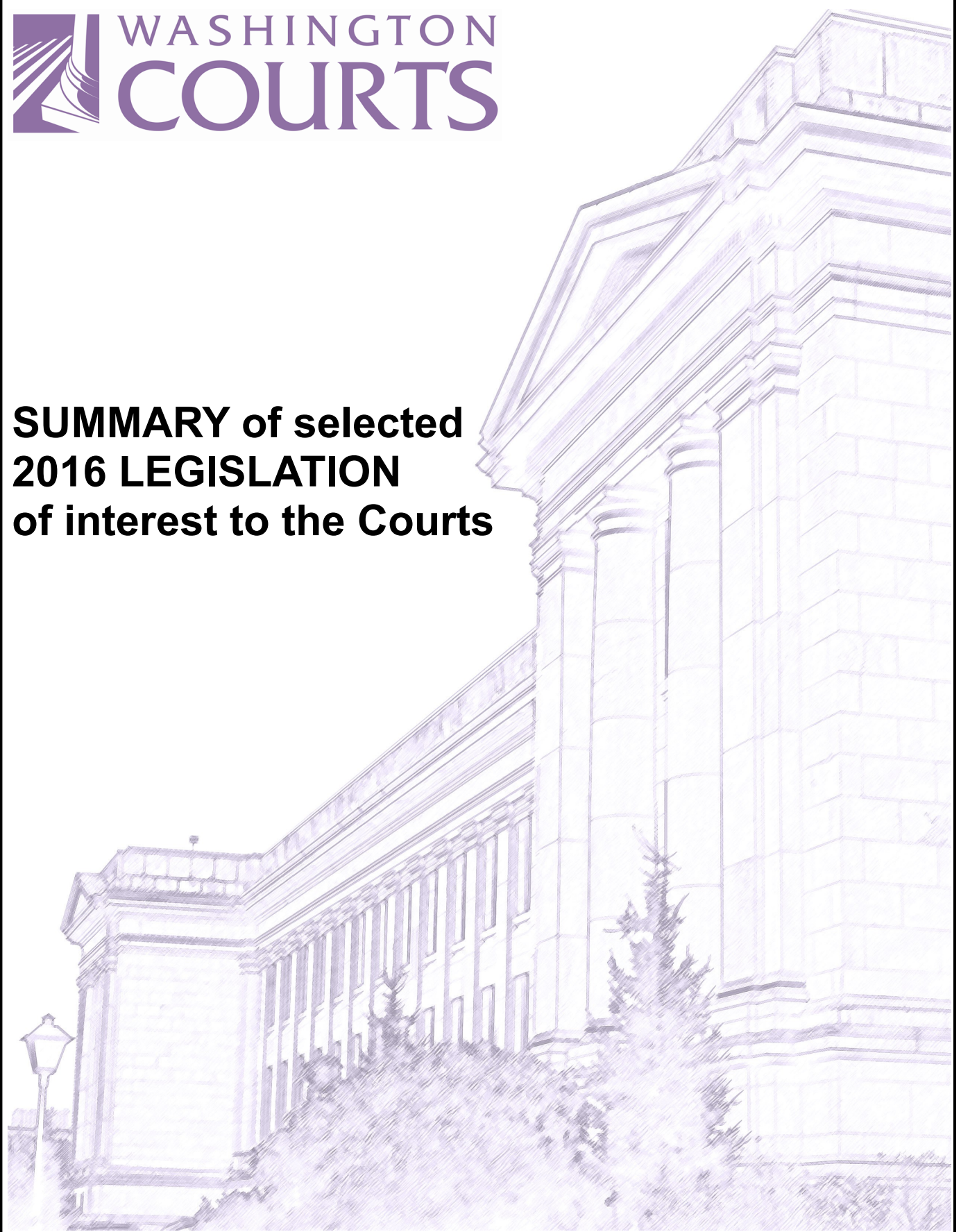




**SUMMARY of selected
2016 LEGISLATION
of interest to the Courts**



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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.

2016 Legislative Summary

We are pleased to present a Summary of Selected 2016 Legislation of Interest to the Courts. We hope it will be useful to implement bills that impact your court. During the 2016 regular and special legislative sessions, the Legislature and Governor enacted 37 bills that directly impact the courts.

Numerous AOC staff were involved with analyzing and monitoring hundreds of bills for their potential effects on the business of the courts, AOC programs and services, or the Judicial Information System. Although only a small percentage of bills and amendments actually become law, they all must be reviewed for potential impact. This often means reading and analyzing many pages again and again as legislation changes along its course. For example, a 141 page bill was introduced, went through multiple changes in committee and was eventually enacted in the 2016 Special Session after last-minute floor amendments as a 238-page session law.

Once a bill becomes law, AOC staff start working on implementation. Between updating/creating pattern forms, law table work, making JIS additions/changes, and updating documentation, AOC expects to spend well over 1000 hours implementing the 2016 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 primary 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 Misty Butler at 360-705-5226 for general legislative inquiries.

BILL TRACKERS

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

BOB LICHTENBERG: Language access
bob.lichtenberg@courts.wa.gov.....360-350-5373

CINDY BRICKER: Family & Juvenile
cindy.bricker@courts.wa.gov360-705-5306

CYNTHIA DELOSTRINOS: Supreme Court Commissions
cynthia.delostrinos@courts.wa.gov.....360-705-5327

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

JAN NUTTING: Public records
jan.nutting@courts.wa.gov.....360-704-4009

JANE VANCAMP: Human Resources
jane.vancamp@courts.wa.gov360-705-5289

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

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

MARA MACHULSKY: Judicial impact note coordinator; bill summary
mara.machulsky@courts.wa.gov..... 360-704-4066

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

MICHELLE PARDEE: Law table impacts
michelle.pardee@courts.wa.gov360-705-5233

MISTY BUTLER: BJA; multi-court
misty.butler@courts.wa.gov..... 360-705-5226

BILL TRACKERS Continued...

PAM DITTMAN: Anti-harassment; human trafficking; immigration; domestic violence

pam.dittman@courts.wa.gov 360-704-4031

RAMSEY RADWAN: Judicial impact notes; budget

ramsey.radwan@courts.wa.gov..... 360-357-2406

SHARON HARVEY: District and municipal court legislation

sharon.harvey@courts.wa.gov360-705-5282

SHIRLEY BONDON: Probate; guardianship; vulnerable adults

shirley.bondon@courts.wa.gov..... 360-705-5302

STEPHANIE HAPPOLD: Data dissemination

stephanie.happold@courts.wa.gov..... 360-705-5315

YVONNE PETTUS: Juvenile

yvonne.pettus@courts.wa.gov.....360-705-5229

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COURT TRANSCRIPTS

[SHB 1111](#)

Chapter 74 Laws 2016

Court Level: ALL

Category: Other

Effective date: 6/09/2016

Conforms state law to court rule. Provides that certified court reporters and authorized court transcriptionists may make official transcripts of testimony and other court proceedings, and states that official reports transcribed from electronic recordings qualify as prima facie correct statements of testimony or proceedings. Exempts transcripts requested for appellate cases from the requirement that transcripts be filed with the trial court. Makes AOC a consultant rather than supervisor of implementation of recording equipment in courts of limited jurisdiction. Modifies terminology regarding storage mediums for duplicated recordings of court proceedings.

OPPORTUNITY RESTORATION

[2ESHB 1553](#)

Chapter 81 Laws 2016

Court Level: AOC, Juvenile, Superior

Category: Forms

Effective date: 6/09/2016

Creates a statutory scheme by which a person with a criminal record can be granted a Certificate of Restoration of Opportunity (CROP). Establishes criteria for which one can become a qualified applicant for restoration. A qualified court may, in its discretion, determine whether to issue a certificate that applies to all past criminal history statewide or only to the convictions or adjudications in the jurisdiction of the court. The clerk of the court in which the certificate is granted must transmit the certificate to the Washington State Patrol identification system. State patrol must include any certificate as a part of its criminal history record report and is included within the definition of "Criminal history record information" within RCW 10.97.030. AOC is required to create relevant instructions and forms by January 1, 2017.



Bill signing 2ESHB 1553 Opportunity Restoration

MENTAL HEALTH, CHEMICAL DEPENDENCY

[E3SHB 1713](#)

Chapter 29 Laws 2016

Court Level: Superior, District/Municipal

Category: Forms

Effective date: The bill takes effect 90 days after adjournment of the session, except for sections 501, 503 through 532, and 701, concerning integration and recodification of the administrative provisions for substance use disorders and mental health, which take effect April 1, 2016; section 601, concerning repeal of administrative provisions, which also takes effect April 1, 2016; sections 201 through 210, 212, 214 through 224, 226 through 232, 234 through 237, 239 through 242, 244 through 267, 269, 271, 273, 274, 276, 278, 279, 281, 401 through 429, and 502, concerning integration of the treatment systems for substance use disorders and mental health, which take effect April 1, 2018; section 301, concerning repealers for the integrated system, which also takes effect April 1, 2018; and sections 211, 213, 225, 233, 238, 243, 268, 270, 272, 275, 277, and 280, concerning expiration of language stating that commitments to secure detoxification facilities and approved substance use disorder treatment programs are subject to facility availability and available space, which take effect July 1, 2026.

This extensive legislation, known as "Ricky's

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Garcia's act", integrates the involuntary treatment provisions for chemical dependency (substance use disorder) and mental (behavioral) health, including treatment for minors. The act's impacts for the courts are summarized below.

A petition for involuntary detention for chemical dependency must state the grounds for placement and why less restrictive alternative treatment is not appropriate. If an involuntary less restrictive alternative is sought, the petition must state the grounds for placement and set forth the proposed alternative.

The petition must be signed by two physicians, one physician and a mental health professional, one physician assistant and a mental health professional, or one psychiatric advanced registered nurse and a mental health professional. They must have examined the person whose commitment is sought.

At the hearing on the petition, the court must hear, if possible, the testimony of at least one licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or mental health professional who has examined the person.

A person who has refused to be examined shall be given an opportunity to be examined by a court-appointed professional qualified to provide such services. If the court finds that grounds for involuntary commitment have been established by a preponderance of the evidence, it shall order commitment to an approved substance use disorder treatment program.

If the court finds that treatment in a less restrictive setting is in the best interest of the person or others, it shall order such treatment and may impose conditions. If the designated treatment program is different from the program providing initial treatment, the designated program must agree in writing to assume the responsibility.

The period for inpatient treatment is changed from 60 days to 14 days; less restrictive alternative treatment is for a 90-day period.

The burden of proof upon a hearing for recommitment must be proof by clear, cogent, and convincing evidence. A person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a

qualified professional of his or her choice. If the person is unable to obtain a qualified professional and requests an examination, the court shall employ a qualified professional to conduct an examination and testify on the person's behalf.

The prosecuting attorney shall represent a specialist or treatment program in judicial proceedings for the involuntary commitment or recommitment of an individual, including challenges to the action.

An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, or an order for an involuntary outpatient evaluation, may not be issued by the superior court unless there is an available facility or program that has adequate space for the person.

Upon petition of DSHS and after a hearing held upon reasonable notice to a licensed behavioral health services provider, the superior court may issue a warrant authorizing examination of the books and accounts if the provider refuses to consent to examination or if the department has reasonable cause to believe the provider is operating in violation of the law.

The act does not create any new entitlement or cause of action related to civil commitment, and it cannot form the basis for a private right of action.

In addition to the above, Section 524 amends RCW 9.94A.660 relating to felony judgment and sentence special drug offender sentencing alternative; Sections 525 - 527 amend RCW 10.05.020, RCW 10.05.030 and RCW 10.05.150 relating to deferred prosecution; section 530 amends RCW 46.61.5055(14); and section 531 amends RCW 46.61.5056.

VEHICLE REPORTS OF SALE

[ESHB 2274](#)

Chapter 86 Laws 2016

Court Level: Superior, District/Municipal

Category: Civil

Effective date: 6/09/2016

Amends statutes related to proof of sale of abandoned vehicles. Creates new causes of

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action to recover damages, including costs and attorneys' fees, for falsifying reports of sale. If a court has declared that a fraudulent report of sale has been filed, the court must notify the Department of Licensing in writing with a copy of the court order. Once notified, the department may remove the fraudulent report of sale from the vehicle record. Allows for restitution when a person is victimized by the filing of a fraudulent report of sale. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue.

FELONY DUI AS CLASS B FELONY

[HB 2280](#)

Chapter 87 Laws 2016

Court Level: AOC, Superior

Category: Law Table, New & Amended Crimes

Effective date: 6/09/2016

Increases a felony Driving Under the Influence offense from a class C felony to a class B felony offense.

RECORDINGS/LAW ENFORCEMENT, ETC.

[EHB 2362](#)

Chapter 163 Laws 2016

Court Level: Superior

Category: Civil

Effective date: 6/09/2016

Amends the Public Records Act and adds a new chapter to Title 10 RCW to include body worn cameras by qualified law enforcement. Only officers employed by a general authority Washington law enforcement agency, Department of Corrections and jail and detention facility personnel may use body worn cameras. Creates specific exemptions from public inspection and copying under the public records act, particular requester procedures, and cost provisions related to body worn camera recordings. Requires law enforcement agencies and corrections agencies that deploy body worn cameras to establish policies regarding the use of the cameras and retain body worn camera recordings for a least sixty days. Agencies may destroy the records after sixty days.

Creates a task force authorized until June 1, 2019, to examine the use of body worn cameras by law enforcement and corrections agencies. The task force must report findings and recommendations by December 1, 2017. Recommends that local governments adopt ordinances or resolutions authorizing the use of body worn cameras.

COURT USE OF JIS SYSTEM

[HB 2371](#)

Chapter 89 Laws 2016

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

Category: Civil, Forms

Effective date: 6/09/2016

This bill provides that the requirement for a court to file a copy of any relied-upon document in the case file after consulting the Judicial Information System or a related database applies only if a party requests that the document is so filed.

Requires the court to file a copy of any relied-upon document in the case file after consulting the Judicial Information System or a related database applies only if a party requests that the document is filed.

CYBERCRIME

[E2SHB 2375](#)

Chapter 164 Laws 2016

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

Category: Criminal

Effective date: 6/09/2016

The "Washington Cyber Crime Act" creates the new crimes of Electronic Data Service Interference, Electronic Data Theft, Spoofing, and Electronic Data Tampering in the first and second degrees. Creates definitions related to cybercrime.

SUPPLEMENTAL OPERATING BUDGET

[2ESHB 2376](#)

Chapter 36 Laws 2016

Court Level: ALL

Category: ALL

Effective date: 4/18/2016

The 2016 Supplemental Budget provided continued funding for the appellate court content

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management system and additional operational staffing to support courts implementing Odyssey. A cut that eliminated impact fees paid to Thurston County was later restored by gubernatorial veto. The request to change funding of the Expedited Data Exchange project from JIS to general fund was not included. The Caseload Forecast Council (CFC), in cooperation with a number of entities including the AOC and the Minority and Justice Commission, is to develop procedures and tools which will enable CFC to provide racial and ethnic impact statements on legislation and report recommendations to the governor and the legislature by December 31, 2016. Skamania County received an appropriation of \$20,000 for costs related to processing Discover Pass violations so long as their rate of dismissing such violations during the 2015-2017 biennium does not exceed twelve percent.

NOTICES, RECORDS, & PARTIES

[SHB 2405](#)

Chapter 93 Laws 2016

Court Level: Superior, Juvenile, District/
Municipal

Category: Family & Juvenile, Forms

Effective date: 6/09/2016

Requires the petitioner in a criminal case, or an involuntary mental health commitment case, that results in loss of firearms rights to provide the court with certain identifying information. Provides that when multiple involuntary mental health commitments are entered under the same cause number, the court need only send one notification of the committed person's identifying information to the Department of Licensing and the National Criminal Instant Background Check System. Amends laws governing juvenile records to broaden the definition of "official juvenile court file." Amends statutes relating to a number of different court proceedings to provide that a party in the case, rather than the clerk of the court, must provide certain notices or issue summons in the proceedings.

FIREARM CONVICTION DATABASE

[SHB 2410](#)

Chapter 94 Laws 2016

Court Level: Superior

Category: Forms, Family & Juvenile, Criminal

Effective date: 6/09/2016



Bill signing HB 2371 Court Use of JIS System

Requires the court to order any person convicted or found not guilty by reasons of insanity of a felony firearm offense that was committed in conjunction with a crime involving sexual motivation, a crime against a child, or a serious violent offense to register in the felony firearm offense conviction database.

LOCAL GOVERNMENT MODERNIZATION

[SHB 2427](#)

Chapter 95 Laws 2016

Court Level: District

Category: Forms, Infractions

Effective date: 6/09/2016

Local agencies, which include counties, cities, towns, and special purpose districts, are authorized to accept electronic signatures with the same force and effect as that of a signature affixed by hand, unless specifically provided otherwise by law or agency rule. Authorizes cities and transit agencies within King County to issue certain civil infractions on forms that are approved by the Administrative Office of the Courts and that do not include vehicle information.

TRUANCY REDUCTION

[2SHB 2449](#)

Chapter 205 Laws 2016

Court Level: Juvenile

Category: Forms, Family & Juvenile

Effective date: 6/09/2016

Makes a variety of changes to practices and

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requirements related to school attendance and truancy, including: requiring, by the 2017-18 school year, that juvenile courts and school districts enter into memoranda of understanding (MOU) regarding a coordinated approach to address truancy which, for most districts, will include a community truancy board (CTB) and, for smaller districts, may include a CTB or other coordinated means of intervention; providing, with respect to truancy petitions, an initial stay if the MOU and coordinated approach to address truancy have been put in place by the court and district; providing courts with additional authority with respect to children subject to truancy petitions for addressing mental health, substance abuse, and health and safety concerns; expressing a preference that children detained for contempt of court with respect to truancy be detained in a Crisis Residential Center (CRC) rather than a juvenile detention facility; directing, subject to funding, an increase in the number of CRC and HOPE beds; and tasking the Educational Opportunity Gap Oversight and Accountability Commission, the Washington State Institute for Public Policy, and the Administrative Office of the Courts with responsibilities related to collecting data, reviewing, and reporting with respect to issues related to attendance, truancy, CTBs, and detention.

NOTE: Governor vetoed Secs. 1, 13-15, 21.

INVOLUNTARY TREATMENT ORDERS

[SHB 2541](#)

Chapter 45 Laws 2016

Court Level: Superior, District/Municipal

Category: Civil, Forms, JIS

Effective date: 6/09/2016

Requires a court order for less restrictive alternative (LRA) treatment to name the provider responsible for arranging services and include a requirement that the person on the LRA order participate in the arranged services, rather than requiring that the order itself list specific services. Requires care coordinators to submit an individualized plan to the court indicating the services in which a person on an LRA order is required to participate.

SUPERIOR COURT JUDGES' ASSOCIATION

[HB 2587](#)

Chapter 179 Laws 2016

Court Level: Superior

Category: Other

Effective date: 6/09/2016

Amends RCW 2.16.010 and RCW 9.94A.860, to change the Association's name to the Superior Court Judges' Association, conforming those statutes to historical practice.

DEPENDENCY HEARING NOTICES

[ESHB 2591](#)

Chapter 180 Laws 2016

Court Level: Juvenile

Category: Family & Juvenile, Forms

Effective date: 6/09/2016

Requires the Department of Social and Health Services to provide foster parents, pre-adoptive parents, and caregivers with timely and adequate notice of their right to be heard before each dependency court proceeding. Requires a court to make written findings regarding whether foster parents, pre-adoptive parents, or caregivers were notified of dependency court hearings, whether the court received a caregiver's report, and whether the court provided the foster parents, pre-adoptive parents, or caregivers an opportunity to be heard. Requires the Administrative Office of the Courts to information regarding whether foster parents received timely notification of court hearings and whether caregivers submitted reports to the court in the Annual Dependency Timeliness Report.

ELECTION ERRORS

[HB 2624](#)

Chapter 130 Laws 2016

Court Level: Superior

Category: Civil

Effective date: 6/09/2016

Allows the results of state and local ballot measures to be challenged under certain circumstances, such as the right of a candidate to appear on the general election ballot after a primary and election measures.

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IMPAIRED DRIVING

[ESHB 2700](#)

Chapter 203 Laws 2016

Court Level: Superior, District/Municipal

Category: Forms, Criminal

Effective date: 6/09/2016

Prohibits the Department of Licensing (DOL) from destroying records relating to convictions for reckless driving or negligent driving in the first degree if the offense was originally charged as a driving under the influence (DUI) offense. Requires the court to notify DOL and authorizes the DOL to suspend a person's driver's license when a person served with a traffic-related criminal complaint willfully fails to appear at a requested hearing for a moving violation. Clarifies the sentencing enhancement for Vehicular Homicide-DUI offenses. Exempts law enforcement officers from the requirement of arresting and keeping a DUI defendant in custody if the person requires immediate medical attention and is admitted to a hospital. Requires DUI Victim Impact Panels (VIP) to use in-person speakers for VIP sessions which may be supplemented with limited prerecorded videos. Authorizes the DOL to waive the requirement for written verification of an ignition interlock device (IID) installation from an IID company in certain circumstances. Reduces the time for which: (1) a temporary driver's license is valid; (2) a person arrested for DUI must request a hearing from the DOL regarding his or her license suspension; and (3) a hearing must be held. Makes changes to the 24/7 Sobriety Program and Account. NOTE: Sec. 15 takes effect Jan. 1, 2019. All other sections are effective June 9, 2016.

JUVENILE OFFENDER TREATMENT

[ESHB 2746](#)

Chapter 106 Laws 2016

Court Level: Juvenile

Category: Family & Juvenile, Forms

Effective date: 6/09/2016

Includes residential treatment for substance abuse, mental health, or co-occurring disorders in community supervision for juvenile offenders. The court may order residential treatment after making certain findings including whether the referral is 1) necessary to rehabilitate the child; 2) necessary to

protect the public or the child; 3) the referral is in the child's best interest; 4) child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and 5) and the treatment is the least restrictive action consistent with the child's need and circumstances. The court must hold a review hearing within 60 days after a child is ordered to inpatient treatment and every thirty days thereafter as long as they are in treatment. Repeals the juvenile mental health disposition alternative pursuant to RCW 13.40.167; adds mental health treatment to the chemical dependency disposition alternative to create the combined "chemical dependency/mental health disposition alternative" and makes some changes to that alternative, including expanding the length of inpatient treatment that can be ordered.

INVOLUNTARY TREATMENT PETITIONS

[HB 2808](#)

Chapter 107 Laws 2016

Court Level: Superior

Category: Civil, Forms

Effective date: 6/09/2016

Amends RCW 71.05.201 (Joel's Law), requiring that the petition be filed in the county where the designated mental health professional investigation of the incapacitated person occurred or was requested to occur.

JUVENILE OFFENDERS REINTEGRATION

[ESHB 2906](#)

Chapter 136 Laws 2016

Court Level: Juvenile

Category: Family & Juvenile, Forms

Effective date: 6/09/2016

Adds rehabilitation and reintegration of juvenile offenders to the purposes underlying the Juvenile Justice Act of 1977. Creates a strong presumption that courts defer a juvenile offender's disposition when eligible. Removes many fixed fines and provides for judicial discretion regarding fines for juveniles found to have committed some motor vehicle related offenses. Reinforces discretion when determining whether to file the information as a domestic violence offense if the juvenile offense was committed against a sibling, parent, stepparent, or grandparent. Eliminates the

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requirement that courts and diversion units notify the Department of Licensing after a juvenile offender's first offense or diversion agreement for an offense while armed with a firearm or offense related to drugs or alcohol.

ACCESS TO DIGITAL ASSETS

[ESSB 5029](#)

Chapter 140 Laws 2016

Court Level: ALL

Category: Probate/Guardianship, Forms

Effective date: 6/09/2016

Creates standards for custodians of the digital assets of others which address how custodians must disclose digital asset information to the personal representatives of deceased person's estate, court-appointed guardians of persons who has been adjudicated incapacitated, trustees and attorneys in fact under a power of attorney who are in need of access to the information to fulfill their duties.

OPTIONAL SALARY DEFERRAL

[ESSB 5435](#)

Chapter 112 Laws 2016

Court Level: AOC, COA

Category: Other

Beginning no later than January 1, 2017 all persons newly employed by the state, on a part-time basis, will default to being enrolled in the state's deferred compensation plan with a three percent employee contribution of taxable compensation unless the employee affirmatively elects to waiver participation in the plan.

DOMESTIC VIOLENCE ASSAULT

[SB 5605](#)

Chapter 113 Laws 2016

Court Level: Juvenile

Category: Family & Juvenile, Criminal

Effective date: 6/09/2016

Increased the age from sixteen to eighteen for mandatory arrest of individuals for whom an officer has probable cause to believe assaulted a family or household member in the proceeding four hours. Requires police officers to arrest a sixteen or seventeen year old child that the officer has probable cause to believe that the child

assaulted a family or household member in the preceding four hours if the parent requests it. Requires a juvenile detention facility to book into detention any person under eighteen brought to the detention facility pursuant to an arrest for assaulting a family or household member.

POWER OF ATTORNEY

[ESSB 5635](#)

Chapter 209 Laws 2016

Court Level: ALL

Category: Civil

Effective date: 1/01/2017

Uniform Power of Attorney Act: Creates a comprehensive new chapter in Title 11 RCW. Addresses the execution, acknowledgment, termination, revocation, acceptance, and application of powers of attorney, and the designation, reimbursement, compensation, liability, and actions of agents (attorneys-in-fact). Details the authority of agents with respect to real property; tangible personal property; stocks, bonds, and financial instruments; banks and other financial institutions; operation of businesses; insurance and annuities; estates, trusts, and other beneficial interests; claims and litigation; personal and family maintenance; benefits from governmental programs; retirement plans; taxes; gifts; health care matters; and care of minor children.

SLAYER, DEFINITION OF

[ESB 6091](#)

Chapter 211 Laws 2016

Court Level: Superior

Category: Criminal

Effective date: 6/09/2016

Carol's Law: The definition of "slayer" is amended to include any person who is found not guilty by reason of insanity for the willful and unlawful killing of another person. (A slayer is not entitled to inherit property or to receive any benefit from the decedent.)

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MOTOR VEHICLE AIR BAGS

[SSB 6160](#)

Chapter 213 Laws 2016

Court Level: Superior, District/Municipal

Category: Law Table, New & Amended Crimes

Effective date: 6/09/2016

Creates class C felony crimes related to counterfeit, nonfunctional, or unauthorized vehicle air bags.

OPMA CIVIL PENALTIES

[SB 6171](#)

Chapter 58 Laws 2016

Court Level: Superior

Category: Civil

Effective date: 6/09/2016

Amends RCW 42.30.120; the penalty for a public official who knowingly attends a meeting held in violation of the Open Public Meetings Act (OPMA) is increased to \$500 for the first violation, and \$1,000 for each successive violation.

VEHICULAR HOMICIDE SENTENCES

[SSB 6219](#)

Chapter 6 Laws 2016

Court level: Superior, Juvenile

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

Effective date: 6/09/2016

Increased the seriousness level of Vehicular Homicide, while driving in a reckless manner from level to level VIII. This is similar to the current ranking for vehicular homicide while driving under the influence of intoxicating liquor or any drug. Added a mitigating circumstance for the court to consider when the defendant has committed no other serious traffic offenses and the sentence is clearly excessive in light of the purpose of the chapter.

ISRB/ NOTICE OF PETITIONS

[E2SSB 6242](#)

Chapter 218 Laws 2016

Court Level: Superior

Category: Criminal

Effective date: 6/09/2016

When the Indeterminate Sentence Review Board (ISRB) receives a petition for early release submitted under RCW 9.94A.730 - certain offenders who committed crimes while under the age of 18 – or upon determination of a parole eligibility review date pursuant to RCW 9.95.100 & 9.95.052 - felony offenders who committed crimes before July 1, 1984 and went to prison - the ISRB must provide notice and a copy of the petition or parole eligibility documents to the sentencing court, prosecuting attorney, and the crime victim or surviving family member. Notice of the early release hearing date or parole eligibility date, and any information relevant to the release decision, must be provided at least 90 days before the early release hearing or parole eligibility hearing. Requires the ISRB to provide copies of records to the sentencing court and prosecuting attorney. Changes provisions related to records disclosure of the ISRB.



Judge Sparks with Representatives Blake and Rossetti

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CORONER'S INQUESTS/ VENUE

SSB 6295

Chapter 13 Laws 2016

Court Level: Superior

Category: Other

Effective date: 6/09/2016

A coroner holding an inquest may request a courtroom, personnel, and persons to serve on the inquest jury from the superior court. The inquest date is set by mutual agreement between the coroner and the superior court. The inquest date must be no later than eighteen months after the coroner's request. If no superior court facility is available, the superior court may designate a comparable location in the county. If no location in the county is available, the superior court must certify unavailability in writing within sixty days of the request. The costs of inquests, including any costs incurred by the superior court, shall be borne by the county in which the inquest is requested. If the courtroom is unavailable, the inquest must be transferred to another county within 100 miles. The county transferring the inquest will pay the costs to the county receiving the transfer; costs include per diem and mileage for jurors, witnesses and all other costs properly charged.

VAPOR PRODUCTS

ESSB 6328

Chapter 38 Laws 2016

Court Level: AOC, Superior, District/Municipal

Category: Infractions, Civil

Effective date: 6/28/2016

Creates a statutory scheme for licensing vapor products retailers and creates new crimes, including a class C felony, a gross misdemeanor and a misdemeanor for engaging in sales of vapor products without a license. Also prohibits the sale of vapor products to minors, and regulates the use of vapor products in public places. Creates new crimes related to vapor products, including ones related to retail sales of liquid nicotine containers, child-resistant packaging, and public tastings. Also creates a new class C felony and new action in superior court for recovery of damages related to unlawful delivery sales. Creates a new class 3 infraction for minors in possession of vapor products, with jurisdiction granted to district and

municipal courts. In addition to a fine, the court may require community restitution and participation in a smoking cessation program.

TRAFFIC FINES CONSOLIDATION

SSB 6360

Chapter 230 Laws 2016

Court Level: District/Municipal

Category: Other

Effective date: 6/09/2016

This bill charges the Office of the Attorney General to convene a work group of stakeholders to receive input and to provide feedback on a plan and program for the efficient consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan.

LANDLORD-TENANT PROVISIONS

ESB 6413

Chapter 66 Laws 2016

Court Level: AOC, Superior

Category: Civil, JIS

Effective date: 6/09/2016

Amends chapter 59.18 RCW, The Residential Landlord-Tenant Act relating to tenant screening, evictions, unlawful detainer actions, and refunds. Creates a comprehensive reusable tenant screening report that includes the prospective tenant's criminal history, consumer credit report, eviction history, employment verification and rental history. Criminal history is defined as the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years.

Allows a court to order an unlawful detainer action to be of limited dissemination for one or more persons if the court finds the plaintiff's case was sufficiently without basis in fact or law, the tenancy was reinstated, or other good cause exists for limiting dissemination of the unlawful detainer action.

When an order of limited dissemination of an unlawful detainer action is entered, a tenant screening service provider must not disclose the existence of that unlawful detainer action in a tenant screening report pertaining to that person or use the unlawful detainer action as a factor in

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determining any score or recommendation included in a tenant screening report. Increases the time period that a landlord must make their statement and notice of basis for retention of security deposit or refund the deposit from fourteen to twenty-one days.

CRIME OF LURING

[SSB 6463](#)

Chapter 11 Laws 2016

Court Level: Superior

Category: Criminal

Effective date: 6/09/2016

A person commits the crime of luring if the person: (a) orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public, or away from any area or structure constituting a bus terminal, airport terminal, or other transportation terminal, or into a motor vehicle; (b) does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; and (c) is unknown to the child or developmentally disabled person. To be convicted of luring, the prosecution must prove that the defendant had the intent to harm the health, safety, or welfare of the minor or person with a developmental disability or with the intent to facilitate the commission of any crime. Luring is an unranked class C felony. It is an affirmative defense to luring, which the defendant must prove by a preponderance of the evidence, that the defendant's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the minor or the person with the developmental disability.

RECOVERY SPONSOR PRIVILEGE

[SSB 6498](#)

Chapter 24 Laws 2016

Court Level: Superior, District/Municipal

Category: Civil, Other

Effective date: 6/28/2016

Amends RCW 5.60.060 to add a testimonial privilege for substance abuse addiction recovery sponsors. The privilege applies to an individual who acts as a sponsor to a person participating in an alcohol or drug addiction recovery fellowship



Chief Justice Madsen with Senator Fraser and Akua Asare-Konadu

and may not testify in any civil action or proceeding about any communication made by the person participating in the addiction recovery fellowship to the sponsor unless the individual or their personal representative gives written authorization.

DOC SUPERVISION REQUIREMENTS

[SSB 6531](#)

Chapter 28 Laws 2016

Court Level: Superior

Category: Forms, Criminal

Effective date: 6/28/2016

Requires the Department of Corrections to supervise an offender ordered to community custody by the court for a current plead and proven DV conviction regardless of risk.

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