chapter 289, Laws 2001*  
Imposes mandatory additional penalties on infractions (\$10) and criminal traffic offenses (\$50). Courts can impose alternative community service in lieu of penalty for indigent offenders. Revenue is subject to split with the state. Revenues retained by the city or county constitutes reimbursement for liabilities under RCW 43.135.060.

*Update penalty schedules to reflect new amounts. Modify JIS revenue distribution programs.*

**CRIMINAL JURISDICTION**

**ENFORCEMENT OF RESTITUTION ORDERS**  
**SHB 1117 (D, M)**  
*Chapter 115, Laws 2001*  
Clarifies that court of limited jurisdiction restitution orders can be enforced as civil judgments without filing in superior court.

**MISDEMEANOR OFFENSES-VACATING RECORDS**  
**SHB 1174 (S, D, M)**  
*Chapter 140, Laws 2001*  
Provides authorization to vacate records of misdemeanor and gross misdemeanor convictions and generally prohibits dissemination of vacated records. Special rules are provided with regard to vacation of records of convictions for domestic violence misdemeanor offenses.

*Modify JIS programs relating to plea and sentence and case history information.*

*Records Management Advisory Committee will revise the Criminal History and Record Brochure.*

**ESCAPE FROM CUSTODY**  
**HB 1227 (S)**  
*Chapter 264, Laws 2001*  
Revises the offenses of escape and bail jumping. Adds the culpability element of knowledge and creates an affirmative defense in the crime of escape. Expands and creates an affirmative defense to the crime of bail jumping. Repeals the specific failure-to-return statutes. Requires a law enforcement agency to deliver a person in custody to agents of a demanding state without a warrant when certain requirements are met. Redefines the statute relating to escape in the second degree.

*Update JIS law table.*

**ALCOHOL OR DRUG TEST**  
**SHB 1243 (S, D, M)**  
*Chapter 142, Laws 2001*  
Makes refusal to submit to a test of drug or alcohol concentration admissible into evidence.



**HIT AND RUN**  
**HB 1280 (S)**  
*Chapter 17, Laws 2001*  
Increases the penalty for hit-and-run driving resulting in death. The seriousness level is increased from Level VIII to Level IX. The presumptive sentence range for someone with no criminal history will be 31 to 41 months. The purpose of this change is for this offense to have the same seriousness level as a vehicular homicide committed while under the influence of alcohol.

**DIGITAL SIGNATURES-FRAUD**  
**SHB 1632 (S)**  
*Chapter 39, Laws 2001*  
Makes it unlawful for a person to knowingly: 1. Apply for a digital signature certificate in someone else's name; 2. Forge a digital signature; and 3. Use another person's digital signature certificate as identification to gain access to or engage in a transaction for which the person is not authorized. A violation of these provisions is a class C felony that carries a penalty of up to five years in prison or a fine up to \$10,000, or both.

*Update JIS law table.*

**IDENTITY THEFT**  
**ESSB 5449 (S)**  
*Chapter 217, Laws 2001*  
Expands the definition of the crime of identity theft, increases the potential penalties, requires businesses to assist victims by

providing access to information and allows the court to enter orders requiring the correction of the victim's financial records. Makes the crime of identity theft actionable under the Criminal Profiteering Act. Restricts contact by collection agencies with identity theft victims regarding debts that may be the result of an alleged identity theft. The victim is required to provide the agency with specified information substantiating the victim's claim that the debt is the result of an identity theft. Requires credit-reporting agencies to omit certain information from a credit report upon showing by the victim of an alleged identity theft that the credit information may be the result of such a theft.

Update JIS law table.

**Effective: July 22, 2001**  
except section 5, which  
is effective April 1, 2004.

**ALCOHOL VIOLATORS**  
**SSB 5558a (S, D, M)**  
*Chapter 247, Laws 2001*

Clarifies that requirement to drive only motor vehicles equipped with ignition interlock devices may not be suspended. Extends period in which blood alcohol level is relevant to sentencing to two hours after physical control or operation of the motor vehicle.

**DNA TESTING**  
**SSB 5896 (S)**

*Chapter 301, Laws 2001*  
Extends the right to request a

post-conviction DNA test to all persons convicted of a felony and currently serving a term of imprisonment. Current law only permits such tests for those sentenced to death or those serving a term of life imprisonment without the possibility of parole. Requests are made to the prosecutor in the county in which the conviction occurred. Requests that are denied may be appealed to the Attorney General. Any biological material that is secured in connection with a criminal case before the effective date of this act may not be destroyed before January 1, 2005.

**PROBATION ORDERS**  
**ESSB 5970 (D, M)**  
*Chapter 94, Laws 2001*

Authorizes limited jurisdiction courts to toll the probation term of misdemeanor and gross misdemeanor defendants who fail to appear for any court hearing. The tolling continues until the defendant appears in court and makes his or her presence known to the court. Also authorizes municipal courts to revoke suspended sentences at any time before an order terminating probation is entered.

**FAMILY  
LAW**

**UNLAWFUL HARASSMENT —  
CHILDREN — PROTECTION  
ORDERS**

**2SHB 1041 (S)**  
*Chapter 260, Laws 2001*  
Amends the RCW 10.14 age

requirement for persons against whom a protection order for unlawful harassment may be obtained. A parent or guardian on behalf of a child may obtain an order in superior court restraining a person under the age of eighteen only in cases where the person to be restrained has been adjudicated of an offense against the child to be protected or is being investigated for an offense against that child. The law allows the court to order the restrained child to transfer schools if both the protected child and restrained child attend the same school. Contempt sanctions apply. If transfer of school is ordered, court must send notice to the school of the protected child and to the school the restrained child will be attending.

*Pattern Forms Committee will review forms for necessary revisions.*

**FAMILY LAW COURT FILES**  
**EHB 1864 (S) Partial Veto**  
*Chapter 42, Laws 2001*

Changes what type of identifying information parties must provide on child support orders, petitions for dissolution, petitions for legal separation, and paternity actions filed with a court. Requires that parties file a confidential information form containing identifying information in lieu of listing that information on court documents.

*Pattern Forms Committee will amend pattern family law pleadings to remove certain personal identifiers and create a new confidential information form.*

See bill text at: [www.leg.wa.gov](http://www.leg.wa.gov)

*Clerks will develop business practices to segregate confidential information form from public access.*

**Effective: October 1, 2001.**  
See Partial Veto at: [www.leg.wa.gov](http://www.leg.wa.gov)

Depicted below are participants at the EHB1864 bill signing ceremony. From left to right are: Rep. Mary Lou Dickerson; Clerk Betty Gould; Deborah Wilke, WACO;



Ellen Nolan, DSHS; Mark Weiss, WSBA; Senator Jeralita Costa; Charley Barron, DSHS; Kathy Kuriyama, OAC; and Governor Gary Locke. (Photo purchased from State House of Representatives.)

**UNIFORM CHILD CUSTODY  
JURISDICTION AND  
ENFORCEMENT ACT**

**SB 5348 (S, J)**  
*Chapter 65, Laws 2001*  
Replaces Uniform Child Custody Jurisdiction Act (UCCJA—formerly RCW 26.27) and incorporates the Parental Kidnapping Prevention Act. This version of the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) makes clear that temporary emergency jurisdiction to address abuse/abandonment (should last only until either the home state or the state with an existing custody order commences

See bill text at: [www.leg.wa.gov](http://www.leg.wa.gov)

a proceeding. Contains provisions for enforcement of child custody orders and cooperation of courts across state lines.

*Pattern Forms Committee will review forms for necessary revisions.*

**EMANCIPATION OF MINORS**  
**SB 5392 (S, J)**  
*Chapter 161, Laws 2001*

Amends RCW 13.64.040 authorizing a “judicial officer” (instead of a judge) to hear emancipation petitions. A judicial officer means a judge, a superior court commissioner of a UFC, or any superior court commissioner if the county does not have a UFC. It does not include a judge pro tempore.

**TRUANCY RECORDS**  
**SB 5393 (S, J)**

*Chapter 162, Laws of 2001*  
Amends RCW 28A.225.035, changing data required on the petition to compel school attendance. Data will include date of birth (not age), gender, race and ethnicity of the child. Amends RCW 13.50.100, mandating removal from JIS of truancy records associated with a juvenile with no other case history or a juvenile's parents with no other case history when the juvenile is no longer subject to compulsory attendance laws.

*Pattern Forms Committee will review forms for necessary revisions. Truancy cases will be entered in JIS.*

**CHILD DEPENDENCY  
PROCEEDINGS**

**ESSB 5413 (S, J)**  
*Chapter 332, Laws 2001*  
Seeks to improve accountability in child dependency cases. Known as the Zy’Nyia Nobles Bill, it makes several changes to the dependency statute, RCW 13.34. Section 1(1) provides that upon the request of a parent, Department of Social and Health Services (DSHS) shall facilitate a conference with all parties after shelter care and no later than 25 days prior to the fact finding. The purpose of the conference will be to hear from the parties and providers and to develop a written service agreement. The agreement shall conform to the shelter care order and shall be used to measure performance of DSHS and the parent. The agreement shall be signed by all parties, updated, and reviewed by the court throughout the case. Section 1(2) provides for a case conference facilitated by DSHS upon the request of the parent at any stage of the proceeding. Section 2 provides that the parent's notice of legal rights should include notice of the right to continued representation, notice of the right to convene a case conference, and notice of the right to participate in certain staffings. Section 5 provides that the first review must be in court and must take place 6 months