

# 2018 LEGISLATIVE SESSION SUMMARY REPORT





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 more than 60 years to fulfill  
this mission for all levels of court.**

# 2018 LEGISLATIVE SUMMARY

We are pleased to present to you a summary of 2018 legislation of interest to the Washington Judiciary. Legislators passed hundreds of bills during the short 60 day session on a whole host of topics, including 66 bills that we've identified with some level of court interest or impact. A few of these with especially significant impact include comprehensive legal financial obligations reform ([E2SHB 1783](#)), a revised Uniform Parentage Act ([ESSB 6037](#)), and modifications to auto-decline/exclusive adult jurisdiction statutes ([E2SSB 6160](#)).

Several other high profile bills that had stalled in prior years found their way to the Governor's desk this year, including the Voting Rights Act ([ESSB 6002](#)) and Breakfast After the Bell ([2ESHB 1508](#)). Legislators also made waves when they passed a legislative public records bill ([ESB 6617](#)), which the Governor ultimately vetoed.

Certainly the highlight of the session was the supplemental operating budget, which provides significant additional funding for mental health, K-12 education, and financial aid. The budget also includes funding to address the Supreme Court's most recent *McCleary* order. Legislators capitalized on very positive revenue growth that provided more than \$1 billion in additional revenue to work with.

Several notable court impact bills failed to pass this year, including the repeal of the death penalty ([SB 6052](#)), driving while license suspended 3rd decriminalization ([SSB 6189](#)), traffic LFO consolidation ([HB 2421](#)), and juvenile records sealing ([SB 5694](#)). We expect those bills to return next session in one form or another.

As you read through the following bill summaries, please do not hesitate to contact us at AOC with 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.

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 over 1,000 hours implementing legislation this year.



1,410

Bills introduced and screened



390

Bills tracked by AOC staff



66

Court interest/impact enacted bills

# BILL TRACKERS

Analyzing and monitoring legislation is no small task. The following individuals at AOC made up our 2018 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 (non-traffic crimes and CLJ civil actions)*

**Cindy Bricker**  
*Juvenile dependency*

**Jennifer Burnam**  
*JIS impact*

**Misty Butler Robison**  
*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*

**Curtis Dunn**  
*ISD business relations, Appellate, Superior and Juvenile Courts*

**Merrie Gough**  
*Pattern forms*

**Sondra Hahn**  
*Bill Tracker coordination; jury issues*

**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*

**Stacey Johnson**  
*Probate, guardianship, elder law*

**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*

**Keri Sullivan**  
*JIS impact*

**Intisar Surur**  
*Superior Court Judges' Association policy analyst*

**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)*

**Law enforcement**

[Initiative 940](#) and [ESHB 3003](#)

Chapter 11, 2018 Laws

Court Levels: Superior

Categories: Criminal, Other/Informational

Effective Date: 6/7/2018

The Legislature enacted I-940, which is an initiative to the Legislature. I-940 requires law enforcement officers to receive violence de-escalation training and mental health training, establishes a duty of law enforcement officers to provide first aid, and establishes a good faith standard for law enforcement officer use of deadly force criminal liability. The Legislature amended several I-940 provisions through the passage of ESHB 3003, which was contingent on the passage of I-940.\*

*\*At the time of this publication, a Thurston County Superior Court judge has ruled the Legislature's actions as unconstitutional and ordered I-940 to be placed on the November ballot without the ESHB 3003 amendments.*

**Crime victim participation**

[SHB 1022](#)

Chapter 86, 2018 Laws

Court Levels: Superior, Juvenile, District/  
Municipal

Categories: Other/Informational

Effective Date: 6/7/2018

Provides a procedure for immigrant victims of criminal activity or trafficking to obtain law enforcement certification on U.S. citizenship and immigration service forms.

**Military/consumer protection**

[HB 1056](#)

Chapter 197, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Forms

Effective Date: 6/7/2018

Expands the definition of "service member" for purposes of the Washington Service

Members Civil Relief Act (SMCRA) to include an active member of the US armed forces who is either stationed in or a resident of Washington state and a member of a military reserve component or the national guard who is stationed in Washington state. Provides a process for active service members ordered to permanently change station or to deploy for 30 days or more to terminate, suspend, and reinstate their contracts for telecommunications, internet, health studio, subscription television, and commercial mobile radio services.

**Court-ordered restitution**

[HB 1058](#)

Chapter 123, 2018 Laws

Court Levels: Superior

Categories: Court Funding & Fees

Effective Date: 6/7/2018

Prohibits the court from postponing the commencement of restitution payments until an offender is released from total confinement. An offender's inability to make payments while confined cannot be the basis for a sentence violation unless the ineligibility results from a refusal to accept an offer of employment to a class I or II job or a termination from such a job for cause.

**Civil arbitration**

[EHB 1128](#)

Chapter 36, 2018 Laws

Court Levels: Superior

Categories: Civil, Court Funding & Fees

Effective Date: 9/1/2018

Replaces "mandatory" with "civil" in reference to arbitration laws under chapter 7.06 RCW. Increases the money judgment amount for arbitrable civil actions to \$100,000 on approval by two-thirds of the judges of a superior court. Adopts procedural rules for arbitration hearings and discovery. Sets qualifications for arbitrators. Requires that a notice of appeal from arbitration be signed by the aggrieved

party. Increases the maximum arbitration filing fee from \$220 to \$250 and the trial de novo filing fee from \$250 to \$400. Applies to cases filed on or after September 1, 2018.

### **Student loan assistance**

#### [3SHB 1169](#)

Chapter 199, 2018 Laws  
Court Levels: Superior, District/Municipal  
Categories: Civil, Forms  
Effective Date: 6/7/2018

Enacts the Student Opportunity, Assistance, and Relief Act. Repeals multiple provisions allowing suspension of professional licenses due to student loan default. Adds a cell phone, personal computer, and printer to personal property items exempt from garnishment. Increases bank account and wage garnishment exemptions for judgments on private student loan debt and caps interest. Modifies garnishment forms to specify private student loan debt and to notify debtors of exemption rights.

### **Municipal financial services**

#### [SHB 1209](#)

Chapter 237, 2018 Laws  
Court Levels: Superior, Juvenile, District/  
Municipal  
Categories: Accounting, Other/Informational  
Effective Date: 6/7/2018

Amends the public depository statute to include credit unions in the definition of public depositories allowed to accept public deposits greater than the maximum insured amount over the maximum insured amount only from counties with a population of 300,000 persons or less, or from public funds depositories located in a county with a population of 300,000 persons or less.

### **Job applicants/arrests, etc.**

#### [2SHB 1298](#)

Chapter 38, 2018 Laws  
Court Levels: All  
Categories: Civil, Criminal, Salaries & Benefits  
Effective Date: 6/7/2018

Enacts the Washington Fair Chance Act. Prohibits employers from inquiring about an applicant's criminal background or conducting a criminal history background check until after the employer has initially determined that the applicant is otherwise qualified for the position. Employers are restricted from categorically excluding applicants with a criminal background. Certain employers are exempted, including employers hiring a person who will or may have unsupervised access to children or vulnerable persons, employers who are expressly permitted or required under another federal or state law to consider an applicant's criminal background, and law enforcement or criminal justice agencies. Authorizes and directs the Attorney General's Office to enforce the Act.

### **Behavioral health authority**

#### [2ESHB 1388](#)

Chapter 201, 2018 Laws  
Court Levels: Superior, District/Municipal  
Categories: Civil, Forms  
Effective Date: 7/1/2018

Transfers responsibilities for the oversight and purchasing of behavioral health services from the Department of Social and Health Services (DSHS) to the Health Care Authority (HCA), except for the operation of the state hospitals. The responsibility for administering the Involuntary Treatment Act is changed from the DSHS and the behavioral health organizations to the HCA and the behavioral health organizations. Notifications related to the restoration of a person's right to possess a firearm are sent to the HCA, rather than the DSHS. The DSHS's electronic database that must be consulted when determining eligibility

to possess a firearm is changed to the HCA's electronic database.

### **Shared leave/pregnancy**

#### [ESHB 1434](#)

Chapter 39, 2018 Laws

Court Levels: Appellate

Categories: Salaries & Benefits

Effective Date: 7/1/2018

Expands the existing Shared Leave Program for state employees to include parental leave to bond with an employee's newborn, adoptive, or foster child, and for employees who are sick or temporarily disabled because of pregnancy disability. The Shared Leave Program allows employees to share accumulated leave with other employees under certain circumstances.

### **Higher ed student protection**

#### [E2SHB 1439](#)

Chapter 203, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 6/7/2018

Regulates for-profit higher education institutions and private vocational schools to protect students from unfair business practices. Expands students' remedies to include actions under the Consumer Protection Act.

### **Workplaces/gender pay equity**

#### [2SHB 1506](#)

Chapter 116, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 6/7/2018

Creates a new chapter in Title 49 RCW (labor regulations) to update the Washington equal pay act, addressing income disparities, employer discrimination, and retaliation practices. Fundamentally, an employer may not discriminate in providing employment opportunities based on gender. In addition

to administrative remedies, an employee may bring a civil action, with a three-year statute of limitations, for violation of career advancement, wage discussion, and retaliation provisions. The court may award damages, as well as ordering reinstatement and injunctive relief.

### **Therapeutic courts**

#### [SHB 1524](#)

Chapter 205, 2018 Laws

Court Levels: Superior

Categories: Court Funding & Fees

Effective Date: 6/7/2018

Treatment services that are authorized to be funded through the Criminal Justice Treatment Account (CJTA) are expanded to include recovery support services, such as housing, vocational training, and mental health counseling.

### **Homeless housing and assistance**

#### [E2SHB 1570](#)

Chapter 85, 2018 Laws

Court Levels: District/Municipal

Categories: Accounting, Court Funding & Fees, JIS

Effective Date: 6/7/2018

Establishes the Washington Housing Opportunities Act. Provides additional resources to address housing needs through the Department of Commerce. Increases the homeless housing and assistance document recording surcharge from \$40 to \$62 and makes it permanent. The effect of this bill and HB 2578 is to increase the recording fee associated with name changes from \$74 to \$99.

**Hanford/occupational disease**

[SHB 1723](#)

Chapter 9, 2018 Laws  
 Court Levels: Superior  
 Categories: Civil  
 Effective Date: 6/7/2018

Creates a prima facie presumption for Hanford nuclear site workers that specified diseases and conditions are occupational diseases for purposes of industrial insurance coverage. The presumption applies to decisions made after the bill's effective date, regardless of the date of last injurious exposure or claim filing. When a court's final decision is to allow a claim for benefits, the court shall order that all reasonable costs of appeal, including attorney fees and witness fees, be paid to the worker/beneficiary by the opposing party.

Removes interest on nonrestitution legal financial obligations (LFOs) imposed in superior court or courts of limited jurisdiction. Upon motion, courts must waive nonrestitution interest on LFOs that accrued prior to June 7, 2018 (the bill's effective date).

Prohibits courts from imposing costs on an offender who is indigent. A defendant who is not in default on cost payments may request the court to convert unpaid costs to community service hours if the unpaid balance creates an undue hardship.

Requires restitution payment prioritization: first, proportionally to restitution to victims that have not been fully compensated from other resources, second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims, third, proportionally to crime victims' assessments, and fourth, proportionally to costs, fines, and other assessments.

Upon an indigency finding, courts must grant permission for LFO payments to be made in installments. Courts are prohibited from sanctioning a defendant for failure to pay LFOs unless the failure to pay was willful, which can only occur if the defendant has an ability to pay. Failure to pay LFOs is not willful if the defendant is homeless or mentally ill.



*E2SHB 1783 (Legal financial obligations) Bill Signing*

**Legal financial obligations**

[E2SHB 1783](#)

Chapter 269, 2018 Laws  
 Court Levels: Appellate, Superior, District/  
 Municipal  
 Categories: Accounting, Court Funding &  
 Fees, Criminal, Forms, JIS  
 Effective Date: 6/7/2018

Courts are not required to impose a DNA database fee if the defendant's DNA was collected previously as a result of a prior conviction.

Courts are not required to refund or reimburse prior LFO payments, including interest.



**Dependency petitions**[HB 1790](#)

Chapter 17, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family &amp; Juvenile

Effective Date: 6/7/2018

Probation officers no longer need to review dependency petitions when the Department of Social and Health Services files the dependency petition.



*2SHB 1896 (Civics education) Bill Signing*

**Civics education**[2SHB 1896](#)

Chapter 127, 2018 Laws

Court Levels: Informational

Categories: Other/Informational

Effective Date: 6/7/2018

Expands the Civics Education Teacher Training Program within the Office of the Superintendent of Public Instruction (OSPI) to develop teacher training materials and provide teacher training and professional learning opportunities across the state. Requires school districts beginning with or before the 2020-21 school year to provide a mandatory one-half credit civics education course for high school students. Directs OSPI to select two school districts to serve as demonstration sites for expanded civics education. Transfers the administration responsibilities of the Washington History Day Program from the Washington State Historical Society to OSPI.

**Residential real property**[2ESHB 2057](#)

Chapter 306, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 6/7/2018

Addresses services and processes available when residential real property is abandoned or in foreclosure. Makes changes to nonjudicial foreclosures, including access to preserve

property from waste or nuisance, beneficiary declarations, notices of default, and deceased borrowers and successors in interest. Establishes a violation of the Consumer Protection Act for failing to comply with statutory requirements before accelerating a reverse residential mortgage obligation or commencing foreclosure.

**Worker safety on roadways and roadsides**[HB 2087](#)

Chapter 18, 2018 Laws

Court Levels: District/Municipal

Categories: Criminal, Infractions

Effective Date: 6/7/2018

Adds "construction zone workers" to the list of people who drivers must move to the left lane for when driving on Washington highways and roadways. It also establishes a traffic infraction for the reckless endangerment of work zone workers.

**Federal tax info/background checks**[HB 2208](#)

Chapter 9, 2018 Laws

Court Levels: Appellate (AOC)

Categories: Other/Informational

Effective Date: 6/7/2018

Requires that all current and prospective state agency employees who are or may be authorized to access federal tax information have a fingerprint criminal history record check

through the Washington State Patrol criminal identification system and the FBI. Agencies must establish background check policies that satisfy Internal Revenue Service requirements.

### **Sexually violent predators**

#### [HB 2271](#)

Chapter 31, 2018 Laws  
Court Levels: Superior  
Categories: Civil  
Effective Date: 3/21/18

Overturms the *Marcum* decision as to postcommitment show cause hearings under RCW 71.09.090. If the state produces prima facie evidence that a committed person continues to be a sexually violent predator, an unconditional release trial may not be ordered unless the committed person produces evidence satisfying RCW 71.09.090(4)(a) and (4)(b)(i) or (ii). If the state produces prima facie evidence that a less restrictive alternative is not appropriate, an unconditional release trial may not be ordered unless the committed person produces both satisfactory evidence and a proposed placement that meets the requirements of RCW 71.09.092. Applies retroactively and prospectively to all petitions filed under chapter 71.09 RCW.

### **Civil legal aid**

#### [SHB 2308](#)

Chapter 21, 2018 Laws  
Court Levels: Informational  
Categories: Civil  
Effective Date: 6/7/2018

Establishes legislative findings that civil legal problems experienced by low-income people in the state exceed the state-funded civil legal aid system's capacity to address. Directs the



*SHB 2308 (Civil legal aid) Bill Signing*

Office of Civil Legal Aid (OCLA) to periodically assess the most prevalent civil legal problems experienced by low-income people in the state and the capacity of the state-funded legal aid system to meet the legal needs arising from such problems. Modifies provisions related to allowable state-funded civil legal aid services. Authorizes the use of state funds for matters relating to employment, disability rights, education, administrative agency decisions, and discrimination prohibited by local, state or federal law.

### **Technical corrections**

#### [HB 2368](#)

Chapter 22, 2018 Laws  
Court Levels: Superior, Juvenile, District/  
Municipal  
Categories: Forms, Other/Informational  
Effective Date: 6/7/2018

Technical clean-up bill; primarily corrects outdated statutory cross-references. Section 7 amends the firearm possession statute; Section 9 clarifies RCW 26.50.070 regarding domestic violence ex parte temporary protection orders.

**Jury selection**[SHB 2398](#)

Chapter 23, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal

Effective Date: 6/7/2018

Jury selection provisions are expanded to prohibit exclusion based on creed, honorably discharged veteran or military status, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. The new law specifically states that it does not affect a party's right to peremptory challenges, or general challenges for cause (for failure to meet the statutory qualifications for a juror or inability to perform the duties of a juror), or the right to challenges for cause because of a prospective juror's actual or implied bias, or a judge's duty to excuse an "unfit" person as defined in RCW 2.36.110.

**Discriminatory covenants**[SHB 2514](#)

Chapter 65, 2018 Laws

Court Levels: Superior

Categories: Civil, Court Funding &amp; Fees

Effective Date: Section 1 – 1/1/2019; Section 2 – 6/7/2018

Provides recording of restrictive covenant modification documents as an alternative to the judicial procedure for striking discriminatory language from written real property instruments under RCW 49.60.227 and 64.38.028. Prohibits fees or surcharges for filing/recording modification documents.

**Pistol license eligibility**[EHB 2519](#)

Chapter 226, 2018 Laws

Court Levels: Superior, Juvenile, District/Municipal

Categories: Forms

Effective Date: 6/7/2018

Amends statutes pertaining to the issuance of concealed pistol licenses (CPL). Prohibits a law enforcement agency from returning a CPL until the agency verifies that the CPL holder is eligible to possess the CPL.

**Housing options**[E2SHB 2578](#)

Chapter 66, 2018 Laws

Court Levels: District/Municipal

Categories: Accounting, Civil, JIS

Effective Date: 6/7/2018

Amends the Landlord-Tenant Act to prohibit a landlord from refusing to rent or lease a property based on the otherwise qualified tenant's source of income. "Source of income" includes benefits or subsidies, emergency rental assistance, veteran benefits, and Social Security benefits. Authorizes a civil action for violations of this provision. Establishes the Landlord Mitigation Program within the Department of Commerce funded through an increase to the "Affordable Housing for All" surcharge. The Program will provide reimbursements to landlords of private market rental units rented to low-income tenants using a housing subsidy for certain claims, including damages and unpaid rent.

**Peer support group counselors**[HB 2611](#)

Chapter 165, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal

Effective Date: 6/7/2018

Expands the testimonial privilege to the communications of a limited authority law enforcement officer (employed by Department of Corrections, State Parks and Recreation Commission, Department of Natural Resources, Liquor and Cannabis Board, or Gambling Commission) and a peer support group counselor during counseling.

**Graduated re-entry program**[SHB 2638](#)

Chapter 166, 2018 Laws

Court Levels: Superior

Categories: Forms

Effective Date: 6/7/2018

Creates a partial confinement graduated re-entry program. Authorizes the Department of Corrections to transfer an offender from a DOC facility to home detention if they determine that a graduated re-entry program is appropriate.

**Domestic assault/employment**[HB 2661](#)

Chapter 47, 2018 Laws

Court Levels: All

Categories: Civil, New/Amended Crimes, Other/Informational, Salary &amp; Benefits

Effective Date: 6/7/2018

Prohibits employers from discriminating against an employee or prospective employee because the individual is an actual or perceived domestic violence, sexual assault, or stalking victim. Requires employers to make reasonable safety accommodations at the request of a domestic violence, sexual assault, or stalking victim unless the accommodation would create an undue hardship on the employer.

**Students/out-of-home care**[ESHB 2684](#)

Chapter 129, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family &amp; Juvenile

Effective Date: 9/1/2018

Students placed in out-of-home care must remain enrolled in the school they were attending at the time they entered out-of-home care if it is in the student's best interest. Several student-centered factors must be taken into consideration by school district and

child welfare department personnel. A foster care liaison will be designated for each school district. A dispute resolution process will be developed by the office of the superintendent of public instruction to resolve disagreements about school placement.

**CDL medical certificates**[SHB 2696](#)

Chapter 49, 2018 Laws

Court Levels: District/Municipal

Categories: Infractions

Effective Date: 4/30/2019

Aligns RCW 46.25.055, 46.25.057, and 46.25.075 with the code of federal regulations, namely, 49 C.F.R. Sec. 391, which provides for medical examinations and certificates of physical examination. Makes it a traffic infraction for a commercial driver to drive a commercial vehicle while downgraded for not maintaining a current medical certificate with the Department of Licensing.

**Child interview recordings**[ESHB 2700](#)

Chapter 171, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Criminal, Family &amp; Juvenile, Forms

Effective Date: 3/22/2018; Section 2 expires and Section 3 takes effect on 7/1/2018

Exempts audio and video recordings of child forensic interviews that depict or describe allegations of child abuse, child neglect, or exposure to violence from the Public Records Act except by court order upon a showing of good cause and notice to the child's guardian. Requires that audio and video recordings of child interviews disclosed in a criminal or civil proceedings are subject to a protective order unless the court finds good cause that the interview should not be subject to such order. A violation of this order is subject to a civil penalty up to \$10,000.

**Search warrants/municipal courts**[SHB 2752](#)

Chapter 50, 2018 Laws  
 Court Levels: District/Municipal  
 Categories: Criminal  
 Effective Date: 6/7/2018

Amends RCW 2.20.030 to provide that if the jurisdiction of a district or municipal court encompasses all or part of more than one county, a judge for that district or municipal court may issue a search warrant for any person or evidence located anywhere within the state as long as the county in which the offense is alleged to have occurred is one of the counties within that court's jurisdiction.

**Board of tax appeals administration**[EHB 2777](#)

Chapter 174, 2018 Laws  
 Court Levels: Superior  
 Categories: Civil  
 Effective Date: 6/7/2018

Makes changes to the required qualifications, training, and duties of members of the Board of Tax Appeals (BTA). Requires the BTA to report on the handling and disposition of its appeal docket. Makes changes to the qualifications of tax referees.

*The Governor vetoed Sections 6, 8, 11, 17, and 18 of the bill.*

**Service animal misrepresentation**[SHB 2822](#)

Chapter 176, 2018 Laws  
 Court Levels: District/Municipal  
 Categories: Infractions  
 Effective Date: 1/1/2019

Makes regulations governing service animals (dogs & miniature horses) more restrictive. Creates a new civil infraction for misrepresenting a service animal.

**Campaign finance**[ESHB 2938](#)

Chapter 304, 2018 Laws  
 Court Levels: All (Judges)  
 Categories: Civil, Judicial Elections  
 Effective Date: 6/7/2018

Changes the factors the court may consider in assessing a civil penalty for campaign disclosure violations, authorizes a new citizen's action, and authorizes court costs and fees for an action brought under the chapter.

*The Governor vetoed Sections 9 and 10 of the bill.*

**Legal tech. fees/DV cases**[SB 5213](#)

Chapter 84, 2018 Laws  
 Court Levels: Superior, District/Municipal  
 Categories: Civil, Family & Juvenile  
 Effective Date: 6/7/2018

Expands the court's authority to include reimbursing petitioners for limited license legal technician fees incurred in actions for domestic violence protection orders under chapter 26.50 RCW.

**Suicide/firearm right waiver**[SSB 5553](#)

Chapter 145, 2018 Laws  
 Court Levels: Superior  
 Categories: Civil, Forms, Other/Informational  
 Effective Date: 1/1/2019

Creates a new program to allow people to file a voluntary waiver of firearm rights with the clerk of the court in any county in Washington state.

**Relatives/child visitation**[SB 5598](#)

Chapter 183, 2018 Laws

Court Levels: Superior

Categories: Court Funding &amp; Fees, Family &amp; Juvenile, Forms, JIS

Effective Date: 6/7/2018

Authorizes a non-parent relative to request court-ordered visitation with a child if the relative and child have an ongoing and substantial relationship and denying visitation risks harm to the child. The child and relative's interaction, companionship, mutual interests, and affection forms and sustains an ongoing and substantial relationship. The relative and child must share the expectation and desire for an ongoing relationship. The relationship must have substantial continuity for at least two years or, if the child is under age two, for at least half of the child's life.

**Pretrial release programs**[SB 5987](#)

Chapter 276, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, Forms

Effective Date: 6/7/2018

This bill is the Legislature's response to *Blomstrom v. Tripp*, 189 Wash.2d 379 (2017), which held that random urinalysis (UA) testing during the pretrial phase is unconstitutional. Authorizes district, municipal, and superior court judges to require the defendant to submit to such testing to determine the defendant's compliance with the condition when the judge determines that this condition is necessary to protect the public from harm.

**Campaign finance disclosures**[SSB 5991](#)

Chapter 111, 2018 Laws

Court Levels: All (Judges)

Categories: Judicial Elections

Effective Date: 1/1/2019

Requires nonprofit organizations, not otherwise defined as political committees making contributions or expenditures in Washington election campaigns above specified thresholds, to file organizational statements with the Public Disclosure Commission and disclose certain contributors, regardless of the organization's primary purpose. Many other provisions are created.

**Bump-fire stocks**[ESB 5992](#)

Chapter 7, 2018 Laws

Court Levels: Superior

Categories: Criminal, New &amp; Amended Crimes

Effective Date: Sections 1 and 2 – 7/1/2018;

Sections 3-9 – 7/1/2019;

Sections 10-12 – 6/7/2018

Defines "bump-fire stock" as "a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger" under RCW 9.41.010. Effective 7/1/18, it is unlawful to manufacture or sell a bump-fire stock. Effective 7/1/19, it is unlawful to manufacture, own, buy, sell, loan, furnish, transport, possess, assemble, or repair a bump-fire stock. Use of a bump-fire stock in the commission of a felony is a class A felony. Illegally possessed bump-fire stocks are declared to be contraband subject to seizure. The Washington State Patrol is directed to establish and administer a bump-fire stock buy-back program for relinquishment of the devices.

**Workplace sexual harassment/NDAs**[SSB 5996](#)

Chapter 117, 2018 Laws

Court Levels: All

Categories: Other/Informational, Salaries &amp; Benefits

Effective Date: 6/7/2018

Prohibits employers from requiring an employee or a prospective employee as a condition of employment, to sign a nondisclosure agreement that prevents the employee from disclosing workplace-related sexual harassment or sexual assault, including between employees or between employer and employee off the work premises. Declares that such agreements are void and unenforceable.

**Voting rights act**[ESSB 6002](#)

Chapter 113, 2018 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 6/7/2018

Establishes the Washington Voting Rights Act. A political subdivision violates the act when elections exhibit polarized voting and where members of a protected class do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of members' rights. Authorizes political subdivisions to change their electoral systems to remedy potential violations. Creates a cause of action and authorizes courts to order appropriate remedies for violations, including redistricting within a political subdivision.

**Uniform parentage act**[ESSB 6037](#)

Chapter 6, 2018 Laws

Court Levels: Superior

Categories: Family &amp; Juvenile, Forms, JIS

Effective Date: 1/1/2019

Modifies statutory provisions surrounding

surrogacy agreements that require court proceedings, codifies de facto parentage, and makes many changes regarding assisted reproduction, binding effect of parentage determinations, inspection of records, parentage affidavits, rescission of parentage affidavits, genetic testing, and competing claims of parentage, among others.

**Sexual harassment/NDAs**[ESSB 6068](#)

Chapter 118, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 6/7/2018

Makes unenforceable any provision of a nondisclosure agreement that would limit production of past sexual harassment or assault evidence by a party to a civil action for sexual harassment or assault. Directs the court to enter orders to protect the identity of the victim or alleged victim unless that person consents to disclosure. Applies to actions pending as of the effective date and actions filed after the effective date.

**Commitment hearings by video**[SSB 6124](#)

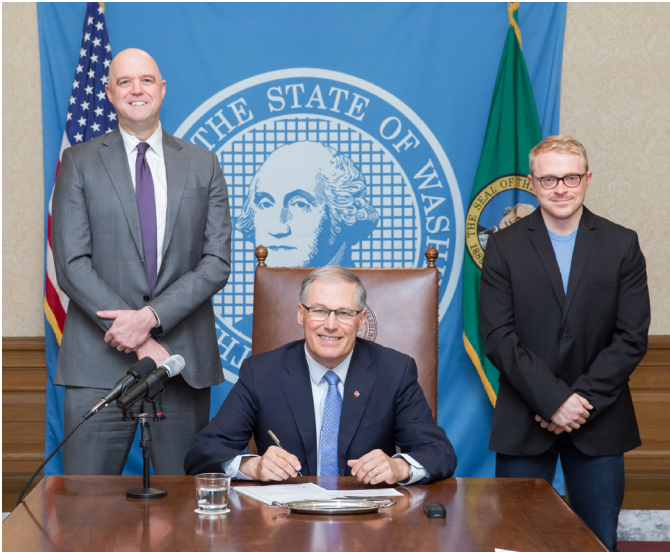
Chapter 305, 2018 Laws

Court Levels: Superior

Categories: Civil, Forms

Effective Date: 6/7/2018

Authorizes petitioners, respondents, witnesses and presiding judicial officers to participate in person or by video as determined by the court in Involuntary Treatment Act proceedings. Also allows witnesses to appear telephonically. Authorizes the court to require parties or witnesses to participate in person.



*SSB 6124 (ITA hearings by video) Bill Signing*

### **Vehicle manufacturers and dealers**

#### [ESSB 6137](#)

Chapter 296, 2018 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 6/7/2018

A new motor vehicle dealer or an association, primarily owned by the dealers and representing their interests, may bring a petition to the Department of Licensing for an adjudicative proceeding or a civil suit for damages, declaratory relief, or to enjoin further violations. Authorizes the court to increase an award of damages up to an amount not to exceed three times the actual damages sustained for a willful violation. Other provisions are included in the bill, not germane to superior court.

### **Exclusive adult jurisdiction**

#### [E2SSB 6160](#)

Chapter 162, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Criminal, Family & Juvenile,

Forms, JIS

Effective Date: 6/7/2018

Moves the following offenses from the

exclusive original jurisdiction of adult court to the exclusive original jurisdiction of juvenile court when committed by a youth aged 16 or 17: robbery 1; drive by shooting; burglary 1 if juvenile has a prior felony or misdemeanor offense; and any violent offense when juvenile is alleged to have been armed with a firearm. Creates a new A++ sentencing range. Option B offenses are increased. A discretionary decline hearing may not be set unless the juvenile is at least age 15 and charged with a felony which is a serious violent offense, or unless the juvenile is age 14 or younger and charged with murder 1 or murder 2. Mandatory decline hearings are eliminated, except for allegations of escape when a juvenile is serving a minimum sentence to age 21. Jurisdiction is retained until age 25. Washington State Institute for Public Policy (WSIPP) must study and report on impact on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation by the end of 2031.

### **Common interest ownership**

#### [SSB 6175](#)

Chapter 277, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 7/1/2018

Creates the Washington Uniform Common Interest Ownership Act, which contains comprehensive provisions for the formation, management, and termination of common interest communities, including condominiums, cooperatives, and plat communities.

### **FAST act compliance**

#### [SB 6218](#)

Chapter 105, 2018 Laws

Court Levels: District/Municipal

Categories: Infractions

Effective Date: 6/7/2018

This bill amends RCW 46.44.030 in order to comply with the Fixing America's Surface



Transportation (FAST) Act by providing length and weight standards for vehicles. Violating these requirements is a traffic infraction.

### **Extended foster care eligibility**

[SSB 6222](#)

Chapter 34, 2018 Laws  
Court Levels: Superior, Juvenile  
Categories: Family & Juvenile, Forms  
Effective Date: 7/1/2018

Expands eligibility for youth requesting extended foster care services. Authorizes youth who reach age 18 to request extended foster care services at any time before they reach age 21. Removes the limitation on number of times the youth can request extended foster care services through age 21.

### **Unfair labor practices SOL**

[SB 6231](#)

Chapter 252, 2018 Laws  
Court Levels: Superior  
Categories: Civil  
Effective Date: 6/7/2018

Amends the state collective bargaining statutes to provide a six-month statute of limitations for unfair labor practice complaints filed in superior court as well as with the Public Employment Relations Commission.

### **Apprenticeships/foster and homeless youth**

[2SSB 6274](#)

Chapter 232, 2018 Laws  
Court Levels: Superior, Juvenile  
Categories: Family & Juvenile  
Effective Date: 6/7/2018

Creates an additional postsecondary pathway to apprenticeships and preapprenticeships (similar to Passport to College Program) for former foster and unaccompanied homeless youth.

### **Dept. of Children, Youth and Families (DCYF) technical changes**

[SB 6287](#)

Chapter 58, 2018 Laws  
Court Levels: Superior, Juvenile  
Categories: Family & Juvenile, Forms  
Effective Date: 7/1/2018

Changes references to Children's Administration to the new Department of Children, Youth and Families. Makes other minor technical changes.

### **DV harassment/firearms**

[SB 6298](#)

Chapter 234, 2018 Laws  
Court Levels: Superior, District/Municipal  
Categories: Criminal, New & Amended Crimes  
Effective Date: 6/7/2018

Makes it unlawful to possess a firearm if convicted or found not guilty by reason of insanity of harassment against a family or household member on or after the effective date of the bill.

### **Employment contracts/discrimination**

[SSB 6313](#)

Chapter 120, 2018 Laws  
Court Levels: All  
Categories: Civil, Other/Informational, Salaries & Benefits  
Effective Date: 6/7/2018

Provides that any employment agreement that requires an employee to waive their right to file a Washington Law Against Discrimination (WLAD) or federal antidiscrimination complaint, or requires a discrimination claim to be resolved using a confidential dispute resolution process is void and unenforceable.

**Intrastate food safety**[SSB 6318](#)

Chapter 236, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal, New &amp; Amended Crimes

Effective Date: 6/7/2018

Moves provisions from the Washington Food, Drug, and Cosmetics Act related to food to a new chapter in Title 15 RCW, creating the Food Safety and Security Act, in order to protect the public from adulteration, misbranding, and false advertisement of food in intrastate commerce. Also creates a new chapter in Title 77 RCW for provisions relating to fish and shellfish labeling. In addition to administrative enforcement, misdemeanors are specified and actions may be brought to enjoin violations in Thurston County Superior Court or a court of competent jurisdiction.

**Child support**[SSB 6334](#)

Chapter 150, 2018 Laws

Court Levels: Superior

Categories: Family &amp; Juvenile, Forms

Effective Date: 6/7/18; Sections 201-401 take effect 1/1/19

Revises the economic table and removes age categories effective 1/1/19. Health care coverage provisions are amended effective 6/7/18. Self-support reserve limitation is clarified to refer to 125% of the federal poverty guideline for a one-person family effective 1/1/19.

**Private management/child welfare**[SB 6407](#)

Chapter 284, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family &amp; Juvenile, Forms

Effective Date: 7/1/2018; Sections 3, 8, 13, 20, 33, 36 and 66 take effect July 1, 2018; Sections 2, 7, 12, 19, 32, 35, and 65 expire July 1, 2018

Eliminates provisions relating to child welfare case management by private supervising agencies.

**Kinship caregiver legal support**[2SSB 6453](#)

Chapter 80, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family &amp; Juvenile

Effective Date: 6/7/2018

Authorizes the Department of Children, Youth and Families to purchase legal representation for parents or kinship caregivers of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan or secure an order establishing other relevant civil legal relationships authorized by law when necessary for the child's safety, permanency or well-being. This does not create an entitlement to legal representation nor does it create judicial authority to order the department to purchase legal representation for a parent or kinship caregiver.

**Outpatient behavioral health**[ESSB 6491](#)

Chapter 291, 2018 Laws

Court Levels: Superior

Categories: Civil, Forms

Effective Date: Sections 1-4, 6, 7, 9, 11, 12, 13 &amp; 15 – 4/1/18; Sections 5, 8, and 10 – 7/1/26; Sections 4, 7, &amp; 9 expire 7/1/26.

Expands Assisted Outpatient Mental Health Treatment to include a need for treatment related to a substance use disorder, and renames it to assisted outpatient behavioral health treatment (AOBHT). Eligibility requirements for AOBHT are reduced by eliminating the requirement that a person is unlikely to survive safely in the community without supervision and reducing the requirement of two occasions to one occasion that the person has been detained by a court for involuntary treatment during the preceding

36 months. The initial petition process for AOBHT is extended and simplified: the time for a designated crisis responder (DCR) to complete an initial AOBHT investigation is extended to 48 hours, provided that the person may not be detained for the investigation for any period longer than allowed by current law; the AOBHT petition may be filed by the DCR alone, without a declaration from a second licensed professional; the time for superior court review of the AOBHT petition is extended to within five judicial days of filing the petition; and the DCR must provide the person with a summons to the court hearing, along with designation of appointed counsel and proof of services as provided in current law. In a final hearing after a Joel's Law petition, the court may order a Designated Crisis Responder to file a petition for AOBHT. Other changes are included.

### **Juvenile offense diversion**

#### [ESSB 6550](#)

Chapter 82, 2018 Laws

Court Levels: Juvenile

Categories: Family & Juvenile, Forms, JIS

Effective Date: 6/7/18; Sec. 2 expires 7/1/19;

Sec. 3 effective 7/1/19

Authorizes a prosecutor to file or divert any complaint within the jurisdiction of juvenile court which is supported by probable cause and not subject to mandatory diversion, except that the prosecutor must file an offense which is a sex offense or violent offense other than assault 2 or robbery 2; the case of a juvenile has been referred from a diversion unit for prosecution; or the case of a juvenile who desires prosecution instead of diversion. In making a filing decision, the prosecutor may be, but is not required to be, guided by the length, seriousness, and recency of the juvenile's criminal history and the circumstances of the alleged offense. A prosecutor, juvenile court probation counselor, or diversion unit may refer a juvenile to a community-based program or restorative

justice program. A diversion agreement may exclude restitution owed to an insurance provider when calculating the actual loss incurred by a victim of the offense. A juvenile may participate in up to 20 hours of positive youth development as part of a diversion agreement.

Makes optional the requirement for members of the community to meet with a juvenile and advise the court when a juvenile is ordered to make community restitution. A juvenile's criminal records must be destroyed when the defendant reaches 18 years of age if the records consist of successfully completed diversions and counsel and release agreements, or both, which were successfully completed after the effective date of the bill, and there is no restitution owing in the case.

### **Youth discharge/homelessness**

#### [SSB 6560](#)

Chapter 157, 2018 Laws

Court Levels: Juvenile

Categories: Family & Juvenile

Effective Date: 6/7/18; Section 2 – 1/1/19

Directs the Department of Children, Youth & Families (DCYF) and Office of Homeless Youth (OHY) must jointly develop a plan, with specific state agency actions and any legislative recommendations, to ensure that, by December 31, 2020, no unaccompanied youth is discharged from a publicly funded system of care into homelessness. Publicly funded system of care is defined as the child welfare system, behavioral health system, and juvenile justice system, and OHY programs. DCYF must submit the plan to the Legislature and Governor by December 31, 2019.

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\* A = Appellate Courts; S = Superior Courts; J = Juvenile Courts; D/M = District & Municipal Courts

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