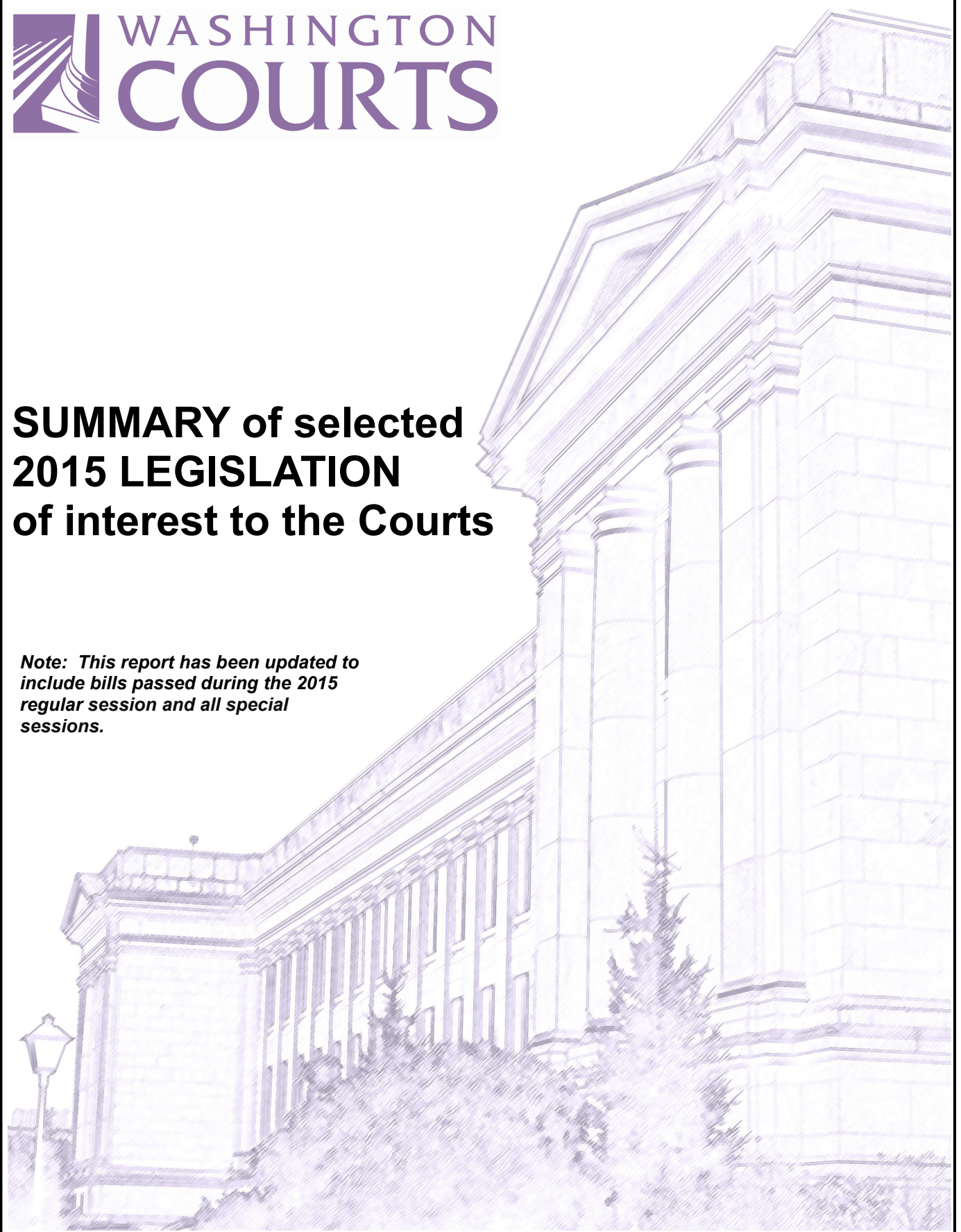





SUMMARY of selected 2015 LEGISLATION of interest to the Courts

Note: This report has been updated to include bills passed during the 2015 regular session and all special sessions.





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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.

2015 Legislative Summary

We are pleased to present a *Summary of Selected 2015 Legislation of Interest to the Courts* that has been updated to include all three special sessions. We hope it will be useful to implement bills that impact your court. During the 2015 regular and special legislative sessions, the Legislature and Governor enacted 63 bills that affect the courts and are of general interest to the legal community. Between updating/creating pattern forms, law table work and making JIS additions/changes, AOC expects to spend well over 1000 hours implementing the 2015 legislation on the following pages.

The **effective date** for each bill is listed in the summary. Unless otherwise noted, bills are effective 90 days after adjournment of the session in which they passed, so there are multiple effective dates this year. Partial vetoes by the Governor are also indicated at the end of the summary. For details on vetoes and other bill information, please click on the bill number to go directly to the bill. If the link does not work, go to the Washington State Legislature's website at <http://apps.leg.wa.gov/billinfo/> and enter the bill number in the box provided.

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

BILL TRACKERS

MELLANI MCALEENAN: BJA/multi-court legislation
mellani.mcaleenan@courts.wa.gov..... 360-357-2113

RAMSEY RADWAN: Judicial impact notes; Budget
ramsey.radwan@courts.wa.gov..... 360-357-2406

ANNE WATSON: Superior court criminal and civil legislation
anne.watson@courts.wa.gov..... 360-357-2157

JANET SKREEN: Superior court/juvenile and family court legislation;
therapeutic courts
janet.skreen@courts.wa.gov..... 360-705-5252

J BENWAY: District and municipal court legislation
jennifer.benway@courts.wa.gov..... 360-357-2126

SHARON HARVEY: District and municipal court legislation
sharon.harvey@courts.wa.gov360705-5282

LYNNE ALFASSO: Court of Appeals
lynne.alfasso@courts.wa.gov..... 360-357-2125

STEPHANIE HAPPOLD: Data dissemination
stephanie.happold@courts.wa.gov..... 360-705-5315

MERRIE GOUGH: Forms
merrie.gough@courts.wa.gov..... 360-357-2128

SHIRLEY BONDON: Probate/Guardianship/Vulnerable adults
shirley.bondon@courts.wa.gov..... 360-705-5302

PAM DITTMAN: Anti-harassment/human trafficking/ immigration
pam.dittman@courts.wa.gov 360-704-4031

MARA MACHULSKY: Judicial impact note coordinator/ bill summary
mara.machulsky@courts.wa.gov..... 360-357-2112

2015 Legislative Summary

SEXUALLY VIOLENT PREDATORS

[HB 1059](#)

Chapter 278 Laws 2015

Court Level: Superior

Category: Criminal

Effective date: 7/24/15

Excludes evidence from an expert on a committed sexually violent predator's (SVP) behalf if the committed SVP does not participate in the Department of Social and Health Services' (DSHS) most recent annual review interview and evaluation. Suspends the annual examination requirement while the committed SVP is awaiting trial for unconditional release; if a person is recommitted, the next annual examination must be done within one year of the recommitment order. Defines "treatment" to be the sex offender specific treatment program at the Special Commitment Center or a course of sex offender treatment by a certified provider. Requires a court, prior to authorizing release of a SVP to a less restrictive alternative, to consider release to the person's county of commitment.

SKAGIT COUNTY DISTRICT JUDGES

[HB 1061](#)

Chapter 25 Laws 2015 3rd special session

Court Level: District/Municipal

Category: Civil, criminal

Effective date: 10/9/2015

The number of statutorily authorized district court judges in Skagit County is increased from two to three. This new position becomes effective only if the legislative authority of Skagit County approves the position and agrees that the county pay the expenses of the additional position without reimbursement from the state.

DNA WORK PRODUCT, PRESERVING

[SHB 1069](#)

Chapter 221 Laws 2015

Court Level: Superior

Category: Criminal

Effective date: 7/1/15

Provides guidelines for preservation of DNA work product secured in felony cases initially charged as violent or sex offenses: Where a defendant is convicted of a violent felony, the DNA work

product must be maintained through final discharge. In cases of convicted sex offenders, the work product must be maintained for the sooner of 99 years or the defendant's death. Where there is no conviction, the work product must be maintained for 99 years or through the statute of limitations period for the crime, whichever is sooner. The trial court may order the destruction of DNA reference samples contributed by a defendant charged with a violent or sex offense who is acquitted or whose conviction is overturned. Upon application, the Washington State Patrol must expunge collected DNA reference samples where charges are dismissed with prejudice or a person is found not guilty. The failure of a law enforcement agency to preserve DNA work product does not constitute grounds to challenge admissibility of other DNA work product. The court may not set aside a conviction or sentence or reverse a conviction on the grounds that DNA work product is no longer available. The court may impose sanctions only if DNA work product is destroyed with malicious intent.

CONSUMER FINANCIAL INFO

[ESHB 1078](#)

Chapter 64 Laws 2015

Court Level: Superior

Category: Civil

Effective date: 7/24/15

Modifies notice requirements for a person, business, or agency to affected persons in cases of data breach, requires disclosure of a security breach of personal information no more than 45 days after the breach is discovered, and makes the failure to notify affected consumers a violation of the Consumer Protection Act.

FINANCIAL FRAUD, IDENTITY THEFT

[HB 1090](#)

Chapter 65 Laws 2015

Court Level: Superior

Category: Other

Effective date: 7/1/2015

Expands the Central Puget Sound Financial Fraud and Identity Theft Task Force to include Snohomish County, extends the Financial Fraud and Identity Theft Crimes Investigation and Prosecution Program until 2020, and increases

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surcharges to fund the program.

TICKET SALES OVER INTERNET

[HB 1091](#)

Chapter 129 Laws 2015

Court Level: Superior, District/Municipal

Category: Civil

Effective date: 7/24/15

Establishes the use or sale of software to interfere with or disrupt ticket sales over the Internet as unfair or deceptive under the Consumer Protection Act, chapter 19.86 RCW.

FATALITY REVIEWS BY DEL

[ESHB 1126](#)

Chapters 199 Laws 2015

Court Level: Superior

Category: Civil

Effective date: 7/24/15

Requires the Department of Early Learning to convene a review committee when a child fatality occurs in an early learning program or licensed child care facility. The results of the review must be reported to the legislature and posted to a public website. Child fatality and near fatality reviews may not be admitted into evidence in a civil or administrative proceeding.

MASSAGE THERAPY, REFLEXOLOGY

[SHB 1252](#)

Chapter 18 Laws 2015

Court Level: Superior, District/Municipal

Category: Criminal, New & Amended Crimes

Effective date: 7/24/15

Prescribes penalties to be imposed on a business owner who, with knowledge or criminal negligence, allows the unlicensed practice of massage therapy or reflexology. A single violation is a misdemeanor, and each subsequent violation is a gross misdemeanor.

DISCLOSING INTIMATE IMAGES

[E2SHB 1272](#)

Chapter 7 Laws 2015 2nd special session

Court Level: Superior, Juvenile, District/

Municipal

Category: Criminal, JIS, New & Amended

Crimes

Effective date: 9/26/2015

The bill creates the crime of disclosing intimate images. A person commits the crime by knowingly disclosing an intimate image that is obtained under circumstances in which a reasonable person would know the image was to remain private, the person knows or should have known the depicted person has not consented to disclosure, and the person knows or reasonably should know that disclosure would cause harm to the depicted person. "Intimate image" is a photograph, film, videotape, digital image, or other record, taken in a private setting and not a matter of public concern, that depicts sexual activity or intimate body parts. The first offense is a gross misdemeanor, and a subsequent offense is a class C felony.

IMPAIRED DRIVING

[E2SHB 1276](#)

Chapter 3 Laws 2015 2nd special session

Court Level: Superior, Juvenile, District/ Municipal

Category: Criminal, Infractions, New & Amended Crimes

Effective date: 9/26/2015

Expands the options for a court when crafting a mandatory pretrial order for a person charged with Driving Under the Influence (DUI) who has a previous DUI offense, to include installation of an ignition interlock device (IID) on all motor vehicles operated by the person while participating in a 24/7 sobriety or other alcohol monitoring program (at the expense of the person) and agreeing (by filing a sworn statement with the court) not to operate any vehicle without an IID as required by the court. Requires courts to notify the Department of Licensing (DOL) when a defendant is required to use an IID or is charged or convicted of an alcohol-related offense, and when an IID restriction is lifted. Requires sentences imposed for DUI-related offenses to be imposed consecutively. Eliminates the statutory provisions that prohibited an IID license applicant from appealing a license revocation.

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Removes statutory references related to testing a person's breath for the purpose of determining the presence of THC. Clarifies the statutes that prohibit law enforcement officers from testing a person's blood suspected of DUI unless it is pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist or under any other authority of law.

Redefines and expands the elements for the crime of Tampering with an IID and clarifies that the sentence should be served consecutively with other DUI-related offenses. Creates a new traffic infraction for a person to have an open container of marijuana in the main compartment of a vehicle while on a public highway. Expands "prior offenses" for DUI conviction purposes. Requires IIDs to have technology capable of providing global positioning system coordinates. Authorizes the DOL to furnish an abstract of an individual's driving record to an individual's named attorney of record. Provides that a person cannot be convicted of physical control if the person has moved the vehicle safely off the roadway prior to being pursued by a law enforcement officer. Clarifies definitions and requirements of the 24/7 sobriety program. Provides that it is not professional misconduct for a physician, nurse, etc., to collect a blood sample without a person's consent when such professionals are directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant or in exigent circumstances.

SEXUAL EXPLOITATION OF MINOR

[2SHB 1281](#)

Chapter 279 Laws 2015

Court Level: Superior, Juvenile

Category: Court Funding & Fees, Criminal, Family & Juvenile, New & Amended Crimes

Effective date: 7/24/15

In addition to penalties under RCW 9.68A.070, a convicted person shall be assessed a fee of \$1,000 for each depiction or image of visual or printed matter that constitutes a separate conviction. Fees shall be collected by the clerk of the court and remitted to the state treasurer for deposit into the child rescue fund. Only the attorney general or designee, may authorize expenditures from the fund. 25% for grants to child advocacy centers and 75% for grants to

Washington internet crimes against children task force for use in investigations and prosecutions of crimes against children.

DRIVING W/LICENSE SUSPENDED

[HB 1282](#)

Chapter 149 Laws 2015

Court Level: Superior, Juvenile, District/Municipal

Category: Criminal, New & Amended Crimes

Effective date: 7/24/15

Amends the crime of Driving While License Suspended in the third degree to apply to driving while a license is suspended due to a failure to be in compliance with a child support order.

CHILD ABDUCTION STATUTES

[HB 1302](#)

Chapter 38 Laws 2015

Court Level: Superior, District/Municipal

Category: Criminal, New & Amended Crimes

Effective date: 7/24/15

Amends provisions of the crimes of Custodial Interference in the first and second degree to cover any court order making residential provisions for the child, rather than just court-ordered parenting plans.

OFFENSES PRIOR TO 18 YRS OLD

[SHB 1319](#)

Chapter 134 Laws 2015

Court Level: Juvenile

Category: Family & Juvenile

Effective date: 4/29/2015

Provides technical corrections to processes for persons sentenced for offenses committed prior to reaching 18 years of age; amending RCW 9.94A and 10.95. The Department of Corrections (DOC) must supervise any offender who is released by the Indeterminate Sentencing Review Board (ISRB) and who was sentenced to community custody or subject to community custody under the terms of release. The DOC may release offenders from confinement when their release has been ordered by the ISRB, regardless of any mandatory sentence enhancements for firearms, deadly weapons, and sexual motivation. An offender convicted of Aggravated First Degree

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Murder prior to his or her eighteenth birthday may not earn early release time during the minimum term of confinement set by the court. A juvenile offender released by the ISRB, who has been convicted of Aggravated First Degree Murder, may be returned to confinement at the discretion of the ISRB when the offender has violated a condition of community custody. The ISRB shall set a new minimum term of incarceration not to exceed five years. A juvenile offender released by the ISRB, other than those convicted of Aggravated First Degree Murder or a sex offense, may be returned to confinement at the discretion of the ISRB for up to the remainder of the court-imposed term of incarceration when the offender has violated a condition of community custody. The offender may file a new petition for release.

CELL SITE SIMULATOR DEVICES

[ESHB 1440](#)

Chapters 222 Laws 2015

Court Level: Superior, District/Municipal

Category: Criminal

Effective date: 5/11/2015

Prohibits the state and its political subdivisions from collecting or using a person's electronic data or metadata, by means of a cell site simulator, without the person's informed consent or a warrant based on probable cause. It extends Washington's Privacy Act, chapter 9.73 RCW, to regulate cell site simulators in addition to pen registers and trap and trace devices. It also requires law enforcement to limit or delete information collected from parties not specified in a court order.

MENTAL HEALTH/INV OUTPATIENT

[E2SHB 1450](#)

Chapter 250 Laws 2015

Court Level: Superior

Category: Civil

Effective date: 7/24/15

Provides that a person "in need of assisted outpatient mental health treatment" may be committed for involuntary treatment on a less restrictive alternative to an inpatient order and identifies services to be included. A court may commit for up to one year's treatment if the person

was previously committed to a state hospital. The bill reorganizes provisions regarding modification and revocation of less restrictive alternative orders, and it identifies mechanisms to enforce compliance.

MEDICAL LIENS

[SHB 1503](#)

Chapter 201 Laws 2015

Court Level: Superior

Category: Civil

Effective date: 7/24/15

To enforce a medical lien, a person must disclose his or her use of liens as part of billing and collection practices and must either attempt enforcement on his or her own behalf or designate a licensed collection agency. No more than 30 days after payment or settlement, the claimant/assignee must prepare and deliver a release to the patient. In the event of unjustifiable delay, the court shall order deliverance of the release and award the patient the costs of the suit to compel, including attorney fees and damages.

ACTIONS BY OR AGAINST COUNTY

[HB 1601](#)

Chapter 138 Laws 2015

Court Level: Superior

Category: Civil

Effective date: 7/24/15

voids any contract provision in a public works contract with any county that requires an action be brought in the superior court of that county.

JURY SERVICE

[SHB 1610](#)

Chapter 7 Laws 2015

Court Level: Superior, District/Municipal

Category: Civil, Criminal, Family & Juvenile, Other

Effective date: 7/24/15

Reduces the maximum jury term from one month to two weeks in counties with a jury source list of at least 70,000 names. Reduces the maximum term of juror service, except to complete a trial, from two weeks to one week in counties with a jury source list of at least 70,000 names. Reduces, in all counties, the optimal jury term and

2015 Legislative Summary

the amount of jury service in a 12-month period that warrants excusal upon a subsequent summons from two weeks to one week.



SHB 1610 Jury Service Signed 4/1/2015

JUDICIAL INFORMATION SYSTEM

SHB 1617

Chapter 140 Laws 2015

**Court Level: Superior, Juvenile, District/
Municipal**

Category: Civil, Criminal, Family & Juvenile

Effective date: 7/24/15

Provides that courts, when entering certain orders, may consult the Judicial Information System and related databases to review criminal history and determine whether other proceedings involving the parties are pending.

YOUTHFUL OFFENDERS, REENTRY

HB 1674

Chapter 156 Laws 2015

Court Level: Superior, Juvenile

Category: Criminal, Family & Juvenile

Effective date: 7/24/15

Allows youthful offenders who complete their confinement terms prior to age 21 equal access to a full continuum of rehabilitative and reentry services, amending RCW 9.94A.728 and 72.01.410. Any youth convicted as an adult must initially be placed in a DOC facility to determine the child's earned release date. If a youth is anticipated to complete his or her confinement

before turning 21 years old, the DOC must transfer the child to the custody of the DSHS until completing his or her term of confinement. While in custody of the DSHS, he or she will receive the same treatment, housing options, transfer and access to program resources and any other child committed to that juvenile correctional facility. In any instance where the Department of Health and Social Services (DSHS) determines that retaining custody of a child presents a safety risk, the child may be returned to the custody of the DOC. If an individual is anticipated to complete his or her confinement on or after turning 21 years old, the DOC must transfer the child to the custody of the DSHS. Despite the transfer, the DOC will retain authority over the custody decisions and must approve any leave from the facility. While residing in a JRA facility, the DSHS has authority over all routine and day-to-day operations for the child while in custody. When the child turns 21 years old, he or she must be transferred back to a DOC facility.

CHILD VICTIM TESTIMONY

SHB 1898

Chapter 286 Laws 2015

Court Level: Superior

Category: Criminal

Effective date: 7/24/15

Requires the Criminal Justice Training Commission's annual training on investigating and prosecuting sexual assault cases to include a reference to the possibility of remote child testimony in certain cases. Directs the Criminal Justice Training Commission to survey law enforcement and prosecuting agencies and report to the Legislature regarding the use of child remote-testimony process and related matters.

TIMING OF SPECIAL ELECTIONS

SHB 1919

Chapter 146 Laws 2015

Court Level: All

Category: Judicial Elections

Effective date: 7/24/15

Changes the deadline for a county, city, town, or district to call for a special election from 45 to 60 days before the designated February or April election dates.

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HOME DETENTION

[EHB 1943](#)

Chapter 287 Laws 2015

Court Level: Superior, District/Municipal

Category: Criminal, Forms, JIS, New & Amended Crimes

Effective date: 7/24/15

Redefines home detention to require presence in a private residence 24 hours a day, unless otherwise authorized by the court, and subject to electronic monitoring. Defines electronic monitoring as tracking the location of a person through technology capable of determining a person's presence or absence at a particular location. Prohibits the use of home detention for those offenders who have a prior history of knowingly violating the terms of a home detention program. Requires a supervising agency to establish terms and conditions for electronic monitoring for each individual subject to electronic monitoring and communicate the terms to the monitoring agency. Requires monitoring agencies to notify the supervising agency of certain violations of electronic monitoring. Requires private monitoring agencies to have policies for contingency plans and conflicts of interest and meet background check requirements. Subjects private monitoring agencies to civil penalties for noncompliance with the act. Requires the courts to notify the Administrative Office of the Courts (AOC) when discontinuing or resuming use of a monitoring agency and requires the AOC to transmit this notice to courts statewide. Prohibits a monitoring agency from monitoring a defendant who is currently awaiting trial for a violent or sex offense unless the defendant's release before trial is secured with a payment of bail. Prohibits an award of credit toward a sentence for time spent on pretrial electronic monitoring if an offender is convicted of certain offenses. Provides that a person who knowingly violates the terms of electronic monitoring is guilty of Escape in the third degree.

MARIJUANA MARKET REFORM

[HB 2136](#)

Chapter 4 Laws 2015 **2nd special session**

Court Level: Superior, Juvenile, District/Municipal

Category: Criminal, Infractions, New & Amended Crimes, Tax

Effective date: 7/1/2015

Modifies the tax and regulatory structures for medical and recreational marijuana and enacts or amends certain criminal provisions. Eliminates the 25 percent producer and processor taxes, increases the 25 percent retailer tax to 37 percent, and specifies that the taxes are levied on the buyer. Provides a sales and use tax exemption to qualifying patients and designated providers. Renames the Liquor Control Board the Liquor and Cannabis Board (LCB). Provides marijuana tax revenues for local jurisdictions, distributed based on retail sales and population. Provides \$95,000 to the State Building Code Council in fiscal year 2016 for the development of fire and building code regulations for marijuana facilities. Modifies marijuana retailer signage requirements, allowing for one additional sign identifying the business or trade name and requires signage prior to a business becoming operational. Permits local jurisdictions to revise the buffer distance provisions for the siting of marijuana licensees and subjects medical marijuana cooperatives to buffer distances similar to marijuana licensees. Amends the infraction of Consumption of Marijuana in a Public Place to clarify that the law is violated when a person consumes marijuana in view of the general public or in a public place, and defines "public place." Allows a marijuana business to use a common carrier to transport marijuana if the carrier is licensed by the LCB and only transports marijuana between other licensed marijuana businesses, and exempts those common carrier employees from felony possession of marijuana law and firearms prohibitions. Exempts certain cannabis health and beauty aids from the Controlled Substances Act. States that the sale of synthetic marijuana or products containing cathinone or methcathinone is a deceptive business practice. Adds non-waivable penalties of \$10,000-\$500,000 for felony distribution of synthetic marijuana or for distribution of any product containing cathinone or

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methcathinone. Adds a new section prohibiting the distribution of marijuana through vending machines or drive-through windows. Creates a new class C felony for operating a marijuana club or other public place where marijuana is held or stored. Repeals RCW 69.50.425 regarding minimum penalties for misdemeanor violations under the Controlled Substances Act.

PERMANENCY HEARING EXCEPTIONS

[HB 2140](#)

Chapter 257 Laws 2015

Court Level: Juvenile

Category: Family & Juvenile

Effective date: 6/30/2015

Removes the expiration of two good cause exceptions for the court not to order DSHS to file a petition seeking the termination of parental rights if a child has been in out-of-home care for 15 of the last 22 months since the date a dependency petition was filed.

DISTRIBUTING INTIMATE IMAGES

[ESHB 2160](#)

Chapter 8 Laws 2015 2nd special session

Court level: Superior, Juvenile

Category: Civil, JIS

Effective date: 9/26/2015

The bill creates a cause of action for distributing intimate images. A person distributes an intimate image by intentionally and without consent making available an image that was obtained under circumstances in which a reasonable person would understand the image was to remain private, and the image was knowingly obtained without authorization. "Intimate image" means a photograph, motion picture film, videotape, digital image, or other recording that was taken in a private setting, that is not a matter of public concern, and that depicts sexual activity or intimate body parts. A person who knows or reasonably should know at the time of distribution that disclosure would cause harm to the depicted person is liable for actual damages, including pain and suffering, emotional distress, lost earnings, reasonable attorney fees, and costs. Injunctive relief may also be available. In actions brought under this statute, the court shall: (1) make it known to the plaintiff as early as possible in the

proceedings that the plaintiff may use a confidential identity; (2) allow a plaintiff to use a confidential identity in all petitions, filings, and other documents presented to the court; (3) use the confidential identity in all proceedings and records relating to the action, including appellate proceedings; and (4) maintain the records relating to the action in a manner that protects the confidentiality of the plaintiff.

JUVENILE OFFENDER BOOT CAMP

[HB 2217](#)

Chapter 23 Laws 2015 3rd special session

Court Level: Juvenile

Category: Family & Juvenile

Effective date: 10/9/2015

RCW 13.40.320 is amended to permit, not require, DSHS to establish a medium security juvenile offender basic training camp program.

WARRANT OFFICERS' AUTHORITY

[SSB 5004](#)

Chapter 288 Laws 2015

**Court Level: Superior, Juvenile, District/
Municipal**

**Category: Civil, Criminal, Family & Juvenile,
Other**

Effective date: 7/24/2015

Any code or non-code city or town may establish and maintain the position of warrant officer within the police department. A warrant officer is vested only with authority identified in ordinance, which may include making arrests authorized by warrants, and service of civil and criminal process. Authorizes any city or town, rather than only cities with a population of over 400,000, to maintain warrant officers within local police departments. Provides that the authority of warrant officers is established by local ordinance and may include the authority to make arrests authorized by warrants and serve civil and criminal process. The authority to serve or enforce a court's process is limited to the authority that the local jurisdiction has granted by ordinance. The chief of police must establish training requirements consistent with the duties of the warrant officer, which must be approved by the Criminal Justice Training Commission.

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LIMITED LIABILITY COMPANIES

SSB 5030

Chapter 188 Laws 2015

Court Level: Superior

Category: Civil

Effective date: 1/1/2016

Makes substantial changes to the Washington Limited Liability Company Act, chapter 25.15 RCW, as to the formation, governance, and operations of limited liability companies. Many provisions are altered to conform to provisions of the Uniform Limited Partnership Act, the Washington Business Corporations Act, and the Revised Uniform Limited Liability Company Act.

CANNABIS PATIENT PROTECTION

2SSB 5052

Chapter 70 Laws 2015

Court Level: Superior

Category: Criminal

Effective date: 7/24/2015

Makes many changes to medical marijuana laws and is known as the Cannabis Patient Protection Act. Requires licensed marijuana retailers to obtain a medical marijuana endorsement to sell medical-grade marijuana to qualifying patients and designated providers. Requires qualifying patients and designated providers to be entered into the Medical Marijuana Authorization Database and obtain a recognition card to have additional amounts of marijuana products and arrest protection. Varies the amount of marijuana that a qualifying patient may possess depending on whether or not they have a recognition card or authorization from a health care professional for an additional amount. Eliminates collective gardens and replaces them with cooperatives that may only have four qualifying patients or designated providers and must be registered with the Liquor and Cannabis Board.

DOMESTIC VIOLENCE OFFENDERS

SB 5070

Chapter 290 Laws 2015

Court Level: Superior

Category: Criminal

Effective date: 7/24/2015

DOC must supervise an offender sentenced to

community custody regardless of risk classification if the offender has a conviction for a domestic violence felony offense where domestic violence was plead and proven and was committed after the effective date of the bill. Prior provisions remain in effect for offenders who committed a domestic violence felony offense prior to the effective date of the bill. The state and its officers, agents, and employees must not be held criminally or civilly liable for its supervision of an offender unless the state and its officers, agents, and employees acted with gross negligence. The entire act is null and void unless specific funding is provided for this act in the omnibus appropriations bill.

CHILD ABUSE/ MILITARY PARENTS

SB 5079

Chapter 6 Laws 2015 1st special session

Court Level: Superior, Juvenile

Category: Family & Juvenile

Effective date: 8/27/2015

Requires DSHS to forward reports of physical or sexual abuse of a child to military law enforcement if appropriate. Requires the DSHS to notify a Department of Defense Family Advocacy Program regarding certain child abuse and neglect allegations that involve a child whose parent is in the military.

RENTAL CARS/TRAFFIC INFRACTIONS

SB 5100

Chapter 189 Laws 2015

Court Level: District/Municipal

Category: Infractions

Effective date: 7/24/2015

Provides that "if appropriate under the circumstances," a person identified by a rental car company may be responsible for a parking, camera, or toll infraction issued to a rental car.

MENTAL STATUS EVALUATION

SB 5101

Chapter 80 Laws 2015

Court Level: Superior

Category: Criminal

Effective date: 7/24/2015

Provides that an order for an offender to undergo

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a mental status evaluation or outpatient mental health treatment may, but is no longer required to, be based on a presentence report.

ALCOHOL, CONTR SUB/SENTENCES

SB 5104

Chapter 81 Laws 2015

Court Level: Superior, District/Municipal

Category: Criminal

Effective date: 7/24/2015

For purposes of felony sentences, the bill defines “crime-related prohibitions” to include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense. The court’s authority regarding rehabilitation is expanded to include a directive that offenders obtain evaluations of need for chemical dependency treatment as to alcohol or controlled substances, regardless of the particular substance that contributed to commission of the offense. The court may also prohibit the use or possession of alcohol or controlled substances whether or not a chemical dependency evaluation is ordered.

THERAPEUTIC COURTS

SB 5107

Chapter 291 Laws 2015

**Court Level: Superior, Juvenile, District/
Municipal**

**Category: Criminal, Family & Juvenile,
Probate/Guardianship**

Effective date: 7/24/2015

Encourages the creation of therapeutic courts in Washington and consolidates current law governing therapeutic courts into a single chapter.

DISTRICT COURT CIVIL JURISDICTION

SB 5125

Chapter 260 Laws 2015

Court Level: District/Municipal

Category: Court Funding & Fees, Other

Effective date: 7/24/2015

Increases the jurisdictional limit of district courts for each claimant from \$75,000 to \$100,000.



SB 5125 District Court Civil Jurisdiction Signed 5/15/15

DOMESTIC VIOLENCE VICTIMS

SSB 5631

Chapter 275 Laws 2015

**Court Level: Superior, Juvenile, District/
Municipal**

Category: Accounting, Civil

Effective date: 7/24/2015

Requires the Department of Social and Health Services to establish minimum standards for community-based domestic violence (“DV”) programs and emergency shelter programs. Increases the filing fee for a petition for dissolution of marriage by \$24 and deposits this revenue in the Domestic Violence Prevention Account (DV Prevention Account). Requires that any portion of domestic violence program records included in a court file be sealed. Increases the current fee imposed on any person convicted of a domestic violence offense by \$15 and imposes a new \$15 fine on any person convicted of violating a domestic violence protection order, which funds are deposited in the DV Prevention Account. Establishes standards for how funds in the DV Prevention Account may be used.

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REG. SEX OR KIDNAP OFFENDERS

[SSB 5154](#)

Chapter 261 Laws 2015

Court Level: Superior, Juvenile

Category: Criminal, Family & Juvenile, New & Amended Crimes

Effective date: 7/24/2015

Establishes new registration procedures for sex and kidnapping offenders and makes other changes and clarifications to sex and kidnapping registration laws. Creates the crime of refusal to provide a DNA sample. Makes multiple changes to the community notification procedures and requirements of public agencies regarding sex and kidnapping offenders. Requires the Sex Offender Policy Board to review and make findings on certain issues related to sex and kidnapping offenders and report to the Governor and the Legislature.

JUVENILE CASE RECORDS

[ESB 5262](#)

Chapter 262 Laws 2015

Court Level: Superior, Juvenile

Category: Civil, Family & Juvenile, Other

Effective date: 7/24/2015

Amends RCW 13.50.010 to allow the courts to release juvenile records to the Washington State Office of Civil Legal Aid that are needed to implement the agency's oversight, technical assistance and other functions as required by RCW 2.53.045.

DETENTION DECISION REVIEW

[SSB 5269](#)

Chapter 258 Laws 2015

Court Level: Superior

Category: Civil, Forms

Effective date: 7/24/2015

An immediate family member (spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling), guardian, or conservator may petition the superior court for review of a designated mental health professional's decision not to detain a person for evaluation and involuntary treatment or not to take action within 48 hours of a request for investigation. The petition must be submitted on forms developed by

the AOC. If the court finds the petition raises sufficient evidence, it must order the designated mental health professional/agency to provide, within one judicial day, all information material to the decision not to seek detention. Any person may submit a sworn declaration in support of or in opposition to detention. The court must issue a final ruling on the petition within 5 judicial days after it is filed. With probable cause, the court may enter an order for initial detention. The order expires 180 days from issuance.

COMPETENCY EVAL. TIMELINESS

[SSB 5177](#)

Chapter 7 Laws 2015 1st special session

Court level: Superior

Category: Civil, Criminal, Forms

Effective date: 8/27/2015

The bill concerns forensic mental health services (evaluation and treatment for competency to stand trial and criminal insanity).

The legislature encourages DSHS to develop alternatives to competency restoration provided in the state hospitals. DSHS is to work with counties and the court to develop a screening process to determine which individuals are safe to receive treatment outside the hospitals.

Within 24 hours of the signing of a court order requesting a competency evaluation or competency restoration treatment, the following actions are required: (1) the court clerk shall provide the court order, charging documents, and any other pertinent records to the state hospital; (2) the prosecuting attorney shall provide the discovery packet, including a statement of the defendant's criminal history, to the state hospital; and (3) if the court orders transportation of the defendant to a state hospital, the jail administrator shall provide the defendant's medical clearance information to the hospital admission staff.

A city or county jail shall transport a defendant to a state hospital or other designated secure facility within one day of receiving an offer of admission for competency evaluation or restoration services. Jails must cooperate with evaluators and DSHS to arrange reasonable, timely, and appropriate access within the 7-day target for completing competency evaluations for defendants in custody.

2015 Legislative Summary

During the 2015-17 fiscal biennium, DSHS may contract to provide competency restoration services in a county or city jail where the patients are physically separated from other jail populations and where the services are provided as much as possible within a therapeutic environment. Periods of time for evaluation and treatment do not include time for transport to or from a facility.

If the issue of competency to stand trial is raised by the court or a party under RCW 10.77.060, the prosecutor may continue with the competency process or dismiss the charges without prejudice and refer the defendant for mental health, chemical dependency, or developmental disabilities assessment. (Defendants who have a current charge or prior conviction for a violent offense or sex offense are excluded.)

An office of forensic mental health services is established within DSHS.

The AOC is to develop standard forms for court orders for forensic evaluation and competency restoration services and for involuntary civil commitment.

A court video testimony work group, which includes representatives from the AOC, the superior courts, and others, is established to consider and facilitate the use of video testimony by state competency evaluators, DSHS, and the state hospitals in court matters.

POWDERED ALCOHOL

[SB 5292](#)

Chapter 193 Laws 2015

**Court Level: Superior, Juvenile, District/
Municipal**

Category: New & Amended Crimes

Effective date: 5/7/2015

Creates a new misdemeanor for the use, purchase, sale or possession of powdered alcohol except for bona fide research purposes.

RESIDENTIAL MORTGAGE LENDING

[SSB 5299](#)

Chapter 229 Laws 2015

Court Level: Superior

**Category: Civil, Criminal, New & Amended
Crimes**

Effective date: 7/24/2015

Gives the Department of Financial Institutions broad discretion as to licensing requirements for escrow agents. It amends licensing, examination, and enforcement provisions of the Mortgage Brokers Practices Act (chapter 19.146 RCW) and the Consumer Loan Act (chapter 31.04 RCW). And the bill enhances the crime of mortgage fraud in the residential mortgage lending process, a class B felony, to add venue provisions and civil damages in the greater of \$5,000 or actual damages, including attorney fees and costs to repair the victim's credit record and to quiet title on the property.

HOMELESS YOUTH

[2SSB 5404](#)

Chapter 69 Laws 2015

Court Level: Juvenile

Category: Family & Juvenile

Effective date: 7/24/2015

The Office of Homeless Youth Prevention and Protection Programs is created to decrease the number of homeless youth and young adults, identify the causes of youth homelessness, and measurably increase permanency rates among homeless youth caused by a youth's separation from family or legal guardian. The office must provide management and oversight of HOPE Centers, crisis residential centers and street youth services. The office will gather data and submit a report to the Governor and Legislature to inform and provide recommendations regarding funding, policy and best practices in the service areas of: 1) stable housing, 2) family reconciliation, 3) permanent connections, 4) education and employment opportunities, and 5) social and emotional wellbeing.

FISHING GUIDE/UNLAWFULLY

[SB 5464](#)

Chapter 90 Laws 2015

**Court Level: Superior, Juvenile, District/
Municipal**

Category: New & Amended Crimes, Other

Effective date: 7/24/2015

Creates the new crime of unlawfully engaging in fishing guide activity, a gross misdemeanor.

2015 Legislative Summary

PARENTS FOR PARENTS PROGRAM

[2SSB 5486](#)

Chapter 117 Laws 2015

Court Level: Juvenile

Category: Family & Juvenile

Effective date: 7/24/2015

The Parents for Parents Program provides peer mentoring for families in the dependency court system increasing parental engagement and contributes to family reunification. Subject to amounts appropriated for this purpose, the program is funded through the Office of Public Defense and is centrally administered through a pass-through to a Washington State nonprofit lead organization. Each local program contracts with the lead organization and must be locally administered by the county superior court or a nonprofit organization that serves as the host organization. Subject to amounts appropriated for this purpose, a report must be conducted on the program. A preliminary report on the program must be provided to the Legislature by December 1, 2016, and must contain statistics showing rates of attendance at court hearings; compliance with court-ordered services and visitation; and whether participating in the program affected participants' overall understanding of the dependency court process. A subsequent report must be provided to the Legislature by December 1, 2019, and must also include statistics demonstrating the effect of the program on reunification rates and lengths of time families were engaged in the dependency court system before achieving permanency.

INTERSTATE FAMILY SUPPORT

[ESSB 5498](#)

Chapter 214 Laws 2015

Court Level: Superior

Category: Family & Juvenile

Effective date: 7/1/2015

Washington courts, administrative agencies, or other Washington tribunals may not enforce any order issued under foreign law or by a foreign legal system that is manifestly incompatible with public policy. The child support laws incorporate the 2008 UIFSA amendments with an effective date of July 1, 2015. The law provides guidelines and processes for child support orders when the child and one parent live in the U.S., but the parent

ordered to pay child support lives in a country that agrees to the Commission treaty (participating country). The requirements apply to orders for establishing child support, modifying child support, and enforcing child support. Washington's child custody and visitation laws, and parenting plans for custody and visitation do not change. Courts must enforce a foreign child support court order from a participating country when it is properly registered in Washington. Courts in participating countries must reciprocate by enforcing U.S. child support orders when the paying parent lives in the participating country.

ANIMAL CRUELTY PREVENTION

[SSB 5501](#)

Chapter 235 Laws 2015

**Court Level: Superior, Juvenile, District/
Municipal**

**Category: Criminal, Infractions, New &
Amended Crimes, Other**

Effective date: 7/24/2015

Creates a new class 2 civil infraction for confining an animal in an enclosed space or vehicle thus creating a health or life-threatening situation, and permits law enforcement or animal control officers to remove the animal. Makes changes to several existing statutes regarding mistreatment of animals.

JUVENILE RECORDS AND FINES

[E2SSB 5564](#)

Chapter 265 Laws 2015

Court Level: Juvenile, District/Municipal

**Category: Accounting, Court Funding & Fees,
Family & Juvenile, JIS**

Effective date: 7/24/2015

Allows courts to seal juvenile records if the person has paid the full amount of restitution owing to the individual victim named in the restitution order. Eliminates various legal financial obligations and other fees for juveniles, except the DNA collection fee and the victim penalty assessment for most serious offenses and sex offenses. Eliminates interest for legal financial obligations for juveniles. Courts of limited jurisdiction have jurisdiction over criminal traffic, fish and game violations, boating offenses, and traffic infractions committed by

juveniles 16 years of age or older, so certain fines will no longer be applied in CLJs as well.

VULNERABLE ADULTS, ABUSE OF

SSB 5600

Chapter 268 Laws 2015

Court Level: Appellate, Superior

Category: Civil

Effective date: 7/24/2015

Modifies definitions concerning the abuse of vulnerable adults, including, "abuse," "sexual abuse," "physical abuse," "mental abuse," "personal exploitation," improper use of restraint, "chemical restraint," and "mechanical restraint." Added definitions for "hospital" and "physical restraint."

GUARDIANSHIP

ESSB 5607

Chapter 293 Laws 2015

Court Level: Superior

Category: Forms, Probate/Guardianship

Effective date: 7/24/2015

Clarifies the process for an unrepresented person to bring an issue to the court, regarding modification to an existing guardianship and complaints about the conduct of a guardian.

Requires AOC to create a model complaint form and a model order form.

GUARDIANSHIP FACILITATORS

SB 5647

Chapter 295 Laws 2015

Court Level: Superior

Category: Court Funding & Fees, Probate/Guardianship

Effective date: 7/24/2015

Permits counties to create guardianship courthouse facilitator programs to provide basic services to litigants who represent themselves in guardianship matters. Permits the legislative authority of any county to impose user fees, surcharges, or both, on certain cases filed in superior court in order to pay for guardianship courthouse facilitator programs.

INMATE FUNDS

SB 5650

Chapter 238 Laws 2015

Court Level: All

Category: Other

Effective date: 7/24/2015

Provides that money received by the Department of Corrections on behalf of an inmate from family or other outside sources for the purchase of



E2SSB 5564 Juvenile Records and Fines Signed 5/14/15

eyeglasses, over-the-counter medications, and offender copayments is not subject to statutory deductions during incarceration.

MENTAL HEALTH/INV OUT PATIENT

[SSB 5649](#)

Chapter 269 Laws 2015

Court Level: Superior, Juvenile

Category: Civil

Effective date: 7/24/2015

Updates the intent of the Involuntary Treatment Act, chapter 71.05 RCW, to include protecting the health and safety of persons suffering from mental disorders and protecting public safety. When construing the act's requirements, courts are to focus on the merits of the commitment petition, except where requirements have been totally disregarded. The bill requires regional support networks to administer an adequate network of evaluation and treatment services to ensure access to treatment, and it allows DSHS to use a single bed certification process to provide additional treatment capacity for adults and juveniles when evaluation and treatment beds are not available. The bill exempts the time prior to medical clearance from the timelines for examinations and initial detention decisions under the act. The bill also provides that DSHS and the state hospitals are to have access to the files and records of court proceedings involving involuntary treatment.

PERMANENCY PLANS OF CARE

[SB 5692](#)

Chapter 270 Laws 2015

Court Level: Juvenile

Category: Family & Juvenile

Effective date: 7/24/2015

Federal Law. H.R. 4980, which passed into law in 2014, provides that all states must limit the use of another planned permanency living arrangement – i.e. long-term foster care – to youth ages 16 or older. States have until October 1, 2015, to comply with this requirement. Noncompliance would potentially jeopardize future Title IV-E funding. Children between the ages of 16 and 18 may be placed in long-term relative or foster care under a permanency plan. Children under 16 may remain placed with relatives or in foster care when

deemed appropriate. If a goal of long-term foster care has been achieved prior to the permanency planning hearing and the court determines that the plan for the child's care remains appropriate, the court must find that another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to return home, be placed for adoption, be placed with another legal guardian, or be placed with a fit and willing relative. If the child is at the hearing, the court should ask the child about the child's desired permanency outcome.

INSURER HOLDING COMPANY ACT

[SB 5717](#)

Chapter 122 Laws 2015

Court Level: Superior

Category: Civil

Effective date: 7/1/2015

Amends provisions of chapter 48.31B RCW to adopt the National Association of Insurance Commissioners model act regarding insurance holding companies. Provisions of chapter 48.31C RCW are repealed; health care service contractors and health maintenance organizations are added to the definition of insurers under the model act.

EXTENDED FOSTER CARE

[SSB 5740](#)

Chapter 240 Laws 2015

Court Level: Juvenile

Category: Family & Juvenile

Effective date: 7/1/2015

The eligibility for extended foster care services to youth ages 19-21 is expanded to include youth who are not able to engage in any of the activities described in previous legislation that would make him or her eligible due to a documented medical condition. The language "within amounts appropriated specifically for this purpose" is removed for purposes of extended foster care eligibility when a youth is engaged in employment for 80 or more hours per month. "Medical condition" is defined to mean a physical or mental health condition as documented by any licensed health care provider. For youth aging out of foster care, the Children's Administration (CA) must invite representatives from the Division of Behavioral

Health and Recovery, the Disability Services Administration, the Economic Services Administration, and the Juvenile Justice and Rehabilitation Administration to the youth's shared planning meeting that occurs between age 17 and 17.5 years old that is used to develop a transition plan. The CA must direct youth who may qualify for developmental disability services to apply for those services and provide assistance in the application process. The act is null and void if not funded.

CHILD SUPPORT CREDIT

[SB 5793](#)

Chapter 124 Laws 2015

Court Level: Superior

Category: Family & Juvenile, Forms

Effective date: 7/24/2015

Adds new subsection RCW 26.18.190(3). For purposes of child support, when the veteran's administration pays a portion of a veteran's benefit for the support of the veteran's child, that amount applies toward the veteran's child support obligation.

COMPETENCY EVAL. TIMELINESS

[SSB 5889](#)

Chapter 5 Laws 2015

Court Level: Superior, District/Municipal

Category: Criminal

Effective date: 7/24/2015

Establishes time limits for the provision of competency-related evaluation and restoration services: 14 days for the state hospital to offer admission for inpatient services and 14 days for completion of a competency evaluation in jail (extended up to 7 days if needed for clinical reasons). The time limits are to be phased in over the course of a year, beginning July 1, 2015. The bill also requires additional records and information to be provided with a competency referral, including police records, names and addresses of involved attorneys, name of the judge ordering the evaluation, and information about the alleged crime. And the bill adds affirmative defenses to allegations that maximum time limits have been exceeded, including if DSHS does not have access to appropriate private space to conduct a competency evaluation for a

defendant in pretrial custody and if the defendant asserts legal rights that delay competency services.

OPERATING BUDGET

[SB 6052](#)

Chapter 4 Laws 2015 3rd special session

Court level: ALL

Category: ALL

Effective date: 6/30/2015

The 2015-17 operating budget is a largely status quo budget for the judiciary. It does not cut the Supreme Court or Court of Appeals. There are no operational cuts to the Administrative Office of the Courts. State employees will receive a general wage increase of 3% in year one and a 1.8% in year two. The funds for the salary commission increase to judges' salaries was provided. The pass-through program for legal financial obligations is transferred from AOC to the State Treasurer's Office. The Superior Court Case Management System is fully funded with certain conditions. The Courts of Limited Jurisdiction Case Management System is partially funded and also includes conditions. Other Judicial Information System requests are either fully or partially funded.

PRETRIAL SUPERVISION COSTS

[SSB 6134](#)

Chapter 35 Laws 2015 3rd special session

**Court level: Superior, Juvenile, District/
Municipal**

**Category: Court Funding & Fees, Criminal,
Infractions**

Effective date: 10/9/2015

Provides that pretrial electronic alcohol monitoring, drug monitoring, and the 24/7 Sobriety Program are exempt from the \$150 limitation on pretrial supervision costs imposed on defendants under RCW 10.01.160. Allows courts to require defendants to reimburse agencies for the costs of electronic monitoring and abstinence monitoring in cases involving driving under the influence or being in physical control of a motor vehicle while under the influence.

