



WASHINGTON  
COURTS

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**SUMMARY**  
**Of Selected**  
**2009 LEGISLATION**  
**Of Interest to the Courts**

*June 2009*

To obtain this publication in an alternative format, please contact the  
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***“ . . . TO ADVANCE THE EFFICIENT AND  
EFFECTIVE OPERATION OF THE  
WASHINGTON JUDICIAL SYSTEM ”***

**AOC Mission Statement**

The Administrative Office of the Courts (AOC) was established by the 1957 Legislature and operates under the direction and supervision of the Chief Justice of the Supreme Court, pursuant to Chapter 2.56 RCW.

## 2009 Legislative Summary

We are pleased to present a **Summary of Selected 2009 Legislation of Interest to the Courts** and hope it will be useful to implement bills that impact your court. During the 2009 legislative session, the Legislature and Governor enacted **132** bills that affect the courts and are of general interest to the legal community.

Brief descriptions of these measures follow, arranged by court level within each area of law. Designators indicate whether the measure is of primary interest to judges and/or court managers in appellate (A), superior (S), juvenile (S-Juv), or district/municipal courts (D/M). Following many bill summaries is a section that outlines implementation plans to be undertaken by the Administrative Office of the Courts (AOC) and/or the affected court levels.

Unless otherwise noted at the end of the bill summary, the **effective date of bills is July 26, 2009**. Partial vetoes by the Governor are indicated under the bill number. For details on vetoes and other bill information, please go the Washington State Legislature’s website at [www.leg.wa.gov/legislature](http://www.leg.wa.gov/legislature) and enter the bill number under the “Bill Search” heading.

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

### BILL TRACKERS

- MELLANI MCALEENAN:** BJA/multi-court legislation  
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- DIRK MARLER:** Fiscal notes; BJA/multi-court legislation  
*dirk.marler@courts.wa.gov* .....360-705-5211
- RICK NEIDHARDT:** Appellate court legislation  
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- LYNNE ALFASSO:** Superior court criminal and civil legislation  
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- REGINA MCDOUGALL:** Superior court/juvenile offender legislation  
*regina.mcdougall@courts.wa.gov* .....360-705-5337
- JANET SKREEN:** Juvenile and family court legislation  
*janet.skreen@courts.wa.gov* .....360-705-5252
- ASHLEY DEMOSS:** District and municipal court legislation  
*ashley.demoss@courts.wa.gov* .....360-705-5226
- RICK COPLEN:** Jury legislation  
*rick.coplen@courts.wa.gov* .....360-705-5306
- CHARLEY BATES:** Administrative public records  
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## 2009 Legislative Summary

### CIVIL

#### CERTIFICATE OF DISCHARGE

ESHB [1002](#)

Chapter 288, Laws 2009 (S)

An offender who is otherwise eligible for a certificate of discharge but who is subject to an existing no-contact order excluding or prohibiting an offender from having contact with a specified person or business, or coming within a set distance of any specified location as part of a felony judgment and sentence, may petition the court to issue a certificate of discharge and a separate no-contact order by filing a petition in the sentencing court and paying the civil filing fee for a separate no-contact order. The court is required to reissue the no-contact order contained in the judgment and sentence. The separate no-contact order is not a modification of the offender's sentence.

The court must send a copy of the new no-contact order and an explanation of the reason for the change to the individuals protected by the order. If no address is available, the court must forward a copy of the new order to the prosecutor, who must send the new order and an explanation to the last known address of the protected individuals.

The court must also forward a copy of the order to the appropriate law enforcement agency specified in the order. The law enforcement agency must enter the order into the criminal justice information system.

*Court action: Establish procedures for mailing order to victim or prosecutor and to law enforcement.*

*Partial veto: Section 4 (emergency clause).*

*AOC action: JIS create/update codes as necessary. Refer to the Pattern Forms Committee for review and update as needed including creation of a new no-contact form.*

#### MODIFYING STATUTORY COST PROVISIONS

SHB [1022](#)

Chapter 240, Laws 2009 (S, D/M)

A plaintiff is the "prevailing party" and, therefore, entitled to an award of "statutory costs" if, after an action for the recovery of money is commenced, the defendant offers and the plaintiff accepts full or partial payment of the amount sued for, and the plaintiff had given the defendant prior written notice that the defendant could still be liable for costs regardless of full or partial payment. Upon application by the plaintiff, the court must enter a judgment for those costs, except those costs that are paid before entry of judgment.

The same provision applies to cases in district court. However, the plaintiff is not entitled to the statutory attorney fee portion of costs unless the amount asked for in the complaint, exclusive of costs, is \$50 or more. In a case where the amount asked for is at least \$50 but less than \$200, the statutory attorney fee is \$125.

#### NOTICES OF DISHONOR

HB [1042](#)

Chapter 185, Laws 2009 (S, D/M)

If a check is assigned or written to a collection agency and the agency provides a notice of dishonor, the notice of dishonor may be sent to the drawer at the drawer's last known address and the drawer is presumed to have received it three days from the date of mailing.

A statement must be added to the notice of dishonor informing the debtor that the amount he or she may be liable for if court action is taken is advisory only and should not be construed to mean that legal action is contemplated or intended.

## 2009 Legislative Summary

### LIMITED PARTNERSHIP ACT

SHB [1067](#)

Chapter 188, Laws 2009 (S)

This bill replaces the Washington Revised Uniform Limited Partnership Act with the new Washington Uniform Limited Partnership Act.

*Effective date:* January 1, 2010, except section 1305 and sections 1404 through 1416 which are effective July 1, 2010.

### BUSINESS CORPORATION ACT

HB [1068](#)

Chapter 189, Laws 2009 (S)

This bill makes numerous revisions to the Washington Business Corporation Act.

### EXCHANGE FACILITATORS

E2SHB [1078](#)

Chapter 70, Laws 2009 (S, D/M)

Creates new requirements for persons or businesses acting as exchange facilitators to facilitate exchanges of investment property under the provisions of Internal Revenue Code Section 1031, including:

- The business must be under the direct management of an attorney, or CPA, or person who has passed a test specific to the subject matter of exchange.
- A facilitator may not sue its clients for compensation unless the facilitator proves compliance with all of the requirements of this act.
- Bond and insurance requirements are established for facilitators.
- Investment standards for facilitators are established.
- Establishes that violations of the act may be prosecuted criminally.
- Establishes that violations of the act are also violations under the Consumer Protection Act.
- Requires facilitators to file information with the Department of Financial Institutions by December 31, 2009.

*AOC action:* Update bail schedule and law table as necessary.

### VULNERABLE ADULTS' ESTATES

SHB [1103](#)

Chapter 525, Laws 2009 (S)

- An abuser may not inherit property or any benefit from a deceased person who, at any time when the deceased was a vulnerable adult, was the victim of financial exploitation by the abuser.
- An abuser is a person who participates in the financial exploitation of a vulnerable adult.
- A vulnerable adult is defined by statute.
- In most cases, an abuser is treated the same as a slayer with respect to the distribution of the estate.
- The abuser may still inherit if the vulnerable adult ratified his or her intent to leave the abuser property after knowledge of the abuse.
- Both the abuse and any ratification must be proven by clear, cogent and convincing evidence. A criminal conviction for conduct constituting financial exploitation is also conclusive proof of abuse. Findings of abuse made by DSHS are not admissible in any proceeding under this act.
- This bill also amends the slayer statute so that a conviction for the willful and unlawful killing of the decedent is conclusive for determining that a person is a slayer under this act. In the absence of a conviction, a superior court finding by a preponderance that the person participated in the willful and lawful killing is conclusive for determining that a person is a slayer.

### CONTEMPT OF COURT SANCTIONS

HB [1218](#)

Chapter 37, Laws 2009 (S, D/M)

Removes the requirement that contempt of court sanctions be served only in a county jail.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

## 2009 Legislative Summary

### MENTAL HEALTH INFORMATION

#### SHB [1300](#)

Chapter 320, Laws 2009 (S)

This bill expands access of law enforcement and other related persons to mental health treatment information on individuals.

### LESS RESTRICTIVE TREATMENT

#### ESHB [1349](#)

Chapter 323, Laws 2009 (S)

Creates additional grounds for a petition to continue a court order for less restrictive treatment under the involuntary commitment laws (RCW 71.05).

The grounds to extend treatment pursuant to an order for less restrictive treatment are less onerous than those required for the initial order for less restrictive treatment. The petitioner does not need to show that the respondent is likely to cause serious harm to himself or herself or others, or that the respondent is gravely disabled.

A new section is created for the treatment of a person with a developmental disability who is civilly committed.

### VEHICLES/PROSTITUTION

#### ESHB [1362](#)

Chapter 387, Laws 2009 (S, D/M)

- Motor vehicles are subject to impoundment when they are used to facilitate the following prostitution-related offenses: patronizing a prostitute, promoting prostitution in the 1st degree, promoting prostitution in the 2nd degree, promoting travel for prostitution, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor and promoting travel for commercial sexual abuse of a minor. The arresting law enforcement officer may impound the person's vehicle if: (1) the vehicle was used in the commission of the crime; and (2) the person arrested is the owner of the vehicle or the vehicle is a rental car; and (3) the person arrested has previously been convicted of a prostitution-related offense.
- A prior conviction of a prostitution-related

offense is not a requirement for impoundment if the offense was committed within an area designated by the local governing authority.

- Prior to redeeming an impounded vehicle, the owner must pay all applicable impoundment, towing, and storage fees, and a fine of \$500.
- The \$500 fine paid to the impounding agency must be deposited into the Prostitution Prevention and Intervention Account.
- The general towing and impoundment chapter is amended to require an impounding agency to authorize the release of an impounded vehicle pursuant to an applicable state agency rule or local ordinance on the basis of the following: (1) economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or (2) if the owner was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release.

### USE OF CERTIFIED MAIL

#### HB [1426](#)

Chapter 251, Laws 2009 (ALL)

Permits the use of United States Postal Service electronic return receipt delivery confirmation whenever a statute allows or requires the use of "certified mail with a return receipt requested."

*AOC action: Refer to the Pattern Forms Committee for review and update as needed.*

### INVOLUNTARY COMMITMENT/FIREARMS

#### HB [1498](#)

Chapter 293, Laws 2009 (S, D/M)

- Under current law, when a person is convicted of an offense that results in a prohibition against possessing a firearm, or if a person is involuntarily committed, the court must send the information to the department of licensing. This bill adds the requirements that the court send the information within three judicial days, and, in addition, for persons involuntarily committed, send the information within three days to the federal criminal background check index (NICS).
- Adults and juveniles involuntarily committed

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- for 14 days are prohibited from possession of a firearm (adding to the existing prohibition on persons committed for 90 and 180 days for possessing a firearm).
- Adds requirement of oral and written advisement by the court to a person in a 14-day commitment proceeding that failure to seek voluntary treatment will result in loss of right to possess a firearm.
- Revises procedures for restoration of right to possess a firearm.
- Court must send notice of restoration of firearm rights within three judicial days to DOL, DSHS and NICS—denied persons file.

Court action: Note new timeline for sending notice of revocation and restoration of firearm rights—three judicial days.

AOC action: Refer to the Pattern Forms Committee for review and update as needed.

### DAMAGE CLAIMS AGAINST GOVERNMENT

**ESHB 1553**

**Chapter 433, Laws 2009 (S, D/M)**

Makes changes to the procedures for filing tort claims for damages against a government entity, including:

- The claim filing statutes do not apply to claims based on injuries from health care. Instead, the procedures established under the medical malpractice statutes apply to those claims.
- A claim may be presented either in person or by mail.
- Claims must be presented on a standard form to be developed by the Office of Financial Management and placed on its website.
- Clarifies the effect of the claims statute on the applicable tort statute of limitations.

### WATER RIGHT ADJUDICATIONS

**EHB 1571**

**Chapter 332, Laws 2009 (S)**

Eliminates the right to an affidavit of prejudice in water right adjudications. Instead, parties may obtain a change in judge by filing a motion that presents a basis for concluding that the judge's impartiality might reasonably be questioned. The

bill also gives AOC a role in ensuring that the Legislature provides sufficient funding to the adjudication court.

### CONDITIONAL RELEASE ORDERS

**HB 1589**

**Chapter 322, Laws 2009 (S)**

Allows a designated mental health provider to file a petition for the modification or revocation of a less restrictive alternative (LRA) in either the county in which the LRA was originally ordered or in the superior court where the respondent is currently located (without the necessity of a change of venue petition).

AOC action: Review to determine if new JIS cause code is needed.

### WOMAN'S RIGHT TO BREASTFEED

**HB 1596**

**Chapter 164, Laws 2009 (ALL)**

The right of a mother to breastfeed her child in public places is a civil right protected under the state's law against discrimination.

### FORECLOSURE SALES

**HB 1826**

**Chapter 122, Laws 2009 (S)**

Any surplus proceeds of a mortgage foreclosure sale that remain after the mortgage obligation has been paid must be applied to all other interests in, or liens or claims against, the property in the order of priority that the interest, lien, or claim attached to the property. Any remaining surplus must be paid to the mortgage debtor.

### TENANTS WHO ARE VICTIMS

**SHB 1856**

**Chapter 395, Laws 2009 (S, D/M)**

Provides rights to early termination of a rental agreement and to change the locks to tenants and family members who are victims of sexual assault, sexual harassment and stalking by a landlord or the landlord's agent.

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### NOVELTY LIGHTERS

**ESSB 5011**

**Chapter 273, Laws 2009 (D/M)**

- Prohibits the sale and distribution of novelty lighters.
- Provides for administrative imposition of civil penalties. Injunctive relief may also be requested.
- Gives the district court jurisdiction over all proceedings under this act.

### GAMBLING UNDER AGE 18

**SSB 5040**

**Chapter 357, Laws 2009 (S-Juv)**

A minor who engages in prohibited gambling activities commits a Class 2 civil infraction and is subject to a fine, community restitution, and court costs. Juvenile court has jurisdiction.

*AOC action: JIS create/update codes and law tables as necessary.*

### PRISONER PUBLIC RECORDS

**SSB 5130**

**Chapter 10, Laws 2009 (S)**

The court may enjoin access to a public record requested by a person serving a criminal sentence, upon motion of the agency or an individual, if the court finds that granting access would be "harmful" (as defined in the bill).

*Effective date: March 20, 2009.*

### CREATING THE UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

**SB 5153**

**Chapter 363, Laws 2009 (S, D/M)**

This bill updates the existing Foreign-Country Money Judgments Recognition Act.

### LIFE SETTLEMENTS MODEL ACT

**SSB 5195**

**Chapter 104, Laws 2009 (S, D/M)**

- Persons who buy or broker a sale from the owner of a life insurance policy must be

licensed.

- Establishes prohibited practices, disclosure requirements and contractual provisions for life settlement contracts (a life settlement contract is an agreement to pay compensation to the owner of a life insurance policy, in return for the policy owner transferring the policy death benefit to the payor).
- A violation of the act is a violation of the consumer protection act.
- The act creates two new felonies.
- The act is to be enforced by the Insurance Commissioner.

*AOC action: JIS create/update codes and law tables as necessary.*

### DISTRESSED PROPERTY CONVEYANCE

**SB 5221**

**Chapter 15, Laws 2009 (S)**

This bill clarifies the definition of a "distressed home consultant" to exclude typical services of a realtor that are governed by other statutes. Clarifies other provisions of the statutes regulating "distressed home consultants."

*Effective date: March 25, 2009.*

### TRUTH IN MUSIC ADVERTISING

**SB 5284**

**Chapter 109, Laws 2009 (S, D/M)**

Allows civil penalties and equitable remedies for violation of the Truth in Music Advertising Act.

### TOBACCO PRODUCT MAIL ORDER

**SSB 5340**

**Chapter 278, Laws 2009 (S, D/M)**

A person may not ship tobacco products (except for certain cigars) purchased by mail or through the internet to anyone in Washington other than a licensed wholesaler or retailer; violation is a Class C felony with a maximum \$5,000 fine. Violators are also subject to civil penalty and to an action under the consumer protection act.

*AOC action: JIS create/update codes and law tables as necessary.*



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### TATTOOING/BODY ART AND PIERCING

**SSB 5391**

**Chapter 412, Laws 2009 (S)**

The state must license tattoo artists and body piercers and adopt and enforce administrative regulations governing these professions. License denials may be appealed to the superior court.

*Effective date:* Sections 1 through 21 are effective July 1, 2010.

### RECLAIMED WATER PERMITTING

**SSB 5504**

**Chapter 456, Laws 2009 (S, D/M)**

Revises provisions relating to reclaimed water permitting and enforcement by the Department of Health and the Department of Ecology. Authorizes courts to issue injunctive relief, issue administrative search warrants and review administrative penalties. Includes a new gross misdemeanor, with a maximum fine of \$10,000 plus jail.

*AOC action:* JIS create/update codes and law tables as necessary.

### CONSUMER PROTECTION ACT

**SSB 5531**

**Chapter 371, Laws 2009 (S, D/M)**

This bill increases the amount of discretionary damages that can be awarded by the district and superior courts to \$25,000 for a Consumer Protection Act violation; makes it easier for a private plaintiff to prove a violation of the act.

### TAX COLLECTION TOOLS

**SB 5568**

**Chapter 309, Laws 2009 (S, D/M)**

If there is probable cause to believe that records in the possession of a third party will aid the Department of Revenue in connection with its official duties, a superior or district court judge must sign and issue a subpoena for the production of such records.

The entire court file of any proceeding under this section must be sealed and is not open to public inspection except upon court order.

### CONSUMER DATA IN VEHICLES

**SB 5574**

**Chapter 485, Laws 2009 (S, D/M)**

If an auto manufacturer has installed a recording device in a vehicle, it must disclose the device's presence and functions in the vehicle's owner's manual. Subscription services that include the use of a recording device must provide the same disclosures in the service agreement, and after-market products that include the use of a recording device must provide the same disclosures in the product manual. These disclosures may be accomplished through inserts into the manuals.

Disclosure of information in the recording device in violation of the act is a misdemeanor.

Violations of the act are per se violations of the Consumer Protection Act.

*Effective date:* Sections 1 through 4 and 6 are effective July 1, 2010.

*AOC action:* JIS create/update codes and law tables as necessary.

### REGISTERED DOMESTIC PARTNERS

**E2SSB 5688**

**Chapter 521, Laws 2009 (ALL)**

State-registered domestic partners are to be treated the same as married spouses. The terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family are interpreted as applying equally to state-registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage apply equally to state-registered domestic partnerships that have been terminated, dissolved or invalidated, to the extent that such interpretation does not conflict with federal law.

*Effective date:* July 26, 2008 for Sections 1-4, 9-78, 80-86, 104-106, 108-150, 152-164, 167-172,

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176-189, 193-201; August 1, 2009: Sections 165 & 166; January 1, 2014: Sections 5-8, 79, 87-103, 107, 151, 173-175, 190-192.

**NOTE: A referendum on E2SSB 5688 has been filed. If the referendum petition effort succeeds, none of the sections will be effective until the referendum is voted on in November. The referendum vote will determine whether the bill is approved or rejected. If the referendum petition effort fails, the bill will take effect on the dates above.**

AOC action: Refer to the Pattern Forms Committee for review and update as needed.

### SEXUALLY VIOLENT PREDATORS

**SSB [5718](#)**

**Chapter 409, Laws 2009 (S)**

This bill makes a number of procedural changes to the commitment procedures for sexually violent predators (SVP) including:

- Expands the authority of the prosecuting agency to obtain relevant records.
- Clarifies provisions regarding who has the authority to file an SVP petition.
- Requires that when the Attorney General's Office (AGO) is the prosecuting agency, the court clerk must charge the AGO the same fees as would be levied against the local prosecuting attorney.
- Formal discovery is not available until the court determines the matter will be set for trial. Within 24 hours of filing a petition, the state must give the defense a complete copy of all materials.
- The court may not order a less restrictive alternative (LRA) trial at the annual review hearing unless the proposed LRA submitted by the SVP meets all of the statutory requirements.
- Clarifies process for revoking an LRA.
- Provides that counties are eligible for reimbursement for the cost of housing and transport.
- Applies retroactively to all persons currently committed or awaiting commitment.

### DEEDS OF TRUST FORECLOSURES

**ESB [5810](#)**

**Chapter 292, Laws 2009 (S)**

Revises procedures for foreclosures of deeds of trust (non-judicial foreclosures) by providing new legal rights and notice of those rights to borrowers and tenants.

### MENTAL HEALTH PRACTITIONERS

**SSB [5931](#)**

**Chapter 424, Laws 2009 (S-Juv, D/M)**

Grants a privilege against testifying to mental health counselors, independent clinical social workers and marriage and family therapists, who may not disclose or be compelled to testify about information acquired from clients.

## FAMILY & JUVENILE

### TECHNICAL CORRECTIONS TO VARIOUS STATUTES AT REQUEST OF THE STATUTE LAW COMMITTEE

**SHB [1059](#)**

**Chapter 187, Laws 2009 (S-Juv)**

Amends RCW 13.40.210(3) to require a parole program for offenders released under RCW 13.40.210(2) and for offenders who receive a juvenile residential commitment sentence of theft of a motor vehicle, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1.

AOC action: JIS create/update codes and law tables as necessary.

### PROTECTION OF ANIMALS FROM PERPETRATORS OF DOMESTIC VIOLENCE

**HB [1148](#)**

**Chapter 439, Laws 2009 (S,D/M)**

This bill clarifies that personal effects may include pets for domestic violence protection orders.

AOC action: Refer to the Pattern Forms Committee for review and update as needed.

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### **PARENTING PLAN MODIFICATION BASED ON THE MILITARY SERVICE OF A PARENT**

**SHB 1170**

**CHAPTER 502, Laws 2009 (S)**

This bill amends RCW 26.09.004, 26.09.101, and 26.09.260; adding definitions for “military duties potentially impacting parenting functions,” “deployment,” “activation or mobilization,” and “temporary duty.” Provides that the effect of a parent’s military duties is not by itself a substantial change of circumstances for modification of a parenting plan; the court may not, when determining failure to exercise residential time, count period of time not exercised due to military duties. Provides expedited procedure for modifying parenting plan when military parent receives orders.

If the military parent with whom the child resides the majority of time receives orders impacting parenting functions, any temporary custody order ends upon military parent’s return, 10 days’ notice and presentation of motion and order restoring previous schedule, unless a motion is filed alleging danger or harm. Any temporary disruption to child’s schedule because of military duties shall not be a factor in determining change of circumstances if motion is filed to modify residential placement. The court may delegate the military parent’s time to another qualifying person if in the child’s best interest and if RCW 26.09.191 factors do not apply. No separate rights to residential time or visitation are created.

*AOC action:* JIS create/update codes and law tables as necessary. Refer to the Pattern Forms Committee for review and update as needed.

### **ALLOWING THE WASHINGTON CENTER FOR COURT RESEARCH AND THE OFFICE OF PUBLIC DEFENSE TO ACCESS JUVENILE CASE RECORDS**

**HB 1238**

**Chapter 40, Laws 2009 (S-Juv)**

The Administrative Office of the Courts may maintain an electronic research copy of all juvenile records in the Judicial Information System (JIS). The research copy is not subject to any records retention schedule and must include

records destroyed or removed from the JIS. Only the Washington State Center for Court Research (WSCCR) has access to the research copy. The WSCCR is required to maintain the confidentiality of all confidential records and preserve the anonymity of all persons identified in the research copy.

### **ADDRESSING PARENTING PLANS AND RESIDENTIAL SCHEDULES IN DEPENDENCY PROCEEDINGS**

**SHB 1239**

**Chapter 526, Laws 2009 (S-Juv)**

The bill broadens the authority of the juvenile court to enter or modify a parenting plan for a child in a dependency action, when necessary to achieve permanency and dismiss the dependency.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

### **EQUITABLE ACCESS TO APPROPRIATE AND EFFECTIVE CHILDREN’S MENTAL HEALTH SERVICES**

**2SHB 1373**

**Chapter 388, Laws 2009 (S-Juv)**

Eliminates the expiration date for increasing the annual number of office visits available to children needing outpatient mental health therapy in managed care programs and on a fee-for-service basis. Amends RCW 74.09.521.

### **ELIMINATING FOSTER CARE CITIZEN BOARDS**

**HB 1375**

**Chapter 152, Laws 2009 (S-Juv)**

This bill eliminates foster care citizen review boards, requiring courts that utilized these boards to hold all review hearings.

### **SEXUALLY AGGRESSIVE YOUTH**

**SHB 1419**

**Chapter 250, Laws 2009 (S-Juv)**

Provides that the DSHS may offer services to sexually aggressive youth and families regardless

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of whether the youth is the subject of a dependency proceeding.

### USE OF CERTIFIED MAIL

**HB 1426**

**Chapter 251, Laws 2009 (ALL)**

See *Civil*, Page 6.

### SEXUALLY EXPLOITED JUVENILES

**SHB 1505**

**Chapter 252, Laws 2009 (S-Juv)**

Allows the prosecutor to divert a case where a juvenile is alleged to have committed prostitution or prostitution loitering regardless of the juvenile's offender history of previous diversions, if the juvenile agrees to participate in a program that provides wraparound services.

*AOC action:* The AOC must compile data regarding said juveniles and report to the Governor and Legislature by November 1, 2010.

### HOUSING AND DEPENDENCY MATTERS

**SHB 1769**

**Chapter 397, Laws 2009 (S-Juv)**

Following the fact finding hearing on the dependency petition, the court must select those services to assist the parents in maintaining the child in the home. The court is authorized to order housing assistance whenever: (1) a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (2) funding appropriated for this specific purpose is available. Housing services or assistance is declared to not be an entitlement under chapter 13.34 RCW.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

### PARENT PARTICIPATION IN DEPENDENCY MATTERS

**ESHB 1782**

**Chapter 477, Laws 2009 (S-Juv)**

The requirements for the shelter care notice to

parents are expanded. The DSHS is required to attach a single-page standard reminder to all Individual Services and Safety Plans (ISSPs) prepared for dependency review hearings, informing parents of the importance of orders compliance and participation in visitation and case planning, and of potential legal consequences. During the termination of parental rights process, when the court is analyzing the likelihood that conditions will be remedied, the court also may consider the failure of a parent to have contact with a child for an extended period of time if the parent was provided an opportunity to have a relationship with the child by the department or the court and the parent received documented notice of the potential consequences of this failure. A parent's actual inability to visit with the child due to mitigating circumstances, such as incarceration or military service, does not in and of itself constitute failure to have contact with a child.

Directs the dependency court to consider the impact of placement changes on the child's ability to form secure attachments.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

### INCLUDING DOMESTIC VIOLENCE COURT ORDER VIOLATIONS TO THE LIST OF OFFENSES ELIGIBLE FOR NOTIFICATION

**HB 1790**

**Chapter 400, Laws 2009 (S, D/M)**

Amends RCW 72.09.712, adding the Domestic Violation Protection Order (DVPO) violation to list of offenses for which the DOC is required to send notice to victims and witnesses when the offender is released or escapes. Amends RCW 72.09.714, adding the DVPO violation to the list of offenses for which DOC is required to provide statement of rights of victims and witnesses to request notification of release or escape.

### CALCULATING CHILD SUPPORT

**ESHB 1794**

**Chapter 84, Laws 2009 (S)**

Changes the child support economic table by: (1) starting the table at \$1,000 of combined monthly net income with a \$50 presumptive minimum

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amount of basic support; and (2) expanding the table to \$12,000 of combined monthly net income. Provides that ordinary health care costs are no longer part of the basic support obligation amount and instead all health care costs must be shared by the parents in the same proportion as the basic support. Allows income from overtime and second jobs to be excluded from calculating gross monthly income if certain conditions are met and allows a parent to a deduction up to \$5,000 of voluntary retirement contributions under certain circumstances. Makes other changes to the child support laws regarding imputing income and limitations on the amount of support ordered.

*Effective date:* October 1, 2009; forms will be published in advance of this date.

### **MEDICAL SUPPORT OBLIGATIONS**

**SHB 1845**

**Chapter 476, Laws 2009 (S)**

Requires a court to order both parents to provide medical support for a child by providing health insurance coverage or cash medical support, and by providing for uninsured medical expenses. Establishes procedures for DSHS to enforce medical support obligations by requiring the obligated parent to pay the other party a proportion of the health insurance premium paid by the other party or by the state. Allows DSHS, when the child is on Medicaid and the DSHS is enforcing cash medical support, to disburse amounts collected from an obligated parent to the other parent or to retain amounts and apply them toward the cost of providing the child's state-funded medical coverage.

*Effective date:* October 1, 2009; forms will be published in advance of this date.

*AOC action:* JIS create/update codes and law tables as necessary.

### **CHILDREN'S INTEREST IN MAINTAINING POST ADOPTION CONTACT WITH THEIR SIBLINGS**

**2SHB 1938**

**Chapter 234, Laws 2009 (S-Juv)**

Adds matters of inquiry for judges in permanency review and adoption hearings. The relevance of

the child's relationship with siblings and the potential benefit of facilitating post-adoption contact is included in the list of issues that must be considered during the permanency planning process for children in foster care and discussed with prospective adoptive parents. The family law court reviewing and approving an adoption open agreement must encourage the consideration of the adoptive child's relationship with known siblings. If a child being adopted from foster care or his or her siblings are represented by a guardian ad litem or an attorney in an adoption proceeding, or in a dependency matter, the court reviewing the open adoption agreement must inquire of the attorneys and guardians regarding the potential benefit of continued contact between the siblings.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

### **SEALING JUVENILE RECORDS**

**ESHB 1954**

**Chapter 236, Laws 2009 (S-Juv)**

Requires the court, within 30 days after a juvenile's 18th birthday, to seal the juvenile's records of deferred disposition if the juvenile has successfully completed the deferred disposition, the deferred disposition has been vacated, the case dismissed with prejudice, and no charges are pending.

*AOC action:* JIS create/update codes and law tables as necessary. Refer to the Pattern Forms Committee for review and update as needed. Update Court Records Brochure.

### **INCREASING ADOPTIONS ACT**

**E2SHB 1961**

**Chapter 235, Laws 2009 (S-Juv)**

Expands the dependency guardianship program. The Foster Care to 21 statute is clarified to allow for continued enrollment in the program, subject to the availability of appropriated funding. Eligibility to remain in foster care or group care continues up to the youth's 21st birthday if the youth adheres to program rules and remains enrolled in a post-secondary program. Beginning October 1, 2010, the type of activities in which a youth must be engaged to qualify for Foster Care to 21 is

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expanded to reflect the activities eligible for use of federal funds.

Effective date: Section 2 is effective October 1, 2010.

### CHILD WELFARE SYSTEM

#### 2SHB 2106

Chapter 520, Laws 2009 (S-Juv)

This bill requires the Children's Administration to convert all service contracts to performance-based contracts by January 1, 2011; establishes a transition committee; and establishes pilots in two regions in which DSHS must contract with private providers for all child welfare services.

Partial veto: Sections 1, 14 and 19.

AOC action: Refer to the Pattern Forms Committee for review and update as needed.

### LENGTH OF STAY IN CRISIS RESIDENTIAL CENTERS

#### SHB 2346

Chapter 569, Laws 2009 (S-Juv)

The maximum number of days a youth may reside in a semi-secure crisis residential center (CRC) or a community-based secure CRC is changed from five to 15 days. The DSHS may place a youth in a secure CRC only in cases where there is no reasonable cause to believe that the youth has run away from home or foster care due to abuse or neglect. The maximum length of stay for youth residing in a detention center-based secure CRC remains at five days.

### GAMBLING UNDER AGE 18

#### SSB 5040

Chapter 357, Laws 2009 (S-Juv)

See *Civil*, Page 8.

### MODIFYING THE CHILD SUPPORT LICENSE SUSPENSION PROGRAM

#### SSB 5166

Chapter 408, Laws 2009 (S)

If a parent owes past child support, federal law allows the DSHS to suspend driver's licenses, professional and occupational licenses, and

recreational and sporting licenses. A person has the right to contest this restriction by an Administrative Law Judge. This statute is reorganized to outline the notice, adjudicative proceedings, license suspension, and written payment schedules.

### GUARDIANS AD LITEM

#### SSB 5285

Chapter 480, Laws 2009 (S-Juv)

Individuals serving as GAL/CASA are mandatory reporters under RCW 26.44.030. Provides for specific training for specified cases. Requires the court to try to match qualification/training with needs of the child. Requires a CPS check as part of background information record. Requires court to remove from registry the guardian ad litem who misrepresented qualifications.

AOC action: Refer to the Pattern Forms Committee for review and update as needed.

### JUVENILE SEX OFFENDER NOTICE

#### SSB 5326

Chapter 210, Laws 2009 (S-Juv)

Requires the Washington State Patrol, at least annually, to provide notice to registered sex or kidnapping offenders whose offenses were committed when they were juveniles of the ability to petition for relief from the duty to register.

### SUBSEQUENT FOSTER HOME PLACEMENT

#### SSB 5431

Chapter 482, Laws 2009 (S-Juv)

Clarifies that placement with a relative or other suitable person is preferred. If, after due diligence, DSHS cannot place the child with an appropriate relative, DSHS must give preference to placement with a previous foster family if appropriate and the family is willing and available, and placement is in the child's best interest.

### NOTIFICATION IN DEPENDENCY MATTERS

#### SSB 5510

Chapter 48, Laws 2009 (S-Juv)

A standard single-page notice must be attached to all Individual Services and Safety Plans reminding

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parents of importance of early engagement and maintaining contact with the child.

### REGISTERED DOMESTIC PARTNERS

**E2SSB 5688**

**Chapter 521, Laws 2009 (ALL)**

See *Civil*, Page 9.

### SENTENCING JUVENILES/CRIMES

**ESSB 5746**

**Chapter 454, Laws 2009 (S)**

Changes standard sentencing ranges for Taking a Motor Vehicle without Permission 1st & 2nd Degree, Theft of Motor Vehicle, and Possession of Stolen Vehicle.

*AOC action: Refer to the Pattern Forms Committee for review and update as needed.*

### FOSTER CHILD PLACEMENTS

**ESSB 5811**

**Chapter 491, Laws 2009 (S-Juv)**

Requires the court to make finding regarding DSHS/parent discussion regarding relative placement; requires court to make finding regarding reason for change in placement if the child has been in that placement more than six months.

*AOC action: Develop standard mandatory forms for dependency by November 1, 2009; forms will be published in advance of this date. JIS create/update codes and law tables as necessary*

### TRUANCY

**SSB 5881**

**Chapter 266, Laws 2009 (S-Juv)**

If the child or parent is not fluent in English, it is the preferred practice to provide a notice of a child's unexcused absence, or a notice of a truancy hearing, in a language in which the parent, parents, or guardian is fluent. A truancy petition must state whether the child and parent are fluent in English, and whether there is an existing individualized education program for the child. If the child is in a special education program, or has a diagnosed mental disorder, the court must inquire as to what efforts the school

district has made to assist the child in attending school. If a child is not provided with counsel at a truancy hearing, the court must conduct a colloquy on the record advising the child and parents of the child's rights before entering a truancy order.

Detention as a sanction for truancy must be limited to seven days. A warrant of arrest relating to truancy must not be served on a child inside a school during school hours in a place where other students are present. The Legislature encourages the use of community truancy boards and other diversion units which are effective in promoting school attendance and preventing the need for more intrusive court intervention.

The time that a community truancy board has to respond to a truancy referral is shortened to 20 days. An agreement with a community truancy board does not have to be sent back to court for approval unless the child or parent has not complied with the agreement.

### RACIAL DISPROPORTIONALITY

**SSB 5882**

**Chapter 21, Laws 2009 (S-Juv)**

The Washington State Institute for Public Policy is to study and report on DSHS's family team decision-making and structured decision-making practices for impact on racial disproportionality.

### MENTAL HEALTH PRACTITIONERS

**SSB 5931**

**Chapter 424, Laws 2009 (S-Juv, D/M)**

See *Civil*, Page 10.

## PROBATE/GUARDIANSHIP

### ADULT GUARDIANSHIP

**SHB 1261**

**Chapter 81, Laws 2009 (S)**

This bill adopts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. The Act, which is modeled on the Uniform Child Custody Jurisdiction and Enforcement Act, establishes the following:

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- Standards for determining which state has primary jurisdiction over guardianship and protective proceedings.
- Procedures for communication and cooperation between courts in different states.
- Methods for transferring jurisdiction to another state.
- Recognition and enforcement of out-of-state orders.

*Effective date:* January 1, 2010.

*AOC action:* JIS create/update codes as necessary.

### USE OF CERTIFIED MAIL

**HB 1426**

**Chapter 251, Laws 2009 (ALL)**

See *Civil*, Page 6.

### REGISTERED DOMESTIC PARTNERS

**E2SSB 5688**

**Chapter 521, Laws 2009 (ALL)**

See *Civil*, Page 9.

### PUBLIC GUARDIANSHIP OFFICE

**SB 5699**

**Chapter 117, Laws 2009 (S)**

Allows the Office of Public Guardianship, which is part of AOC, to spend money on training persons who may become public guardians in the future.

## CRIMINAL

### CERTIFICATE OF DISCHARGE

**ESHB 1002**

**Chapter 288, Laws 2009 (S)**

See *Civil*, Page 4.

### WASHINGTON CODE OF MILITARY JUSTICE

**SHB 1036**

**Chapter 278, Laws 2009 (S, D/M)**

Makes changes and clarifications to jurisdiction and procedure under the Washington Code of

Military Justice, which applies to members of the Washington State Guard and the Washington National Guard. The military authority has primary jurisdiction over military offenses, such as being absent without leave, and the civilian authority has primary jurisdiction over non-military offenses.

### SPECIALIZED FOREST PRODUCTS

**SHB 1038**

**Chapter 245, Laws 2009 (S, D/M)**

Many revisions to the statutes governing the regulation of Specialized Forest Products (SFP), including:

- It is a Class C felony if an individual shows forged documents when selling SPFs.
- The court may order a suspension of the offender's privileges related to SFPs as a condition of probation. The court shall order a suspension of a person's privilege to obtain a SFP permit after the third conviction of a SFP-related offense. The bill states that the legislature requests that if a court issues a suspension of the offender's privileges after a conviction involving the misuse of a permit, that the court notify the permittor of the suspension.
- The court shall order the disposal or return of any materials seized during the investigation and arrest. If the court orders the materials disposed of, and the materials are sold, the court may order that any proceeds be put toward outstanding court costs, and then to the lawful owner of the materials. If the lawful owner cannot be found, then the proceeds shall be divided in the same manner as court fines paid under this section.

*AOC action:* JIS create/update codes and law tables as necessary. Refer to the Pattern Forms Committee for review and update as needed.

### FIREARM LICENSES FOR PERSONS FROM OTHER COUNTRIES

**2SHB 1052**

**Chapter 216, Laws 2009 (S)**

The alien firearm statute is repealed and new requirements are established for the lawful possession of firearms by non-citizens who are



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either lawful residents of or lawful visitors to Washington. The concealed pistol license statute is amended to reference the alien firearm licenses created by this act. It is a Class C felony for a person who is not a citizen of the United States to possess a firearm in Washington unless the person is: a lawful permanent resident; a non-immigrant alien residing in Washington who has obtained an alien firearm license; or a non-immigrant alien residing outside of Washington who meets certain requirements.

*AOC action:* JIS create/update codes and law tables as necessary.

### ESTABLISHING THE COMMUNITY INTEGRATION ASSISTANCE PROGRAM

**HB 1201**  
Chapter 319, Laws 2009 (S)

Changes the name of the Dangerous Mentally Ill Offender Program to the Offender Re-Entry Community Safety Program.

Requires that at the time of such an offender's release, the DOC offer to assist the offender in executing an advance mental health directive as part of the offender's re-entry plan.

### CONTEMPT OF COURT SANCTIONS

**HB 1218**  
Chapter 37, Laws 2009 (S, D/M)

See *Civil*, Page 5.

### DEFERRED PROSECUTION FILES

**HB 1257**  
Chapter 135, Laws 2009 (D/M)

Eliminates the requirement that limited jurisdiction courts segregate deferred prosecution files.

*Court action:* Consider changing procedure for filing deferred prosecution records.

### VICTIM AND WITNESS RIGHTS

**HB 1281**  
Chapter 138, Laws 2009 (S)

Victims, survivors of victims and witnesses have the right to present a statement to the

Indeterminate Sentencing Review Board and also to the Clemency and Pardons Board.

*Effective date:* Section 3 effective August 1, 2009.

*AOC action:* JIS create/update codes and law table entries as necessary

### MENTAL HEALTH INFORMATION

**SHB 1300**  
Chapter 320, Laws 2009 (S)

See *Civil*, Page 6.

### SUPERVISED COMMUNITY OPTIONS

**HB 1361**  
Chapter 227, Laws 2009 (S)

Allows defendants convicted of non-violent and non-sex offenses to receive credit for time served and earned release time for time spent participating in county supervised community options before and after sentencing.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

### VEHICLES/PROSTITUTION

**ESHB 1362**  
Chapter 387, Laws 2009 (S, D/M)

See *Civil*, Page 6.

### SCHOOL EMPLOYEE SEXUAL MISCONDUCT

**EHB 1385**  
Chapter 324, Laws 2009 (S, D/M)

Modifies the crimes of sexual misconduct with a minor in the 1st and 2nd degrees to prohibit sexual intercourse and sexual contact between a school employee and an enrolled student of the school who is at least 16 years old and not more than 21 years old. Clarifies the term "enrolled student."

### INVOLUNTARY COMMITMENT/FIREARMS

**HB 1498**  
Chapter 293, Laws 2009 (S, D/M)

See *Civil*, Page 6.

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### RESTORATION OF RIGHT TO VOTE

**HB 1517**

**Chapter 325, Laws 2009 (S)**

- Restores a provisional right to vote to a felon once he or she is no longer under the authority of the DOC (Washington felons) or no longer incarcerated (federal and non-Washington state felons).
- The provisional right can be revoked by the court upon a finding that the person willfully failed to comply with an order to pay legal financial obligations (LFO).
- The prosecutor must seek revocation of the provisional right if the person fails to make three LFO payments in a 12-month period and the county clerk or restitution recipient so requests.
- The county clerk shall enter into a database maintained by AOC the names of all persons whose provisional voting rights have been revoked and update the database for any person whose voting rights are permanently restored.
- At least twice a year, the Secretary of State must compare the list of registered voters to a list of felons who are not eligible to vote.

*Court action:* County clerk must consider whether to request revocation of voting rights when defendant fails to make LFO payments as set forth in bill.

*AOC action:* JIS create/update codes and law tables as necessary. Refer to the Pattern Forms Committee for review and update as needed.

### FISH AND WILDLIFE PROVISIONS

**SHB 1778**

**Chapter 333, Laws 2009 (D/M)**

Makes a number of changes throughout Title 77 that affect how the Department of Fish and Wildlife (DFW) executes its responsibilities, including:

- Failure to appear at a court hearing to contest an infraction or criminal citation will be treated as a conviction by DFW for purposes of the DFW enforcement statutes.
- A forfeiture of bail paid as a final disposition for an offense will be considered a conviction

for purposes of the DFW statutes.

- For 2009-2011, the cost of all DFW licenses, permits, tags, stamps and raffles is increased 10 percent.

*Partial veto:* Section 53.

*AOC action:* JIS create/update codes and law tables as necessary. Refer to the Pattern Forms Committee for review and update as needed.

### OFFENDER RELEASE DATES

**HB 1789**

**Chapter 399, Laws 2009 (S)**

Allows the DOC to rely on the jail certification regarding the amount of earned release time that is due an offender based upon the time served before sentencing when the time of confinement contained in the judgment and sentence is erroneous.

*Effective date:* August 1, 2009.

### INCLUDING DOMESTIC VIOLENCE COURT ORDER VIOLATIONS TO THE LIST OF OFFENSES ELIGIBLE FOR NOTIFICATION

**HB 1790**

**Chapter 400, Laws 2009 (S, D/M)**

See Family & Juvenile, Page 12.

### ALTERNATIVE SENTENCING

**SHB 1791**

**Chapter 389, Laws 2009 (S)**

- Clarifies the length of community custody for offenders sentenced under the drug offender sentencing alternative. Upon completion of a term of one-half of the midpoint or 12 months (whichever is greater) in total confinement, the offender must serve one-half of the midpoint of the standard range as a term of community custody.
- To assist the court in determining whether it should impose community-based or prison-based treatment, the court may order the DOC to complete a risk assessment or chemical dependency screening report, or both.
- If the court is considering imposing a sentence under the residential chemical dependency

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treatment-based alternative, the court may order an examination of the offender by the DOC.

- If the court imposes a residential chemical dependency treatment sentence, the treatment provider must send a treatment plan to the court within 30 days of the offender's arrival at the program.
- A term of community custody is established for an unranked felony offense for which there has not been an established standard sentence range and for which the court has imposed a sentence that exceeds 12 months based upon a finding that such an exceptional sentence is justified.

*Effective date:* Sections 1 and 3 through 5 are effective August 1, 2009. Section 2 is effective May 7, 2009.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

### SEARCH AND ARREST AUTHORITY

**ESHB 1792**

**Chapter 390, Laws 2009 (S, D/M)**

Authorizes the DOC to do pat-down searches, authorize release of offender on bail, and provide information to the DOC hearing officer on the reason for arrest.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

### SEX OFFENDER E-MAIL AND WEBSITE

**ESHB 2035**

**Chapter 532, Laws 2009 (S, D/M)**

Requires the Sex Offender Policy Board to make a recommendation to the legislature by November 1, 2009, regarding whether registered sex and kidnapping offenders should submit information to law enforcement regarding any e-mail addresses and any websites the offenders create or operate.

### DEVELOPMENTAL DISABILITIES

**E2SHB 2078**

**Chapter 447, Laws 2009 (S, D/M)**

This bill forms a workgroup to develop recommendations to the Legislature regarding developmental disability services for incarcerated offenders, reasonable accommodations, alternatives to confinement prior to trial, prosecutorial and sentencing alternatives, and law enforcement training. The workgroup will also develop a developmental disability screening tool for jails to use as part of the intake process.

### AN ACT RELATING TO EXTRAORDINARY MEDICAL PLACEMENT FOR OFFENDERS

**EHB 2194**

**Chapter 441, Laws 2009 (S)**

Modifying provisions relating to extraordinary medical placement for offenders to allow the DOC to authorize early release from custody for more seriously-ill offenders.

*Effective date:* August 1, 2009.

### FIRST DEGREE CHILD ASSAULT

**EHB 2279**

**Chapter 214, Laws 2009 (S)**

As a condition of community custody, the court shall prohibit an offender sentenced for Assault of a Child in the 1st degree from serving in any paid or volunteer capacity for children under 13.

The Sentencing Guidelines Commission (SGC) is directed to make a recommendation to the legislature by December 31, 2009, regarding whether the current sentencing provisions for this offense are appropriate.

*Effective date:* August 1, 2009.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

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### CRIMINAL LIBEL STATUTES

**SB 5147**

**Chapter 88, Laws 2009 (D/M)**

The criminal libel statutes are repealed.

*AOC action: JIS create/update codes and law tables as necessary.*

### COURT COMMISSIONERS

**SSB 5151**

**Chapter 140, Laws 2009 (S)**

Expands the authority of superior court commissioners in criminal cases in counties with a population of more than 400,000, if the board of commissioners agrees to hire court commissioners for that purpose.

### COMMUNITY CUSTODY PROVISIONS

**SSB 5190**

**Chapter 28, Laws 2009 (S)**

Makes technical statutory corrections and clarifies the roles of the Indeterminate Sentence Review Board and the Department of Corrections with regard to determinate-plus sex offenders on community custody.

*Effective date: August 1, 2009.*

*AOC action: Refer to the Pattern Forms Committee for review and update as needed.*

### ELECTRIC SHOCK DEVICES/SCHOOLS

**ESSB 5263**

**Chapter 453, Laws 2009 (S-Juv, D/M)**

Adds stun guns or portable devices used to provide electric shock to the list of items deemed unlawful for students to possess at school. A school security officer who is not a commissioned law enforcement officer must complete training prior to being allowed to possess such a weapon on school grounds.

### SUPERVISION OF OFFENDERS

**ESSB 5288**

**Chapter 375, Laws 2009 (S)**

Revises provisions for community custody

supervision by the DOC. The DOC must supervise:

- Offenders classified as high risk;
- All sex offenders;
- All dangerous mentally ill offenders;
- All offenders with an indeterminate sentence;
- All offenders sentenced to DOSA, SSOSA, and FTOW;
- All offenders required to be supervised under the Interstate Compact; and
- Misdemeanants sentenced in superior court who are misdemeanor sex offenders and offenders convicted of 4th degree assault or violation of a DV court order and who have a prior conviction.

Per SB 6162, the DOC must also continue to supervise offenders convicted of a serious violent offense.

Removes the July 1, 2010 sunset clause in RCW 9.94A.501 concerning the DOC's use of a risk assessment tool to determine which offenders to supervise.

Requires that the term of community custody be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime. Removes the requirement that the SGC set community custody ranges. The term "ranges" is changed to "terms."

Community custody terms are set as follows.

- Sex offenses **36 months**
- Serious violent offenses **36 offenses**
- Violent Offenses **18 months**
- Crimes Against a Person **12 months**
- Drug Offenses **12 months**

*Partial veto: Section 18, emergency clause.*

*AOC action: Refer to the Pattern Forms Committee for review and update as needed. Committee will forward approved pleas forms to the Supreme Court for approval.*

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### STATUTE OF LIMITATIONS

**SSB 5380**

**Chapter 53, Laws 2009 (S)**

Extends the statute of limitations for felony money laundering and identity theft and certain crimes of theft involving deception.

### PREVENTING ANIMAL CRUELTY

**SSB 5402**

**Chapter 287, Laws 2009 (S, D/M)**

Provides that when a court orders an offender to forfeit an animal as a result of a conviction for animal cruelty, the court shall also prohibit the offender from owning or caring for similar animals for the following time periods.

- Two years for a first conviction of 2nd degree animal cruelty.
- Permanently for the first conviction of 1st degree animal cruelty.
- Permanently for the second or subsequent conviction of animal cruelty.
- A person who has two convictions for 2nd degree animal cruelty may petition the sentencing court for a restoration of the right to own or possess a similar animal five years after the date of the second conviction. The court must consider various factors prior to restoring this right.
- If a person has been prohibited from owning or caring for a similar animal as a result of a conviction for animal cruelty, and the person subsequently owns or cares for an animal in violation of the court's order, an officer, with a warrant, may authorize the removal of the animal. The agency receiving custody of the animal may assume ownership upon seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

### ASSAULTING A LAW ENFORCEMENT OFFICER

**SB 5413**

**Chapter 141, Laws 2009 (S)**

Creates a one-year mandatory sentencing enhancement for a person convicted of assaulting

a law enforcement officer with what appears to be a firearm.

*AOC action: Refer to the Pattern Forms Committee for review and update as needed.*

### STATE INSTITUTIONS/RELEASE

**SB 5525**

**Chapter 455, Laws 2009 (S)**

The DOC may provide rental vouchers to an offender if rental assistance will enable the offender to have an approved release plan.

Section 4, which was vetoed, required the DOC to do a report on this program.

*Effective dates: Section 2 is effective August 1, 2009. Section 3 is effective May 11, 2009.*

*Partial veto: Section 4.*

### DRIVING RECORD ABSTRACTS

**SSB 5610**

**Chapter 276, Laws 2009 (D/M)**

- Allows courts to provide a copy of a person's Department of Licensing (DOL) abstract to that person if he or she has a pending case before the court for a suspended license violation or an open infraction or criminal case that has resulted in the suspension of the person's driver's license.
- Courts may charge a reasonable fee for production and copying of the abstract.
- Requires DOL to permanently retain records of convictions for driving under the influence.

*Court action: Be prepared to provide a copy of abstract establish fee.*

### REGISTERED DOMESTIC PARTNERS

**E2SSB 5688**

**Chapter 521, Laws 2009 (ALL)**

See *Civil*, Page 9.

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### SEX OFFENSE PROSECUTION

**SB 5832**

**Chapter 61, Laws 2009 (S)**

This bill extends the statute of limitations for the prosecution of sex offenses with minor victims until the victim's 28th birthday if the offense is listed in RCW 9A.04.080(1)(b)(iii)(A) or (c). Those offenses are rape in the 1st and 2nd degree when the victim is under 14 and the rape is reported to law enforcement within one year of its commission, and rape of a child in the 1st, 2nd and 3rd degree, child molestation in the 1st, 2nd and 3rd degree and incest.

### MENTAL HEALTH PRACTITIONERS

**SSB 5931**

**Chapter 424, Laws 2009 (S-Juv, D/M)**

See *Civil*, Page 10.

### SEXUAL ORIENTATION/DEFINING

**SB 5952**

**Chapter 180, Laws 2009 (S)**

This bill modifies the definition of "sexual orientation" to include gender expression or identity for purposes of malicious harassment.

### COMMUNITY CUSTODY

**SSB 6162**

**Chapter 376, Laws 2009 (S)**

Requires a term of community custody for conviction of a serious violent offense.

*Partial veto:* Section 3, emergency clause.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed.

### CRIMES AGAINST PROPERTY

**SB 6167**

**Chapter 431, Laws 2009 (S, D/M)**

This bill increases the threshold property value for property crimes (theft, possession of stolen property and malicious mischief). The crime is a Class B felony if the property value exceeds \$5,000. The crime is a Class C felony if the property value is \$750 - \$5,000. The crime is a

gross misdemeanor if the property is valued at up to \$750.

*Court action:* May see increased caseload in courts of limited jurisdiction.

## NEW & AMENDED CRIMES

### SPECIALIZED FOREST PRODUCTS

**SHB 1038**

**Chapter 245, Laws 2009 (S, D/M)**

See *Criminal*, Page 16.

### FIREARM LICENSES FOR PERSONS FROM OTHER COUNTRIES

**2SHB 1052**

**Chapter 216, Laws 2009 (S)**

See *Criminal*, Page 16.

### TECHNICAL CORRECTIONS TO VARIOUS STATUTES AT REQUEST OF THE STATUTE LAW COMMITTEE

**SHB 1059**

**Chapter 187, Laws 2009 (S-Juv)**

See *Family & Juvenile*, Page 10.

### EXCHANGE FACILITATORS

**E2SHB 1078**

**Chapter 70, Laws 2009 (S, D/M)**

See *Civil*, Page 5.

### RETAIL STORE RESTROOM ACCESS

**ESHB 1138**

**Chapter 438, Laws 2009 (D/M)**

Requires a retail establishment to allow a customer with certain medical conditions to use the employee restroom facility if certain medical conditions are met. For a first violation, a warning letter shall be issued by the city or county attorney. The penalty for second and subsequent violations is a Class 2 civil infraction.

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### GRAIN COMMISSION

**SHB 1254**

**Chapter 33, Laws 2009 (D/M)**

Creates the Washington Grain Commission to market grains; creates two new misdemeanors.

*AOC action:* JIS create/update codes and law tables as necessary.

### SEXUALLY EXPLOITED JUVENILES

**SHB 1505**

**Chapter 252, Laws 2009 (S-Juv)**

See *Family & Juvenile*, Page 12.

### FISH AND WILDLIFE PROVISIONS

**SHB 1778**

**Chapter 333, Laws 2009 (D/M)**

See *Criminal*, Page 18.

### LIFE SETTLEMENTS MODEL ACT

**SSB 5195**

**Chapter 104, Laws 2009 (S, D/M)**

See *Civil*, Page 8.

### TOBACCO PRODUCT MAIL ORDER

**SSB 5340**

**Chapter 278, Laws 2009 (S, D/M)**

See *Civil*, Page 8.

### RECLAIMED WATER PERMITTING

**SSB 5504**

**Chapter 456, Laws 2009 (S, D/M)**

See *Civil*, Page 9.

### CONSUMER DATA IN VEHICLES

**SB 5574**

**Chapter 485, Laws 2009 (S, D/M)**

See *Civil*, Page 9.

### DOG BREEDING PRACTICES

**ESSB 5651**

**Chapter 286, Laws 2009 (D/M)**

This bill establishes a new gross misdemeanor for

owning, possessing, or controlling more than 50 dogs with intact sexual organs over six months in age.

If a person owns, possesses, or controls more than 10 dogs with intact sexual organs over six months in age, certain requirements for the care of the dogs must be met. Failure to meet the requirements is a gross misdemeanor.

*Effective date:* January 1, 2010.

*AOC action:* JIS create/update codes and law tables as necessary.

### REGISTERED DOMESTIC PARTNERS

**E2SSB 5688**

**Chapter 521, Laws 2009 (ALL)**

See *Civil*, Page 9.

### TRAFFIC INFRACTIONS

**SSB 5732**

**Chapter 490, Laws 2009 (S, D/M)**

- Authorizes, but does not require, superior courts and courts of limited jurisdiction to provide or participate in relicensing diversion programs for persons who commit Driving with License Suspended in the 3rd degree (DWLS 3) due to failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation.
- Eligibility for the relicensing diversion program shall be limited to violators with no more than four convictions for DWLS 3 in the 10 years preceding the date of entering the relicensing diversion program, subject to a less restrictive rule imposed by the presiding judge of the county district court or municipal court. People subject to arrest under a warrant are not eligible for the diversion program.
- Diversion may be offered by the prosecuting attorney before charges are filed, or by the court after charges are filed.
- The holder of a commercial driver's license or a person who was operating a commercial vehicle at the time he or she committed the

## 2009 Legislative Summary

DWLS 3 offense is not eligible to participate in a diversion program.

- When a person commits DWLS 3 in jurisdictions without a relicensing program, the court or prosecuting attorney shall give a driving abstract to the person named in the record, a list of the person's unpaid traffic offenses, and contact information for each jurisdiction or collection agency to which money is owed. A fee of up to \$20 may be imposed by the court.
- A diversion program that takes place after charges are filed may charge participants a one-time fee of up to \$100, not subject to standard fee split.
- Counties and cities that operate relicensing diversion programs shall, subject to available funds, provide the information specified in statute to the AOC on an annual basis concerning the operation of the program. The AOC shall, subject to available funds, compile and analyze the data and develop recommendations for a best practices model for such programs.

*Court action:* Consider establishing a diversion program; send data to AOC.

*AOC action:* JIS create/update codes and law tables as necessary.

### SENTENCING JUVENILES/CRIMES

**ESSB 5746**

**Chapter 454, Laws 2009 (S)**

See *Family & Juvenile*, Page 15.

### LIVE NONAMBULATORY LIVESTOCK

**SB 5974**

**Chapter 347, Laws 2009 (D/M)**

Regarding transportation of live nonambulatory livestock across the state; civil infractions may be issued for violation of the law.

*AOC action:* JIS create/update codes and law tables as necessary.

### DEFINITION OF "CONVICTION"

**SB 6068**

**Chapter 181, Laws 2009 (D/M)**

To comply with federal motor carrier safety regulations, the DOL must treat a deferred prosecution as a "conviction" for purposes relating to the regulation of commercial driver's licenses.

*AOC action:* Refer to the Pattern Forms Committee for review and update as needed. Committee will forward approved plea forms to the Supreme Court for approval.

### CRIMES AGAINST PROPERTY

**SB 6167**

**Chapter 431, Laws 2009 (S, D/M)**

See *Criminal*, Page 22.

## INFRACTIONS

### RETAIL STORE RESTROOM ACCESS

**ESHB 1138**

**Chapter 438, Laws 2009 (D/M)**

See *New & Amended Crimes*, Page 22.

### VEHICLE REGISTRATIONS FOR DEPLOYED MILITARY PERSONNEL

**HB 1478**

**Chapter 159, Laws 2009 (D/M)**

This bill allows deployed military personnel to renew their vehicle registrations and have the registration year start on the date that the expired registration is renewed so that the renewed registration will be useful for an entire 12-month period. To be eligible, the registered owner must: be a member of the United States armed forces; have been stationed outside of Washington under military orders during the prior vehicle registration year; and provide the DOL with a copy of the military orders.



## 2009 Legislative Summary

### NATURAL RESOURCE INFRACTIONS

**SB 5298**

**Chapter 174, Laws 2009 (D/M)**

Repeals the designation of a failure to sign a natural resource infraction notice as a misdemeanor.

### UNLAWFUL TRANSIT CONDUCT

**ESSB 5513**

**Chapter 279, Laws 2009 (D/M)**

Expands 2008 legislation (ESHB 2480) to allow transit authorities to adopt a schedule of violations, issue civil infractions and file them in either the district or municipal courts.

Allows an attorney representing the transit authority to appear at infraction hearings.

*AOC action: JIS create/update codes and law tables as necessary.*

### PHOTO ENFORCEMENT SYSTEM

**SSB 5556**

**Chapter 272, Laws 2009 (D/M)**

- Currently, drivers who fail to pay a toll when required on the new Tacoma Narrows Bridge are subject to an infraction. The infraction is \$40 plus an additional toll penalty of three times the cash toll for a standard passenger car during peak hours, currently \$4. The court remits the toll penalty to the Washington State Department of Transportation (WSDOT).
- Under this bill, any reduction by the court in the toll infraction may be made only to the \$40 infraction penalty. The toll penalty may not be reduced.
- If the driver is found not to have committed the infraction, the driver shall pay the toll due at the time the photo was taken, unless it has already been paid.
- The WSDOT shall make a recommendation to the legislature regarding implementation of a time period for the payment of the toll after crossing the bridge so persons without a transponder can pay the toll due prior to the issuance of an infraction.

*AOC action: JIS create/update codes and law tables as necessary.*

### DRIVING RECORD ABSTRACTS

**SSB 5610**

**Chapter 276, Laws 2009 (D/M)**

See *Criminal*, Page 21.

### REGISTERED DOMESTIC PARTNERS

**E2SSB 5688**

**Chapter 521, Laws 2009 (ALL)**

See *Civil*, Page 9.

### TRAFFIC INFRACTIONS

**SSB 5732**

**Chapter 490, Laws 2009 (S, D/M)**

See *New & Amended Crimes*, Page 23.

## COURT FUNDING & FEES

### CERTIFICATE OF DISCHARGE

**ESHB 1002**

**Chapter 288, Laws 2009 (S)**

See *Civil*, Page 4.

### VEHICLES/PROSTITUTION

**ESHB 1362**

**Chapter 387, Laws 2009 (S, D/M)**

See *Civil*, Page 6.

### DRUG COURT FUNDING

**SHB 1919**

**Chapter 445, Laws 2009 (S)**

Allows up to 10 percent of the funds provided to counties from the Criminal Justice Treatment Account to be used for the operation and administration of drug court programs, in addition to the use of such funds for treatment and support services for offenders. The bill removes the requirement of matching funds for state money provided to counties for drug court programs where the money is authorized for the

## 2009 Legislative Summary

administration and operation of the drug court programs. Expires June 30, 2013.

### **DOCUMENT RECORDING FEE FOR SERVICES FOR THE HOMELESS**

**HB 2331**

**Chapter 462, Laws 2009 (D/M)**

This bill increases the surcharge for county auditor document recording fees from \$10 to \$30 for the 2009-2011 and 2011-2013 biennia. Courts of limited jurisdiction, which collect recording fees and transmit them to county auditors in name change cases, must collect an additional \$20 during the period this provision is in effect. This increase takes effect on July 26, 2009.

*AOC action: JIS create/update codes and law tables as necessary.*

### **JUDICIAL BRANCH AGENCIES**

**SHB 2362**

**Chapter 572, Laws 2009 (S, D/M)**

Imposes surcharges on court fees for a two-year period beginning July 1, 2009. Surcharges of \$10 on small claims filings, \$20 on limited jurisdiction court filings, and \$30 surcharges on appellate and superior court filings will be used to partially fund judicial branch functions.

*Effective date: July 1, 2009.*

*Court action: Collect new surcharges.*

*AOC action: JIS create/update codes and law tables as necessary.*

### **COUNTY CLERKS**

**ESB 5013**

**Chapter 417, Laws 2009 (S)**

Increases the following fees for county clerk services.

- Issuance of a certificate of qualification and certified copies of letters of administration, testamentary or guardianship is raised from \$2 to \$5.
- For processing *ex parte* orders, a flat fee of \$30 will be charged instead of an hourly fee.
- Performing historical searches, compiling

statistical reports, and conducting exceptional searches, is raised from a maximum of \$20 to a maximum of \$30 per hour.

- For receipt of the first page of a faxed document the fee is raised from \$3 to \$5.
- The statute permitting the assessment that county clerks collect for LFOs is moved to the same section as other clerk's service fees and is set at \$100 per year.

*Court action: Collect new fees.*

### **CONSOLIDATING ACCOUNTS/GENERAL FUND**

**ESSB 5073**

**Chapter 479, Laws 2009 (S)**

Improving budget transparency by consolidating accounts into the state general fund. Monies paid into the Public Safety and Education Account 1 & 2 and Equal Justice Sub-Account, must be paid into the state general fund. Intent language preserves judicial branch use of these funds.

*Effective date: July 1, 2009.*

### **DISTRICT COURT CLERK FEES**

**SB 5277**

**Chapter 372, Laws 2009 (D/M)**

Allows district court clerks to collect fees for their services in amounts commensurate with the fees charged by superior court clerks with the exception of *ex parte* fees, which are \$20 per hour in district court.

*Court action: May collect new fees.*

## 2009 Legislative Summary

### MODIFYING PROVISIONS OF LOCAL OPTION TAXES

**2SSB 5433**

**Chapter 551, Laws 2009 (S, D/M)**

If county voters approve an increase in the sales tax for the purpose of chemical dependency or mental health treatment, a portion of the money may be used to supplant existing funding for these purposes through 2014 (replaces current statutory language which requires all new sales tax revenue to be nonsupplanting).

*Partial veto:* Sections 8-11, which does not affect the courts.

### DRIVING RECORD ABSTRACTS

**SSB 5610**

**Chapter 276, Laws 2009 (D/M)**

See *Criminal*, Page 21.

### REGISTERED DOMESTIC PARTNERS

**E2SSB 5688**

**Chapter 521, Laws 2009 (ALL)**

See *Civil*, Page 9.

### SEXUALLY VIOLENT PREDATORS

**SSB 5718**

**Chapter 409, Laws 2009 (S)**

See *Civil*, Page 10.

### TRAFFIC INFRACTIONS

**SSB 5732**

**Chapter 490, Laws 2009 (S, D/M)**

See *New & Amended Crimes*, Page 23.

## SALARIES & BENEFITS

### PUBLIC RETIREMENT—COMPENSATION CALCULATION

**SB 6157**

**Chapter 430, Laws 2009 (A, S)**

Provides that average final salary calculations for Public Employees' Retirement System members

are not affected by salary reductions due to reduced hours, leave without pay, or furloughs taken as part of an employer's expenditure reduction effort during the 2009-2011 biennium.

## OTHER

### SPECIAL ELECTION DATES

**ESHB 1018**

**Chapter 413, Laws 2009 (ALL)**

This bill eliminates special elections held in March and changes the date of the February special election. Allows May special elections in 2010 and 2011 only for tax levies that failed previously in that calendar year and new bond issues; eliminates the May special election date after 2011.

*Effective date:* Sections 2 and 4 are effective July 1, 2011.

### UNIFORM LEGISLATION COMMISSION

**HB 1120**

**Chapter 219, Laws 2009 (ALL)**

Makes revisions to the duties and membership of the Commission, and is renamed the Washington State Uniform Law Commission.

### ELECTRONIC JUROR SIGNATURES

**HB 1158**

**Chapter 330, Laws 2009 (S, D/M)**

Permits, but does not require, the use of an electronic declaration and electronic signature to preliminarily determine whether a person summoned for jury duty is eligible to serve on a jury. Allows jurors to respond to summonses online.

*Court action:* May implement electronic declaration and signature.

### COURT OF APPEALS JUDGE

**HB 1205**

**Chapter 77, Laws 2009 (A)**

Authorizes one new judge position for Division II of the Court of Appeals. The new judge position

## 2009 Legislative Summary

becomes effective only if the position is specifically funded and referenced by division and district in a future legislative session.

### CANDIDATES FOR PUBLIC OFFICE

#### SHB [1286](#)

Chapter 222, Laws 2009 (ALL)

Prohibits a candidate from making a defamatory or libelous statement about his or her opponent in the candidate's statement submitted to the Secretary of State for inclusion in the voters' pamphlet.

### SR 520 CORRIDOR TOLLS

#### ESHB [2211](#)

Chapter 472, Laws 2009 (D/M)

- Authorizes the imposition of tolls on the SR 520 corridor.
- Creates a SR 520 Workgroup.
- Creates a special account in the state treasury known as the SR 520 Corridor Account.
- There is no impact on courts yet, pending implementation by the workgroup.

*Effective date:* August 1, 2009.

### BENTON COUNTY DISTRICT COURT JUDGES

#### SB [5102](#)

Chapter 86, Laws 2009 (D/M)

Authorizes two new judge positions in Benton County District Court.

### KING COUNTY DISTRICT COURT JUDGES

#### ESB [5135](#)

Chapter 26, Laws 2009 (D/M)

Creates two new judge positions for King County District Court in 2009, two additional judge positions in 2010, and one additional judge position in 2011.

Decreases the number of judge positions from 10 to eight for Spokane County District Court. No sitting judges were affected by this change.

### COUNTY ELECTED OFFICIALS

#### SB [5233](#)

Chapter 105, Laws 2009 (S)

At the discretion of the board of county commissioners, the superior court clerk, the county sheriff, the county treasurer, and the county road engineer may keep offices at a location other than the county seat, provided they maintain an office at the county seat.

### UNIFIED SEX OFFENDER PROGRAM

#### SSB [5261](#)

Chapter 31, Laws 2009 (S, D/M)

When funded, the Washington Association of Sheriffs and Police Chiefs (WASPC) must implement and operate an electronic statewide unified sex offender registration and notification program. Similar to other data and notification programs maintained by WASPC, no public employee or public agency may be held liable for the release of information so long as the release was without gross negligence.

### CANDIDATE FILING

#### SSB [5271](#)

Chapter 106, Laws 2009 (S, D/M)

Eliminates the option to file a declaration of candidacy with the Secretary of State for candidates for single-county offices. Eliminates the filing fee requirement for declarations of candidacy for precinct committee officers.

### TRANSPORTATION BUDGET 2009-2011

#### ESSB [5352](#)

Chapter 470, Laws 2009 (D/M)

- Sections 201 and 714 provide for pilot projects using automated traffic safety cameras to detect speed violations in cities west of the Cascades with a population over 200,000 (no more than one camera per jurisdiction).
- Section 204 requires the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities.
- Section 218 and 713 authorize continuation of a pilot program for the state patrol to issue

## 2009 Legislative Summary

infractions based on information from automated traffic safety cameras in roadway construction zones on state highways.

*Effective date:* May 13, 2009.

### INTERMEDIATE VEHICLE LICENSES

**SSB 5469**

**Chapter 125, Laws 2009 (D/M)**

After 12 months, intermediate driver's license holders may drive without certain restrictions required during the first 12 months notwithstanding their having been in an accident during that 12-month period, so long as there was another party to the accident and the other party was cited in connection with the accident.

### TWO-WHEELED AND THREE-WHEELED VEHICLES

**SB 5482**

**Chapter 275, Laws 2009 (D/M)**

This bill amends the state definition of motorcycle to conform to the federal definition for motorcycle, and includes certain vehicles that have a saddle or steering wheel.

A person holding a valid driver's license may operate a motorcycle as defined in RCW 46.04.330(2) (i.e., with a partially or completely enclosed seat and equipped with safety belts and a steering wheel) without a motorcycle endorsement.

### SUNSCREENING DEVICES

**ESB 5581**

**Chapter 142, Laws 2009 (D/M)**

This bill changes references to suncreening standards established by the Washington State Patrol to refer to federal standards. All vehicles sold must be equipped with safety glazing material that meets federal requirements. Permissible net film suncreening may have a maximum light reflectance of 35 percent, and a minimum light transmission of 24 percent. Definitions are added for "light transmission," "net film screening," and "reflectance."

Certificates or decals that are required by law are permitted on vehicles so long as neither their size, nor placement on the vehicle, impair the driver's ability to safely operate the motor vehicle. Recreational products, such as toys or signs, may be applied to windows behind the driver provided they do not interfere with the driver's ability to see other vehicles, people, or objects. A "collector vehicle" is defined as any vehicle more than 30 years old, and is added to the list of vehicles that may have window tinting that is darker than otherwise allowable applied to the windows behind the driver.

### TRAFFIC INFRACTIONS

**SSB 5732**

**Chapter 490, Laws 2009 (S, D/M)**

See *New & Amended Crimes*, Page 23.

### PROTECTING WORKERS FROM HUMAN TRAFFICKING VIOLATIONS

**E2SSB 5850**

**Chapter 492, Laws 2009 (ALL)**

International labor recruitment agencies and domestic employers of foreign workers must provide disclosure statements to foreign workers detailing certain rights the employee has under labor laws. A "foreign worker" is defined as a person who is not a citizen of the United States and who comes to Washington state based on an offer of employment. Courts, as employers, are subject to this law. The law also requires that the Office of Crime Victim Advocacy work with the licensing authorities for physicians, mental health counselors, psychologists, marriage and family therapists and social workers to provide those licensees with information on how to recognize victims of human trafficking.

*Court action:* Provide disclosure statements when hiring foreign workers.

*Partial veto:* Section 4, which would have allowed provisions of the bill to be enforced under the Consumer Protection Act.

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