

2017 LEGISLATIVE SESSION BILL SUMMARIES





WASHINGTON
COURTS

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

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

2017 LEGISLATIVE SUMMARY

We are pleased to present to you a summary of 2017 legislation of interest to the Washington Judiciary. While news coverage of the 2017 session was dominated by the Legislature's education funding efforts, there was no shortage of legislative proposals on a range of other topics.

Numerous AOC staff were involved in screening, analyzing, and monitoring hundreds of bills for their potential effects on the business of the courts, AOC programs and services, and the Judicial Information System. Although only a small percentage of bills introduced actually make it to the Governor's desk for signature and become law, they all must be reviewed for potential impact.

Once a bill becomes law, AOC staff start working on implementation. Between updating and creating pattern forms, law table work, making JIS changes, and updating documentation, AOC staff will spend hundreds of hours implementing legislation.

As you read through these summaries, please don't hesitate to reach out if you have questions. You can also find detailed information about a bill on the Legislature's website by visiting <http://app.leg.wa.gov/billinfo/> and entering the 4-digit bill number.



2,229

Bills introduced and screened



559

Bills tracked by AOC staff



63

Enacted bills with court impact

BILL TRACKERS

Analyzing and monitoring legislation is no small task. The following individuals at AOC made up our 2017 Legislative Team. They worked diligently to identify issues and track bills throughout the session. Without them, none of our legislative work would be possible.

Lynne Alfasso
Court of Appeals

Kelley Amburgey-Richardson
Domestic violence, sexual assault, human trafficking

Judith Anderson
Judicial education

Angie Autry
CLJ-CMS

J Benway
District and Municipal court (criminal non-traffic crimes and civil legislation CLJ civil actions)

Shirley Bondon
Probate, guardianship, elder law

Kathy Bradley
ISD business relations, Appellate, Superior and Juvenile Courts

Cindy Bricker
Juvenile dependency

Jennifer Burnham
JIS impact

Misty Butler
Board for Judicial Administration

Carolyn Cole
Race & justice issues

Vicky Cullinane
ISD business relations, CLJ

Cynthia Delostrinos
Commissions, race and justice issues, trafficking, victims, DV

Merrie Gough
Pattern forms

Stephanie Happold
Data dissemination

Sharon Harvey
District and Municipal court (infractions, misdemeanors/gross misdemeanors, traffic-related, photo enforcement, tolls)

Shannon Hinchcliffe
Legal and judicial ethics

Charlotte Jensen
Court data and reporting

Mike Keeling
ISD, JIS impact, state government IT

Sam Knutson
Judicial impact notes

Keturah Knutson
ISD impact/coordination

Renée Lewis
Judicial impact notes

Bob Lichtenberg
Interpreters

Dirk Marler
Court services staff and program impact

Elaine McLaughlin
Odyssey Portal

Jan Nutting
Public records

Michelle Pardee
Law table impact

Yvonne Pettus
JIS impact

Ramsey Radwan
Appropriations, budget, capital, funding accounts

Janet Skreen
Superior court policy and procedure & juvenile court practices, operations, funding, detention, family law and juvenile offender

Jane VanCamp
Human Resources

Anne Watson
Superior court law and procedures (felonies, criminal legislation, civil legislation unique to superior court)

Kathleen Wyer
JIS impact, training (Implementation)

Military members/pro bono[SHB 1055](#)

Chapter 163, 2017 Laws

Court Levels: N/A

Categories: Other/Informational

Effective Date: 7/23/17

Establishes the Office of Military and Veteran Assistance within the Attorney General's Office. This Office will help develop and maintain civil legal aid programs, pro-bono services, and other legal assistance services for members of the military, veterans, and family members of those who are stationed in Washington.

No-contact order/trafficking[SHB 1079](#)

Chapter 230, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, Forms

Effective Date: 7/23/17

Establishes a criminal no-contact order to prohibit contact with victims when defendants are charged with or convicted of trafficking and promoting prostitution offenses.

Solemnizing marriages/tribal court judges[HB 1091](#)

Chapter 130, 2017 Laws

Court Levels: N/A

Categories: Other/Informational

Effective Date: 7/23/17

Amends RCW 26.04.050 to allow tribal court judges to solemnize marriages.

Victims of sexual assault[ESHB 1109](#)

Chapter 290, 2017 Laws

Court Levels: N/A

Categories: Other/Informational

Effective Date: 7/23/17

Establishes the Washington Sexual Assault Kit Initiative Project to fund multidisciplinary

community response teams to seek resolutions to cases with previously unsubmitted sexual assault kits. Requires development of victim-centered, trauma-informed training for prosecutors, law enforcement, and victim advocates.

Court filing fees surcharge[HB 1140](#)

Chapter 2, 2017 Laws 3rd Special Session

Court Levels: All

Categories: Court Funding & Fees

Effective Date: 7/1/17

Extends surcharges on court filing fees for deposit into the Judicial Stabilization Trust Account until July 1, 2021. These surcharges generate approximately \$10 million per biennium for AOC, the Office of Public Defense, and the Office of Civil Legal Aid.

Vulnerable persons/criminal protections[ESHB 1153](#)

Chapter 266, 2017 Laws

Court Levels: Superior, District/Municipal

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

Effective Date: 7/23/17

Expands protections for vulnerable persons by increasing penalties and reducing barriers to prosecution for those who commit theft and physically neglect seniors and people with disabilities. Amends prosecutorial guidelines and provides definitions for "vulnerable adult" and "vulnerable adult advocacy team."

Clarifies terms in criminal statutes (changes "recklessly" to "with criminal negligence"). Creates a new class B and a new class C felony related to theft from a vulnerable adult. Encourages counties to develop a written protocol for handling criminal cases involving vulnerable adults through a Vulnerable Adult Advocacy Team.

Domestic violence**[E2SHB 1163](#)**

Chapter 272, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, Family & Juvenile, New/
Amended Crimes

Effective Date: 7/23/17

Amends several domestic violence (DV) criminal statutes, including prosecutorial guidelines and conviction "points" for offenses where DV is pleaded & proven. Amends RCW 9A.36.041 to create a new class C felony for assault in the 4th degree if (1) DV is pleaded & proven in the present offense and (2) the person has two or more prior adult convictions within 10 years for certain offenses (e.g., assault, harassment) when DV is pleaded & proven. Also defines family or household members.

Requires a biological sample for a new crime of 4th degree assault.

Provides under the misdemeanor and gross misdemeanor vacation statute (RCW 9.96.060) that if a court vacates a DV conviction, the state may only use it in a later criminal prosecution under certain circumstances.

Requires AOC, through the Gender & Justice Commission, to convene a work group to address DV perpetrator treatment and the role of certified perpetrator treatment programs in holding DV perpetrators accountable.

Requires the Gender & Justice Commission to work collaboratively with the Washington State Coalition Against Domestic Violence and the Washington State University Criminal Justice Program to coordinate a workgroup to study how and when risk assessment can best be used to improve the response to DV offenders and victims and to find effective strategies to reduce DV homicides, serious injuries, and recidivism that are a result of DV incidents in Washington state.

Truancy reduction efforts**[2SHB 1170](#)**

Chapter 291, 2017 Laws

Court Levels: Juvenile

Categories: Family & Juvenile

Effective Date: 7/23/17

Makes a series of changes to school attendance and truancy enforcement processes. This bill (1) allows assessment tools to be used to eliminate or reduce absences, (2) requires school districts to identify a person to coordinate efforts to address excessive absenteeism and truancy, and (3) changes the circumstances under which a court may order temporary placement in a crisis residential center or a HOPE center when the court determines that there is an immediate health and safety concern or a family conflict with the need for mediation.

Patronizing a prostitute**[SHB 1184](#)**

Chapter 232, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, New/Amended Crimes

Effective Date: 7/23/17

Clarifies that the misdemeanor crime of patronizing a prostitute under RCW 9A.88.110 may be committed in more than one location, including the location where contact involving the crime was made or received. Prohibits anyone from being prosecuted twice for substantially the same crime.



HB 1195 (Surrender/surety's bond) Bill Signing

Surrender/surety's bond

HB 1195

Chapter 78, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal

Effective Date: 7/23/17

Clarifies the law regarding surrender of a person under a surety's bond under RCW 10.19.160. Eliminates the requirement that a bail bondsperson surrendering a defendant to "the facility in which the person was originally held in custody," which has caused problems related to securing a defendant for court. Requires that upon surrender, a person must be held in custody until the next judicial day or until another bond is posted.

The bill is expected to eliminate the problem of a defendant's failure to appear in court by allowing a bail bondsperson to surrender the defendant to an affiliated jail that will retain the defendant until the next judicial day or until another bond is posted. This will eliminate multiple bench warrants.

Transit infractions/youth court

SHB 1199

Chapter 9, 2017 Laws

Court Levels: District/Municipal

Categories: Civil, Infractions

Effective Date: 7/23/17

Authorizes youth courts to hear transit cases, including infractions for not paying bus fare or not departing public transportation when requested.

Voyeurism/second degree

SHB 1200

Chapter 292, 2017 Laws

Court Levels: Superior, Juvenile, District/Municipal

Categories: Criminal, New/

Amended Crimes

Effective Date: 7/23/17

Establishes the crime of voyeurism in the second degree (gross misdemeanor) for intentionally photographing or filming the intimate areas of another person with the intent to distribute the images and without the person's knowledge and consent, where the person has a reasonable expectation of privacy. Directs prosecutors to divert cases in which the offender is under 17 and it is their first voyeurism in the second degree offense, unless the offender has received two or more diversions for any offense in the previous two years.

Legal interpreters/oaths**HB 1285**

Chapter 83, 2017 Laws

Court Levels: All

Categories: Other/Informational

Effective Date: 7/23/17

Authorizes a permanent oath for AOC and Office of Deaf and Hard of Hearing-credentialed court interpreters. This will reduce the number of times judges or notaries working in the courts across our state will be involved in oath administration actions with credentialed interpreters.



HB 1285 (Legal interpreters/oaths) Bill Signing

CASA & GAL removal**HB 1401**

Chapter 99, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 7/23/17

Directs the court to remove any person from serving as a court appointed special advocate (CASA) or volunteer guardian ad litem (GAL) if the court is notified that the person has been removed from another county's registry pursuant to the disposition of a grievance or if the court is otherwise made aware that the individual was found by a court to have made a materially false statement that he or she knows to be false during an official proceeding.

Incapacitated persons/rights**2SHB 1402**

Chapter 268, 2017 Laws

Court Levels: Superior

Categories: Forms, Probate/Guardianship

Effective Date: 7/23/17

Prohibits a guardian or limited guardian from restricting an incapacitated person's or other vulnerable adult's right to communicate, visit, interact, or otherwise associate with persons of

the incapacitated person's or vulnerable adult's choosing.

Requires a guardian or limited guardian of an incapacitated person to inform certain persons, within five business days, after the incapacitated person (1) makes a change in residence; (2) has been admitted to a medical facility for acute care; (3) has been treated in an emergency room setting or kept for hospital observation; or (4) dies.

Requires the Office of Public Guardianship, in partnership with the Office of the State Long-Term Care Ombuds, to develop and offer training targeted to the legal community and persons working in long-term care facilities.

Attempts to obtain firearms**SHB 1501**

Chapter 261, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal

Effective Date: 7/23/17

Requires firearms dealers to report to the Washington Association of Sheriffs and Police Chiefs (WASPC) when an application for the sale or transfer of a firearm is denied. Also requires the Washington State Patrol to enter

the denial information into its electronic database. When funded, directs WASPC to establish a grant program to assist in local criminal investigations of persons illegally attempting to purchase or transfer firearms and to create a statewide automated system to notify registered persons when a respondent subject to certain court orders has been denied the purchase or transfer of a firearm.

Vacation leave/state employees

[SHB 1521](#)

Chapter 167, 2017 Laws

Court Levels: AOC, Appellate

Categories: Salaries & Benefits

Effective Date: 7/1/17

Removes the requirement that state employees work for six months before taking vacation leave. The six months of continuous employment requirement for accrued vacation leave payout upon termination remains, however.

Sexual assault/parental rights

[SHB 1543](#)

Chapter 234, 2017 Laws

Court Levels: Superior

Categories: Civil, Family & Juvenile

Effective Date: 7/23/17

Establishes a civil process to adjudicate parental rights and obligations in cases in which the person seeking rights or presumed to be a legal parent is alleged to have committed a sexual assault and the child was conceived as a result. In a parentage action, the court must conduct a fact-finding hearing on the allegation and must determine whether documents submitted should be sealed and whether the hearing should be closed to the public.

Public records admin.

[ESHB 1594](#)

Chapter 303, 2017 Laws

Court Levels: Superior, District/Municipal
Categories: Accounting, Civil, Court Funding & Fees, JIS

Effective Date: 7/23/17

Amends the Public Records Act (chapter 42.56 RCW) to improve public records administration. Requires training for public records officers, requires the Attorney General's Office to establish a consultation program to provide information for developing best practices, requires the State Archivist, until June 30, 2020, to offer and provide consultation and training services for local agencies on improving record retention practices, and creates a grant program. Also increases the filing fee for documents filed with the County Auditor. This will impact the Name Change Auditor Fee.

Public records request costs

[EHB 1595](#)

Chapter 304, 2017 Laws

Court Levels: All

Categories: Other/Informational

Effective Date: 7/23/17

Amends the Public Records Act to allow agencies to deny multiple automatically generated requests, charge for electronic copies, and require that a request be for identifiable records. Agencies are authorized to charge 15 cents per page for paper copies and 10 cents per page for electronic copies.

Court rule GR 31.1 states: "If another court rule or statute specifies the amount of the fee for a particular type of record, the rule or statute shall control." Thus, this legislation may change how a court is charging for electronic copies provided for a GR 31.1 request.

Vessel impoundment[SHB 1605](#)

Chapter 247, 2017 Laws

Court Levels: District/Municipal

Categories: Civil

Effective Date: 7/23/17

Adds a new section to 79A.60 RCW relating to vessel impoundment. Establishes procedures for vessel impoundment, redemption, and foreclosure. Provides liability protection for law enforcement and government agencies that impound a vessel when there is reasonable suspicion that an operator is under the influence of intoxicating liquor or drugs or operating the vessel recklessly.

The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state. The municipal court has exclusive jurisdiction to determine the issues involving impoundments authorized by agents of the municipality.

Impaired driving[E2SHB 1614](#)

Chapter 336, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal, Forms, Infractions

Effective Date: 7/1/17 (Secs. 18 & 19), 7/23/17

Modifies a series of impaired driving provisions. Among other provisions, the bill (1) requires that 10 years lapse before a record of conviction for an impaired driving related offense be vacated; (2) requires a police officer to make a warrantless arrest and hold a person suspected of impaired driving in custody when the arresting officer knows the person is charged with or awaiting arraignment on another impaired driving related offense; (3) establishes a medical exception to the ignition interlock restriction tolling provisions; (4) requires 180 consecutive days without a violation prior to release of an ignition interlock restriction; (5) amends the alternative penalties that apply when the

standard penalties for a second impaired driving offense are suspended; (6) makes changes to the performance and admissibility of blood and breath tests; (7) requires the court to notify the Department of Licensing of any person who willfully fails to appear after having been notified of a traffic infraction or traffic-related criminal complaint; and (8) Imposes an additional \$50 fee upon conviction for certain impaired driving related offenses to fund grants to reduce DUIs.

Child, youth, families department[2E2SHB 1661](#)

Chapter 6, 2017 Laws 3rd Special Session

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: Varies by Section; Full

Implementation by 7/1/2019

Establishes the Department of Children, Youth, and Families by consolidating early learning programs from the Department of Early Learning and child welfare programs from the Department of Social and Health Services on July 1, 2018, and juvenile justice programs on July 1, 2019.

Service animals in training[HB 1676](#)

Chapter 170, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, New/Amended Crimes

Effective Date: 7/23/17

Clarifies that the crime of interfering with a dog guide or service animal under RCW 9.91.170 also applies to dog guides and service animals in training.

Child sex exploit./subpoenas[EHB 1728](#)

Chapter 114, 2017 Laws

Court Levels: Superior

Categories: Criminal

Effective Date: 7/23/17

Provides that in criminal investigations involving the sexual exploitation of children, the prosecutor must use the special inquiry judge process under chapter 10.27 RCW to subpoena a provider of electronic communications services or remote computing services to obtain relevant records. A provider who receives a subpoena for records may not disclose its existence to the subscribers or customers whose information is requested. Upon petition for the establishment of a special inquiry judge proceeding, the superior court shall establish the proceeding, if appropriate, no later than 72 hours after the petition is filed.

Sex offender treatment priority[HB 1754](#)

Chapter 144, 2017 Laws

Court Levels: Superior

Categories: Criminal

Effective Date: 7/23/17

Requires the Department of Corrections to determine placement for sex offender treatment by assessing an offender's risk for sexual re-offense as the primary factor, and establishes a priority for treatment opportunities during incarceration.

Veterans/shared leave access[E2SHB 1802](#)

Chapter 173, 2017 Laws

Court Levels: AOC, Appellate

Categories: Salaries & Benefits

Effective Date: 7/23/17

Creates a shared leave pool managed by the Department of Veterans Affairs to allow state employees to donate leave for veterans or

their spouses to attend medical appointments and treatments for a service-connected disability.

Addresses of record updates[SHB 1813](#)

Chapter 147, 2017 Laws

Court Levels: Superior, Juvenile, District/
Municipal

Categories: Criminal, Infractions, JIS

Effective Date: 7/23/17

Authorizes the Department of Licensing to develop a uniform process for updating the name and address of record on all vehicle, vessel, and driver's records by combining the name and address of each into one record.

Dependency/alleged parent[SHB 1815](#)

Chapter 276, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 7/23/17

Changes the existing definition of "parent" for purposes of child welfare proceedings to mean a biological parent, adoptive parent, or an individual who has established a parent-child relationship through the Uniform Parentage Act (RCW 26.26.101), unless that person's parental rights have been terminated.

Homeless youth info. sharing[SHB 1816](#)

Chapter 277, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 7/23/17

Allows the Department of Social and Health Services to disclose confidential child welfare records to the Department of Commerce for youth admitted to crisis residential centers (CRC) or HOPE centers. Modifies certain administrative responsibilities and reporting related to CRCs and HOPE centers.

Disclosure/computer networks[HB 1829](#)

Chapter 149, 2017 Laws

Court Levels: All

Categories: Other/Informational

Effective Date: 7/23/17

Amends RCW 42.56.420 of the Public Records Act to protect information regarding the public and private infrastructure and security of computer and telecommunications networks.

GR 31.1 does not specifically exempt the information covered in this bill. However, it does state that "Court and judicial agency administrative records are open to public access unless access is exempted or prohibited under this rule, other court rules, federal statutes, state statutes, court orders, or case law. To the extent that records access would be exempt or prohibited if the Public Records Act applied to the judiciary's administrative records, access is also exempt or prohibited under this rule." Therefore, the exemption can be applied to judicial branch infrastructure, and security of computer and telecommunications networks.

Commercially sexually exploited children[HB 1832](#)

Chapter 18, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Other/Informational

Effective Date: 4/17/17

Extends the expiration date of the Commercially Sexually Exploited Children Statewide Coordinating Committee from 2017 to 2023. Requires AOC to appoint a staff person to serve on the Committee. Also includes the SCJA President or designee and the President of Juvenile Court Administrators or designee on the Committee.

Ext. foster care transitions[SHB 1867](#)

Chapter 285, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 7/23/17

In an effort to reduce homelessness of foster youth, allows eligible youth to unenroll and reenroll in the extended foster care program once between ages 18 and 21. Requires the Washington State Institute for Public Policy to conduct a study to measure the outcomes for youth who have received extended foster care services.

Mandated reporter posting[HB 1931](#)

Chapter 118, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 7/23/17

Requires the Department of Social and Health Services to make available on its website a poster in English and Spanish that includes the requirements for mandated reporters of child abuse and neglect, and organizations with employees or volunteers subject to the mandatory reporter requirements must clearly display that poster in a common area.

Juvenile corrections/counties[HB 1983](#)

Chapter 278, 2017 Laws

Court Levels: Juvenile

Categories: Family & Juvenile

Effective Date: 7/23/17

Decreases the population size from 530,000 to 200,000 for a consortium of three or more counties in Eastern Washington that may prescribe for alternative administration of a juvenile correctional facility. Smaller counties may create a consortium for a juvenile correctional facility.

Vulnerable youth guardians[SHB 1988](#)

Chapter 279, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Court Funding & Fees, Family & Juvenile

Effective Date: 7/23/17

Establishes a "Vulnerable Youth Guardianship," which authorizes a court to appoint a guardian for certain immigrant youth between the ages of 18 and 21 who have been abandoned, abused, or neglected. Requires the Washington State Task Force Against the Trafficking of Persons to evaluate whether vulnerable youth guardianships where the guardian is a nonrelative suitable person have the unintended impact of placing youth at greater trafficking risk.

Establishes requirements for filing vulnerable youth guardianship petitions, hearings, orders, modifications, and termination of orders, for the court to consider appointing a guardian for a consenting vulnerable youth between 18 and 21 years of age. No filing fee can be associated with a vulnerable youth guardianship petition. The vulnerable youth and the guardian or prospective guardian have the right to be represented by counsel of their choosing at their own expense.

Business corporation act[SB 5011](#)

Chapter 28, 2017 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 7/23/17

Updates the Washington Business Corporation Act regarding ratification or validation of defective corporate actions, forum selection provisions, asset drop-down transactions, voting trusts and shareholder agreements, and short-form mergers.

Trust assets distribution[SSB 5012](#)

Chapter 29, 2017 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 7/23/17

Establishes a trust decanting statute that authorizes a trustee to modify the terms of an irrevocable trust or to distribute trust assets to one or more second trusts. Establishes standards and procedures for a trustee's exercise of the decanting power and allows a trustee, beneficiary, or others to petition the court regarding exercise of the power.

Trafficking, etc/time limits[SB 5030](#)

Chapter 231, 2017 Laws

Court Levels: Superior

Categories: Criminal, New/Amended Crimes

Effective Date: 7/23/17

Extends the statute of limitations for trafficking under RCW 9A.40.100 to 10 years. Also extends prosecution for commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101), or promoting travel for commercial sexual abuse of a minor (RCW 9.68A.102) up to 10 years, or if committed against a victim under 18, up to the victim's thirtieth birthday, whichever is later. Specifies that commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution (RCW 9A.88.060) can be committed when anything of value is provided.

DUI 4th offense/felony[SB 5037](#)

Chapter 335, 2017 Laws

Court Levels: Superior, Juvenile, District/
Municipal

Categories: Criminal, New/Amended Crimes

Effective Date: 7/23/17

Makes driving under the influence or being in physical control of a motor vehicle while under the influence a felony offense if the person's criminal record includes 3 or more prior offenses within 10 years. The seriousness level ranking for felony DUI and physical control offenses is reduced from V to IV.

Seed buyer & dealer disputes[SB 5075](#)

Chapter 33, 2017 Laws

Court Levels: District/Municipal

Categories: Civil

Effective Date: 7/23/17

Requires mediation instead of arbitration in buyer/seller disputes regarding seeds. Raises the threshold limit for mediation to claims or counterclaims of over \$5,000 (from \$2,000) and provides that claims under \$5,000 may be brought in district or small claims court.

Sex offenders/victim notice[SSB 5083](#)

Chapter 86, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Criminal

Effective Date: 7/23/17

Provides that when a juvenile or an adult who is required to register as a sex offender or kidnapping offender under RCW 9A.44.130 petitions for relief from the duty to register, the prosecutor must make reasonable efforts to notify the petitioner's victim via telephone, letter, or email.

Involuntary treatment act[2ESSB 5106](#)

Chapter 14, 2017 Laws 3rd Special Session

Court Levels: Superior

Categories: Civil, Forms, Family & Juvenile

Effective Date: Varies by Section; Full

Implementation by 7/1/2026

Makes a series of revisions to the Involuntary Treatment Act relating to Joel's Law, less restrictive alternative revocations, initial detention investigations, and evaluations and petitions by chemical dependency professionals. Requires a Joel's Law petition to be filed within 10 days after a designated mental health professional (DMHP) evaluation and directs DMHPs to coordinate with law enforcement regarding apprehension following a court order of detention. Directs AOC to develop a Joel's Law user guide in consultation with stakeholders by December 15, 2017. Requires an LRA revocation petition to be filed with the court of the county where the person is currently located or being detained. Authorizes chemical dependency specialists in certain circumstances to sign a civil commitment petition instead of a mental health professional.

Marijuana[ESSB 5131](#)

Chapter 317, 2017 Laws

Court Levels: Superior, Juvenile, District/
Municipal

Categories: Other/Informational

Effective Date: 7/23/17

Makes a series of changes to marijuana laws relating to research license privileges, local authority notifications, the retail licensing merit-based application process, certain transfers of plants and seeds, licensing agreements and contracts, advertising, and jurisdictional requirements.

Sexual assault protection orders**[ESSB 5256](#)**

Chapter 233, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Forms, JIS, Other/
Informational

Effective Date: 7/23/17

Amends RCW 7.90.120 governing ex parte temporary sexual assault protection orders to change the term from a current maximum of two years to permanent. Amends RCW 7.90.121 regarding motion procedure for such orders by (1) shifting the burden regarding renewing the order to the respondent; (2) limiting the factors that can be considered by the court; and (3) providing factors the court may consider. The factors the court may consider include whether the respondent has committed or threatened sexual assault, domestic violence or other "violent acts," and whether "the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order."

Modifies RCW 7.90.170 related to terminating or modifying a sexual assault protection order to create new procedural requirements and to provide that provisions related to firearms and weapons possession may also be modified or terminated. Also directs the court to deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If a hearing is set, the burden is on the respondent to prove a change in circumstances, and the respondent may be required to pay the petitioner's costs, including attorneys' fees, regardless of outcome.

Amends the crime of unlawful possession of a firearm (RCW 9.41.040) to state that it would not apply to an order for which the firearm restrictions have been removed.

Trafficking victims/vacating**[SSB 5272](#)**

Chapter 128, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Forms, JIS, Other/
Informational

Effective Date: 7/23/17

Amends the misdemeanor/gross misdemeanor vacation statute (RCW 9.96.060) to limit the current denial of vacation for committing another offense, if the offense is prostitution-related and the applicant can prove that he or she committed the crime as a result of being a victim of trafficking or a related offense. Amends RCW 9.96.070 to include the crimes added to RCW 9.96.060 and imposes a requirement that any motion for vacation of a conviction under RCW 9.96.060(3) must be supported by the sworn testimony of the applicant at a hearing before the court.



SSB 5277 (Disqualification of judges) Bill Signing

Disqualification of judges

[SSB 5277](#)

Chapter 42, 2017 Laws

Court Levels: Superior, Juvenile

Categories: Civil, Criminal

Effective Date: 7/23/17

Replaces the affidavit of prejudice procedure with a notice of disqualification. A party or attorney in an action or proceeding in Superior Court may disqualify a judge from hearing the matter by filing a notice before the judge has made any discretionary ruling. The following actions by a judge do not cause the loss of the right to file a notice: arranging the calendar, setting a date for hearing or trial, ruling on an agreed continuance, issuing an arrest warrant, fixing bail, and presiding over juvenile detention and release hearings under JuCR 7.3 and 7.4.

Distracted driving

[SSB 5289](#)

Chapter 334, 2017 Laws

Court Levels: District/Municipal

Categories: Civil, Infractions

Effective Date: 7/23/17 (Governor vetoed 2019 effective date)

Repeals the existing and establishes new

distracted driving infractions. Makes using a personal electronic device while driving a motor vehicle on a public highway a traffic infraction. Provides that the base penalty is doubled for second or subsequent violations. Also establishes a new “dangerously distracted” secondary infraction, which is defined as engaging in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such motor vehicle on any highway.

Clerk duties

[SSB 5327](#)

Chapter 183, 2017 Laws

Court Levels: Superior

Categories: Civil, Family & Juvenile

Effective Date: 7/23/17

Replaces the duty of clerks in RCW 2.32.050 to keep the “journal” of court proceedings with “minutes” of the proceedings. Also eliminates the clerk’s duty to forward residential time summary reports in dissolution matters to the division of child support and AOC’s duty to report information compiled from the reports.

Ballot return boxes/crimes

[SB 5336](#)

Chapter 283, 2017 Laws

Court Levels: Superior, Juvenile, District/Municipal

Categories: Criminal, New/Amended Crimes

Effective Date: 7/23/17

Criminalizes knowingly and maliciously impairing service to the public by damaging, destroying, or removing a ballot box or tampering with its contents as malicious mischief in the first degree. Provides that creating a substantial risk of these activities

constitutes malicious mischief in the second degree. Also raises removal of a ballot from a voting center or ballot drop location without lawful authority from a gross misdemeanor to a class C felony.

Registration enforcement

[ESSB 5338](#)

Chapter 218, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal

Effective Date: 8/1/17

Modifies the statutory framework governing penalties for off-road vehicle and snowmobile registration violations and requires to the Department of Licensing (DOL) to improve registration compliance (RCW 46.09, RCW 46.10, and RCW 46.93). Creates a gross misdemeanor for the failure of a Washington State resident to register an off-road vehicle or snowmobile with DOL.

Humane treatment of dogs

[SSB 5356](#)

Chapter 65, 2017 Laws

Court Levels: District/Municipal

Categories: Civil, Infractions, JIS, Other/
Informational

Effective Date: 7/23/17

Adds a new section to chapter 16.52 RCW promoting humane treatment of dogs and prohibiting tethering of dogs other than in specific circumstances. Penalties escalate with repeat offenses: the first offense requires a warning or an infraction, depending on the severity; the second offense is a class 2 civil infraction; and a third or subsequent offense is a class 1 civil infraction.

Unauthorized persons removal

[ESSB 5388](#)

Chapter 284, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal

Effective Date: 7/23/17

Establishes a process for the owner/agent of residential property to request the removal of an unauthorized person by providing a sworn declaration to law enforcement. After considering the declaration and evidence provided by the occupant, a peace officer with probable cause has the authority to remove the person from the premises, with or without arrest, and to order the person to remain off the premises or be subject to arrest for criminal trespass. Law enforcement is not liable for acts or omissions made in good faith. A person removed on the basis of a declarant's false statements has a cause of action to recover actual damages, costs, and reasonable attorney fees.

Weighmaster program

[SB 5437](#)

Chapter 158, 2017 Laws

Court Levels: District/Municipal

Categories: Civil, Criminal

Effective Date: 7/23/17

Makes altering or modifying a weight ticket, scale ticket, weight certificate, or attempting to influence any licensed public Weighmaster in the performance of their official duties a gross misdemeanor with a civil penalty of \$100 to \$1,000. Raises the criminal penalty for falsifying a weight document from \$500 to \$5,000.

Domestic violence assault[SSB 5618](#)

Chapter 223, 2017 Laws

Court Levels: Juvenile

Categories: Family & Juvenile

Effective Date: 7/23/17

Specifies that a 16 or 17 year old is not subject to mandatory arrest for domestic violence assault when a parent or guardian requests the youth's arrest. Clarifies that although there is no mandatory arrest of a 16 or 17 year old, a police officer's authority to make an arrest if permitted by other laws is not changed by removing the domestic violence assault mandatory arrest requirement for 16 and 17 year olds.

Organized retail theft[SB 5632](#)

Chapter 329, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, New/Amended Crimes

Effective Date: 7/23/17

Amends various organized retail theft provisions (RCW 9A.56.350). Provides that the crime (a class B or class C felony, depending on the value of the stolen property) may also be committed if the stolen property has a cumulative value of at least \$750, involved at least six accomplices, and the perpetrator makes or sends at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft.

Retail theft[SB 5635](#)

Chapter 224, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, New/Amended Crimes

Effective Date: 7/23/17

Clarifies that retail theft with special circumstances (RCW 9A.56.360) can be committed using a device that is intended to

overcome security systems, whether or not the device is specifically designed for that purpose. Also authorizes the prosecutor to aggregate a series of thefts committed by the same person within 180 days into a single unit of prosecution with the combined value of the property determining the degree of the offense.

Guardianship alternatives[SB 5691](#)

Chapter 271, 2017 Laws

Court Levels: Superior

Categories: Forms, Probate/Guardianship

Effective Date: 7/23/17

Requires the court to modify or terminate a guardianship when a less restrictive alternative, such as a power of attorney or a trust, will adequately provide for the needs of the incapacitated person.

Higher education records[SSB 5764](#)

Chapter 72, 2017 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 7/23/17

Provides that records maintained by campus-affiliated advocates regarding students, faculty, or staff of public colleges and universities who are victims of sexual assault, dating/domestic violence, or stalking are confidential and exempt from the Public Records Act unless the victim consents to inspection and copying, there is an imminent risk of serious injury or death, or federal law/court mandate requires availability.

Agritourism**[ESSB 5808](#)**

Chapter 227, 2017 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 7/23/17

Adds new sections concerning agritourism to chapter 4.24 RCW. Agritourism professionals who provide recreational, entertainment, or educational activities (such as tours, petting zoos, festivals, corn mazes, hayrides, harvest-your-own operations, and horseback riding) on farms and ranches to the general public are not liable for damages to participants resulting from inherent risks of the activities absent gross negligence, knowledge of an existing dangerous condition, or permitting inappropriate participation by minors or by those under the influence of alcohol or drugs. Warnings about assumption of the risk must be posted at activity sites and on written contracts with participants in order to invoke the immunity privilege.

Attempted murder**[ESSB 5810](#)**

Chapter 125, 2017 Laws

Court Levels: Superior

Categories: Criminal

Effective Date: 4/25/17

Amends RCW 9A.04.080 (limitation of actions) to add attempted murder to the criminal offenses that may not be prosecuted more than 10 years after their commission.

Crimes against minors**[SB 5813](#)**

Chapter 126, 2017 Laws

Court Levels: Superior

Categories: Criminal, New/Amended Crimes

Effective Date: 7/23/17

Prohibits a defendant from claiming unknown or mistaken age of a child victim as a defense to trafficking crimes. The crimes of possessing

depictions of minors in sexually explicit conduct and dealing in depictions of minors in sexually explicit conduct are increased from class C to class B felonies.

Foster care and adoption**[2ESSB 5890](#)**

Chapter 20, 2017 Laws 3rd Special Session

Court Levels: Juvenile

Categories: Family & Juvenile

Effective Date: 10/19/17

Modifies and establishes a series of provisions related to foster care and adoption support. Expands respite care to include short-term support provided by case aides. Directs the Office of Innovation, Alignment, and Accountability to identify a system of support services for foster parents by December 31, 2017. Directs the Department of Social and Health Services (DSHS) to design and implement an expedited foster licensing process. Directs DSHS to establish a Case Review Panel to review cases where permanency has not been achieved within 18 months after foster care placement. Sets new adoption support maintenance payments effective July 1, 2017. Addresses College Bound Scholarship eligibility for foster youth. Creates a Foster Parent Shared Leave Pool to be administered by DSHS. Creates a Child Welfare System Improvement Account to support foster home licensing and provide other support and assistance. Directs DSHS to work with the Caseload Forecast Council to review licensed foster care forecasts and to ensure all youth are properly calculated. Directs the Office of Civil Legal Aid to contract with the Washington State Center for Court Research to develop an assessment of differential outcomes in dependency proceedings prior to termination of parental rights.

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