

Minority and Justice Commission Meeting



Friday, February 8th, 2019

9:00 AM – 2:00 PM



MINORITY AND JUSTICE COMMISSION

UNIVERSITY Y STUDENT CENTER
1710 MARKET STREET, ROOM 304
TACOMA, WA 98402

FRIDAY, FEBRUARY 8, 2019
9:00 A.M. – 2:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE G. HELEN WHITENER, CO-CHAIR

Teleconference: 1-720-707-2699
Passcode: 655 433 206#, after prompt for Participant ID press # again
Video Conference Link: <https://zoom.us/j/655433206>

AGENDA

CALL TO ORDER 9:00 – 9:15 a.m. (15 minutes)

- Welcome and Acknowledgement of Guests
- Approval November 30th Meeting Minutes (**PAGE 3**)

CO-CHAIRS' REPORT 9:15 – 9:30 a.m. (15 minutes)

- 2019 Supreme Court Symposium Update

PRESENTATION AND Q&A 9:30 – 11:00 a.m. (90 minutes)

- **New Hope Act (HB 1041) Update – Tarra Simmons (PAGE 10)**
- **MJC 2019 Bill Tracking (PAGE 14)**
 - HB 1086 – Increasing Public Defender Funding (**PAGE 19**)
 - HB 1282/SB 5328 – Decriminalizing DWLS 3rd Degree (**PAGE 24**)
 - HB 1495 – Creating Joint Task Force on Criminal Sentencing (**PAGE 74**)

STAFF REPORT 11:00 – 11:20 a.m. (20 minutes)

- **Staff Report – Chanel Rhymes and Michelle Bellmer**
 - Courts Engaging Communities Grant – Jury Diversity
 - Co-sponsorship requests
 - Judicial Institute – Judicial Fellows Clinic (**PAGE 77**)
 - Court Education & Interpreter Funding Task Forces (**PAGE 78**)
 - LFO Grant Update
- **Pretrial Reform Taskforce – Intisar Surur**
 - Final Report and Recommendations Update

LAW STUDENT LIAISON PROJECT UPDATE 11:20 – 12:05 a.m. (45 minutes)

- **Gonzaga University**
 - Filling the Gap: Getting to Law School as a Minority Student
- **University of Washington**
 - Amplifying Stories: Community Perceptions of the Judicial System/Process
- **Seattle University**
 - Courts of Color for Communities of Color (**PAGE 84**)

BREAK 12:05 – 12:20 p.m.

COMMITTEE REPORTS & WORKING LUNCH 12:20 – 2:00 p.m. (100 minutes)

- **Tribal State Court Consortium – Judge Lori K. Smith** 12:20 – 12:30 p.m.
- **Jury Diversity Task Force – Judge Steve Rosen** 12:30 – 12:45 p.m.
 - Proposed legislation RCW 2.36.010 **(PAGE 90)**
- **Workforce Diversity Committee – Judge Veronica Alicea-Galván** 12:45 – 1:05 p.m.
 - Update: Seattle hosting National Consortium on Race and Ethnic Fairness in the Courts Conference
- **Education Committee – Justice Debra Stephens and Judge Lori K. Smith** 1:05 – 1:25 p.m.
 - Judicial College: January 27-February 1, 2019, Heathman Lodge, Vancouver, WA
 - *Emerging Through Bias: Towards a More Fair and Equitable Courtroom*
Faculty: Judge Veronica Alicea-Galván and Judge G. Helen Whitener
 - Appellate Judges' Spring Program: March 24 – 27, 2019, Alberbrook, Union, WA
 - *Judicial Writing in the 21st Century: Culturally Informed Opinions in an Increasingly Diverse Society*
Faculty: TBD
 - County Clerk's Spring Program: March 17th – 19th, Leavenworth, WA
 - *Poverty Simulation*
 - Annual Judicial Conference: September 22 – 25, 2019, The Heathman Lodge, Vancouver, WA
 - *Managing Immigrant Families and Non-English Speakers in Family Law: What Judges Need to Know & What You Can Do – IFJC & MJC (Not Selected) (PAGE 91)*
 - *Surviving the Big Waive: a look at how courts can and must respond to defendants' legal right to readdress legal financial obligations (LFOs) – MJC (PAGE 95)*
 - *Equal Justice Overview: Youth, the Eighth Amendment & the Law – MJC and GJ (PAGE 99)*
 - *Pre-Trial Justice: Bail, Risk Assessments, and Reforms – MJC and GJ (PAGE 103)*
- **Juvenile Justice Committee – Annie Lee and Asst. Chief Adrian Diaz** 1:25– 1:45 p.m.
 - Equal Justice Overview: Youth, the Eighth Amendment and the Law
 - Juvenile Justice Accreditation Program
- **Outreach Committee – Lisa Castilleja and Judge Michael Diaz** 1:45 – 2:00 p.m.
 - The Dignity, Fairness, and Respect PSA Update

Next MJC meeting: Friday, April 5th, 2019, 9:00 am – 2 pm, SeaTac, WA

Please complete, sign, and mail your travel reimbursement forms to Commission staff.



**Washington State Minority and Justice Commission
(WSMJC)**
Friday, November 30th, 2018
8:45 a.m. – 2:00 p.m.
AOC SeaTac Office
18000 International Blvd., Suite 1106, SeaTac, WA
Teleconference: 1-877-820-7831
Passcode: 358515#



MEETING NOTES

Commission Members Present

Justice Mary I. Yu, Co-chair
Judge Helen Whitener, Co-chair
Judge Veronica Alicea-Galván
Judge Lisa Atkinson (phone)
Professor Lorraine Bannai (phone)
Mr. Jeffrey Beaver
Judge Johanna Bender (phone)
Ms. Ann Benson
Ms. Diana Bob
Professor Robert C. Boruchowitz (emeritus)
(phone)
Ms. Lisa Castilleja (phone)
Judge Linda Coburn
Ms. Grace Cross
Ms. Theresa Cronin (phone)
Assistant Chief Adrian Diaz
Judge Mike Diaz
Judge Lisa Dickinson (phone)
Judge Theresa Doyle
Professor Jason Gillmer
Mr. Anthony Gipe
Judge Bonnie Glenn
Ms. Kitara Johnson
Ms. Anne Lee
Judge LeRoy McCullough
Ms. Karen Murray
Ms. P. Diane Schneider (emeritus)
Judge Lori K. Smith
Mr. Travis Stearns
Justice Debra Stephens
Ms. Katherine Svoboda
Ms. Lisa van der Lugt (phone)

Guests

Ms. Esperanza Barboa – ATJ Liaison
Ms. Carolyn Cole
Ms. Callie Dietz
Representative Drew Hansen
Ms. Angela Jones
Mr. LaVonne Jones
Ms. Elly Krumwiede – Library Liaison
Ms. Kimberly Morrison
Ms. Dory Nicpon
Judge Steve Rosen
Ms. Dawn Marie Rubio
Ms. Tarra Simmons
Ms. Amanda Stephen
Mr. Joshua Treybig
Ms. Jessica Tsao

Student Liaisons Present

Ms. Maddisson Alexander
Ms. Lia Baligod
Ms. Tran Dinh
Ms. Ester Garcia
Mr. John Sather Gowdy
Ms. Briana Ortega

AOC Staff Present

Ms. Mary Lou Boles
Ms. Cynthia Delostrinos
Mr. Curtis Dunn
Ms. Chanel Rhymes
Ms. Andrea Valdez (phone)

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

The meeting notes from the September 28th, 2018 Commission meeting were approved with the following changes to the listed attendees: P. Diane Schneider, Dean Jacob Rooksby, and Anthony Gipe.

CO-CHAIRS REPORT

Recap of Commission Meeting in Spokane – Judge Helen Whitener

Judge Whitener re-capped the last Commission meeting in Spokane. Community members from Spokane presented to the Commission plans for a new Carl Maxey Center, a multicultural center supported by Spokane Community Against Racism (SCAR).

- Mr. Curtis Hampton, attending as a guest, asked why cases are postponed and questioned the impact of postponed cases on community members. A motion was made to have the Commission look into the issue.
- Justice Yu suggested resurrecting a research committee to see if the Washington Court Research team had already done a study on the impact of postponed cases.

ACTION: Motion to approve was made by Judge McCullough and seconded by Ms. Johnson for the Commission to investigate the impact of postponed cases on community members. The motion passed unanimously.

Supreme Court Symposium – Justice Mary Yu

Justice Yu proposed that the annual Supreme Court Symposium address artificial intelligence and how it impacts minority populations.

- It has been proven that artificial intelligence is not always accurate and may misinterpret skin complexion and vocal accents. This creates a high margin of error when analyzing people of color, causing racial disproportionality.
- Darker skin and accents make it harder for artificial intelligence to generate accurate facial and voice detection.

ACTION: Justice Yu requested volunteers to help plan and gather research for the symposium.

PRESENTATIONS & REMARKS

New Hope Act – Ms. Tarra Simmons and Rep. Drew Hansen

Ms. Simmons and Rep. Hansen gave a presentation on a bill entitled the New Hope Act which will:

- Streamline the process for obtaining a certificate of discharge.
- Make it easier for people to vacate certain misdemeanors.
- Make it possible to vacate some of the most commonly charged felonies.

When the bill was introduced, Ms. Simmons discussed the skepticism from some members of the legislature due to the amount of time a person would need before they would be eligible to vacate their charges. In addition, she also highlighted the disproportional racial and poverty impact from this, specifically for women of color and victims of domestic violence.

The bill also highlights the difficulty of paying court fees if a person is unable to vacate their criminal record. Ms. Simmons mentioned that there are numerous people eligible for financial relief, but there are not enough lawyers to assist them.

ACTION: Justice Yu proposed submitting a letter of support from the Minority and Justice Commission. Rep. Hansen said a bill number would be created by Tuesday 12/4/18 and they will reach out to the Minority and Justice Commission once they are ready to receive the letter.

LAW STUDENT LIAISON PRESENTATIONS

Gonzaga Proposal:

Filling the Gap: Getting to Law School as a Minority Student – Ms. Briana Ortega

Purpose: To bridge the gap in educating undergraduate minority students on how to get into law school.

- Offer four to five discussion sessions during the Spring 2019 semester to create relationships between undergraduate students and pre-law advisors, and to educate them about obtaining and funding a law school degree.
- Will focus on Gonzaga students and then reach out to Eastern Washington University and Spokane Falls Community College.
- Will offer coffee and snacks to encourage undergraduate students to attend the sessions.
- Plans on asking lawyers and judges to participate and discuss the various types of jobs within the legal field.

The cost of the project is \$1,490 and most of the money will be spent on providing food during the sessions.

ACTION: Motion to approve was made by Judge McCullough and seconded by Judge Coburn. The motion passed unanimously.

University of Washington Proposal:

Amplifying Stories: Community Perceptions of the Judicial System/Process – Ms. Maddisson Alexander and Ms. Ester Garcia

Purpose: Highlight perceptions that people have about the criminal and civil judicial system.

- Utilize two discussion groups to gather community perceptions of the criminal and civil judicial system.
- Will capture those perceptions to inspire a mural that will permanently be displayed in the community.
- In the process of securing a local artist through Art of Resistance and Resilience.
- Coordinate a showcase event to present the mural and publish the graphic recording in different community newspapers such as the UW Daily, La Raza del Noroeste, Black Lens, Asian Weekly, The Stranger, and Seattle Times.

Mr. Beaver suggested that the student liaisons contact Rick T. Williams who is a local woodcarver and artist.

The cost of the project is \$1,000 which will cover food expenses for the discussion groups, artist compensation and materials for the showcase event.

ACTION: Motion to approve was made by Judge Coburn and seconded by Judge Alicea-Galván. The motion was unanimously approved, with the suggestion of increasing the project cost to \$1,500 in order to increase the artist compensation.

Seattle University Proposal:

Changing the Face of the Judiciary – Ms. Lia Baligod, Ms. Tran Dinh, Ms. Alyssa Garcia, and Ms. Beverly Tsai

Purpose: Educate the community about voting and the judiciary in Washington State by highlighting judges and WSMJC members through published articles in local newspapers and magazines.

Phase 1: Article

- Publish a spotlight feature in various community newspapers about a current judge that contributes to improving diversity in the legal community. Also to discuss community involvements, roles in the judiciary, and the process of becoming a judge.

Phase 2: Reception at Seattle University of Law on 3/14/19

- Anyone interested within the community will be welcome to attend.
- Will co-sponsor with various student groups that support racial diversity.
- Purpose of reception is to introduce judges that are underrepresented in the judicial system, to discuss their roles, and how they became judges.
- Provide networking opportunity for judges, students, and community members.

Judge Coburn stated that most newspapers will not easily accept a non-staff written freelance piece without a strong hook. Justice Yu shares Judge Coburn's concern about the lack of impact of community newspapers. She suggested creating a Twitter or Facebook page to easily share their content with a broader audience.

Judge Alicea-Galván suggested a new medium such as a podcast, to easily grab the attention of a larger community.

Judge Whitener pointed out that numerous commission members did not agree with newspapers being the primary medium for this project. She also stated that the cost associated with newspaper subscriptions may deter people of color from accessing their content.

The cost of this project is \$435.25 which will cover the food expenses for the reception.

Justice Yu suggested that the student group refine their proposal given the feedback from the commission.

ACTION: The Seattle University liaisons will meet and consider the comments and refine their proposal with the hope of providing a presentation to the commission members at the next Commission meeting.

STAFF REPORT

Update on LFO Grant – Ms. Cynthia Delostrinos

- As the Commission may recall, the 2018 Symposium was on the topic of LFOs. The video-recording and the written materials are available on the MJC's website. There is a report with preliminary data on LFOs that was compiled by Joel McAllister and there is also a PowerPoint presentation by Dr. Alexes Harris which includes new data on racial disproportionality.
- As part of the DOJ grant, staff are currently compiling surveys to different stakeholder groups that will enable us to gather information on LFO practices across the state.
- The LFO Calculator is being piloted with ten judges across the state.
- Preliminary data is showing that the LFO Calculator is significantly reducing the amount of LFOs imposed on individuals based on ability to pay.
- Judge Coburn has been conducting a series of workshops with public defenders on how to use the LFO Calculator.
- We have plans to continue to spread awareness and increase usage of the LFO Calculator.

Justice Debra Stephens suggested coordinating with the deans at Judicial College to share information about the LFO Calculator, especially during segments involving criminal sentencing.

Courts Engaging Communities Grant – Ms. Chanel Rhymes

- Ms. Rhymes is currently waiting to hear back from the National Center for State Courts on the Jury Diversity Grant proposal that was submitted in August.
- Ms. Rhymes helped coordinate and host a training on Participatory Defense on November 10-11, 2018. The training was based on a community organizing model to educate participants and their families on how to impact the outcomes of cases and transform the landscape of power in the courtroom during the pretrial stage.

COMMITTEE REPORTS

Jury Diversity Task Force Report – Judge Steve Rosen

The Jury Diversity Task Force is finalizing their report and recommendations for the Commission. Some of the initiatives to improve jury diversity statewide that they were considering include:

- Recommending that courts use a one-step summons process where the summons and jury eligibility questionnaire are combined.
- Sending text/email reminders, increasing juror compensation, and providing childcare support for jurors.
- Providing tax write-offs or some form of employee compensation to easily allow jurors to fulfill their duty without fear of repercussions from missing work.
- Allowing ex-felons in good standing to serve on juries.

Judge Rosen discovered a problem while seeking information from his court. In King and Pierce counties, the juror source lists are reporting higher numbers of participants than the actual number of eligible jurors. For example, 1.9 million jurors are reported in King County but only 1.7 million people are over 17 years old. A similar problem is present in Pierce County. Judge Rosen and Chris Gaddis were going to review why the numbers are inflated. They are working with a professor to review the demographics in Pierce and King Counties.

Justice Yu asked what the timeline was for collecting and reviewing the data. Judge Rosen stated 2-6 months should be enough time if they are given additional support from the AOC. Judge Bender was asked to help co-chair the Task Force moving forward.

ACTION: Chanel Rhymes and Cynthia Delostrinos volunteered to assist with reviewing the juror eligibility data.

ACTION: Justice Yu asked if the Law Library could assist us in researching alternative ways that juror summons could be provided to jurors.

Pre-Trial Reform Task Force – Ms. Andrea Valdez

- The Minority and Justice Commission, Superior Court Judges' Association, and District and Municipal Court Judges' Association came together in July 2017 to convene the Pretrial Reform Task Force. The goal of this Task Force is to examine current pretrial practices in Washington and develop consensus-driven recommendations for jurisdictions to improve their pretrial systems in order to reduce incarceration.
- Three subcommittees and workgroups are addressing the following areas of focus: pretrial services, pretrial risk assessment, and data collection. This effort will conclude in January 2019, with a report and recommendations made available to the public.

Juvenile Justice Committee – Judge LeRoy McCullough

The committee is currently focusing on the following projects:

- Spring 2019 Webinar focusing on the exercise of judicial discretion and sentencing disproportionality.
- Building a curriculum for an accreditation program for judges and court staff that work in juvenile courts.
 - Request to build a work group to help with curriculum content.
 - Planning to offer first educational session at Fall 2019 Judicial Conference.
 - Work with youth partners to develop relevant content and language suitable for juveniles.

Education Committee – Justice Debra Stephens and Judge Lori Kay Smith

- The committee was not successful in getting programs onto the DMCJA and SCJA Spring Conferences. The two that were not selected were Managing Immigrant Families and Legal Financial Obligations because the content strayed from the main theme (mental health) of the Superior Court Judge's Spring Program.

Tribal State Court Consortium – Judge Lori Kay Smith

- The Tribal State Court Consortium is working on a proposal for a project that will address the enforcement of tribal court protection orders. They are looking to hire a part-time staff to support the work of the Consortium and the project.
- They also proposed a regional meeting that could be held at Temple of Justice, inviting one of the nearby tribal courts to co-host with the Supreme Court.

Outreach Committee – Judge Michael Diaz

- Judge Diaz recommended that the Outreach Committee assist with Justice Yu's prior request for a research committee.
- Currently moving forward with PSA which is in the production stages.
- Attended the Tri-Cities Youth and Justice Forum and highlighted a youth led presentation called *Jenny Did What*, a skit and discussion forum that revolved around cyber bullying.

Judge Whitener requested that the Outreach Committee come up with ways to document their efforts. Facebook, event updates, and including law library information on their website was suggested.

Workforce Diversity Committee – Judge Bonnie Glenn

The committee is putting together a proposal for the Commission to host a future National Consortium on Race and Ethnic Fairness in the Courts Conference.

They will also create materials and begin planning for the following projects:

- Gavel Gap Reception
- Prison Privatization
- Judges of Color Directory

The meeting was adjourned at 2:00 p.m.

NEXT COMMISSION MEETING:		
Friday, February 8th, 2019	9:00 a.m. – 2:00 p.m.	University of Washington (Tacoma Campus)

New Hope Act

Promote fairness, opportunity, and safety by supporting HB 1041

We believe that everyone deserves a second chance.

After a person pays their debt to society, they should have the opportunity to rebuild their life.

However, it is hard for people to successfully re-enter society and become contributing members of their community. Long after a person has completed their sentence, their criminal convictions can continue to punish them, denying them opportunities for housing, employment, education, and even volunteering at their child's school. The effects of incarceration are far reaching, negatively impacting families, communities, and the economy.

The New Hope Act will help change this.

Washington state has long allowed people with criminal convictions who have gone years without offending to "vacate" their charges, effectively erasing them from their record.

The New Hope Act (HB 1041) takes several important steps to reduce barriers and help people re-enter by:



-Improving the procedure for certifying sentence completion (i.e. obtaining a Certificate of Discharge);

-Promoting fairness by allowing multiple misdemeanors to be vacated, just as multiple felonies can be vacated;

-Allowing additional felony offenses to be vacated, within the discretion of the court, when rehabilitation has been demonstrated by a lengthy period without any new offense.*



I am the mom of an 11 year old boy and a student of the Evergreen State College in Olympia, pursuing a Master's in Public Administration.

Seven years ago, I went to prison for drug-related charges. While inside, I worked hard to improve myself and was released early on good behavior.

After my release from prison, my son and I moved to Olympia. I enrolled in school and found a job and housing. While my son and I are doing okay, I still worry about how the criminal charges on my record might impact our futures. So many routine things in life require a background check. If I ever wanted to find a new apartment or a new job, I could easily be denied because of my history.

Right now, my background is holding me back from volunteering at my son's school. My son is autistic, and it would mean a world of difference for both of us if I were allowed to spend a few hours at his school with him each week.

If I could get my criminal charges vacated, I would have more peace of mind about housing and employment opportunities, and I would be able to play a more active role in my son's education. If the New Hope Act was passed, I could continue to focus on my future without worrying about my past.

-Carolina L., Olympia

People who have proven they can be law abiding members of society deserve a chance to start over.

Help us create a more just and vibrant Washington with the New Hope Act.

**Call your lawmakers in Olympia and tell them to support HB 1041!
Legislative Hotline: 1-800-562-6000**



*Felony convictions cannot be vacated if the offense was a violent offense, a crime against other persons, or a felony DUI. The New Hope Act amends this to allow a person to apply to vacate Assault in the second degree and Assault in the third degree when not committed against a law enforcement officer or peace officer, or Robbery in the second degree, so long as those offenses do not include a firearm, deadly weapon, or sexual motivation enhancement.

We believe in the importance of investing in families and communities.

Help us make the New Hope Act a reality.





2019 LEGISLATIVE ISSUES

New Hope Act (HB 1041)

The effects of a criminal record are far reaching, negatively impacting children and families, communities, and the economy. The New Hope Act will help change this by improving the procedure for certifying sentence completion, promoting fairness by allowing multiple misdemeanors to be vacated just as certain felony records are, and by allowing additional felony offenses to be vacated, within the discretion of the court, when rehabilitation has been demonstrated by a lengthy period without any new offense.

Civil Justice Reinvestment Plan

Currently, there is no statewide project addressing the civil legal needs of people returning from incarceration. This population faces the most complex legal needs. When the needs are left unaddressed, it perpetuates cycles of poverty and incarceration. The Civil Justice Reinvestment Plan will help by creating a statewide reentry advocacy project that will help people enforce their rights on issues such as LFOs, employment, housing, family reunification, and obtaining a Certificate of Restoration of Opportunity (CROP) to pursue professional licenses. The legislature should fully fund this important budget request.

Decriminalize DWLS3 (HB 1282, SB 5328)

DWLS3 is the most commonly charged crime in Washington State. Typically, a DWLS3 charge occurs when a driver receives a ticket for a moving violation (such as speeding or rolling through a stop sign) and does not comply with deadlines to pay the ticket or appear in court to contest it. The failure to pay or appear leads to license suspension, and if the person is later stopped while driving, a DWLS3 charge may be filed. Suspending licenses for failing to comply with moving violations and then charging drivers with the crime of DWLS3 is counterproductive.

Many people charged with DWLS3 have, due to poverty, simply struggled to pay tickets and associated late charges which quickly escalate. These people typically need to keep driving to get to work, pick up kids, attend medical appointments, etc., especially in areas with limited public transportation options. Rather than suspend their license and saddle them with criminal charges that can impact employment and housing, civil enforcement mechanisms provide accountability at lower cost to taxpayers.

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2019 LEGISLATIVE ISSUES

Expansion of FOSA-CPA (SB 5291)

Washington's sentencing alternatives for parents have proven to be effective in supporting successful reunification of families, however, the majority of parents in our system are not eligible for the alternatives under the current law. Many of these parents would benefit from the intensive parenting curriculum and other supports provided by the alternatives to strengthen their familial relationships and reduce their likelihood of returning to prison.

Rental Housing Discrimination

Access to safe and stable housing is a major barrier facing people re-entering after incarceration in Washington. We support legislation that would create a framework to address arbitrary rental housing discrimination against people with criminal records. There is currently no state law guidance for landlords or applicants regarding renting to people with prior arrests or convictions.

Restore Voting Rights (SB 5076)

Automatically restores the right to vote as soon an individual is released from incarceration.

Volunteering in Children's School

Children suffer when their parents aren't allowed to visit their schools and participate in their education. Currently, school districts across the state have no uniform policy to address involvement by parents with a criminal record. The legislature should allow parents who have shown rehabilitation to volunteer in their child's classroom and attend field trips.

Issue WA State identification Prior to Exiting Incarceration

We support efforts by the Department of Corrections, Department of Licensing, Juvenile Rehabilitation Administration and other agencies to continue to expand a successful statewide pilot and issue Washington state identification for individuals upon release. The issuance of state identification will help eliminate unnecessary barriers to reentry and improve access to housing and employment.

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Bill No.	Bill Name	Description	Status
HB 1086	Increasing appropriated funding for public defense services	<ul style="list-style-type: none"> • Phases in state reimbursement of county and city public defense costs by 2029. • Requires the Office of Public Defense (OPD) to disburse appropriated funds, establish policies for the distribution of funds, and monitor trial-level public defense services to determine eligibility for reimbursement. • Repeals the county formulas for the OPD public defense services grant program. 	H-Appropriations
HB 1041	Certificates of discharge	<ul style="list-style-type: none"> • Establishes the New Hope Act. Promotes successful reentry by modifying the process for obtaining certificates of discharge and vacating conviction records for an offender who has completed all conditions of his or her sentence. • Expands eligibility criteria for vacating criminal convictions. 	H-Public Safety 01/31/2019 08:00 Executive
HB 1495	Establishing the joint legislative task force on criminal sentencing	<ul style="list-style-type: none"> • Establishes the Joint Legislative Task Force on Criminal Sentencing for the purpose of reviewing sentencing laws and making recommendations to the Governor and the Legislature. 	
HB 1282	Concerning driver's license suspensions and revocations	<ul style="list-style-type: none"> • Decriminalization of DWLS 3rd Degree 	H- Transportation
HB 1246	Including referred and diverted youth in establishing community juvenile accountability program guidelines	<ul style="list-style-type: none"> • Expands community juvenile accountability program (CJAP) funding to include youth referred to programs who would have been diverted or prosecuted in the absence of that program. • Requires the Department of Children, Youth, and Families (DCYF) to implement a stop loss policy for CJAP funding so that no county may lose more than 2 percent from one year to the next. • Requires the DCYF to provide an annual report on CJAP funding and a one-time report on funding provided to counties for referred youth. 	H-H Svcs & Erly – Executive Session

Bill No.	Bill Name	Description	Status
HB 1434	Noncriminal youth detention	Eliminates the use of the valid court order exception to place youth in detention for noncriminal behavior	HH Svcs & Erly 02/01/2019 08:00 Public
HB 1646	Concerning confinement in juvenile rehabilitation facilities	<ul style="list-style-type: none"> Provides that juveniles adjudicated as adults should be served and housed within the facilities of the juvenile rehabilitation administration up until age twenty-five. 	HH Svcs & Erly
SB 5433	Providing postsecondary education opportunities to enhance public safety	<ul style="list-style-type: none"> Clarifies the Legislature's intent to support the use of secure Internet connections expressly for the purposes of furthering postsecondary education degree opportunities and training of incarcerated adults. Allows the Department of Corrections (DOC) and the State Board of Community and Technical Colleges (SBCTC) to conduct and offer appropriate postsecondary education degree programs. Clarifies that all incarcerated adults are eligible to receive a postsecondary education degree, regardless of sentence type or length of incarceration. Requires DOC, the SBCTC, and the Office of the Chief Information Officer to submit a report to the Governor and the appropriate committees of the Legislature by December 1, 2019, outlining the barriers and costs associated with, as well as a plan for implementing secure Internet connections for the purpose of postsecondary education and training of incarcerated individuals. 	S-Human Svcs, Reentry & Rehab – Executive Session

Bill No.	Bill Name	Description	Status
SB 5182	Concerning juvenile record sealing	<ul style="list-style-type: none"> • Eliminates contested sealing hearings for juvenile court records, making sealing automatic if the juvenile has turned eighteen years old, completed supervision, and fully paid restitution owed to individual victims. • Allows a juvenile to apply to have a court record sealed upon providing proof of payment of restitution and other requirements. 	S-Human Svcs
SB 5080	Concerning earned release time and graduated reentry for educational participation and achievement for certain offenders	<ul style="list-style-type: none"> • Grants incarcerated individuals earned release time for attendance, participation, and completion of basic education. • Expands the Department of Corrections graduated reentry program to include educational enrollment, and finding and furthering educational opportunities in the community, or both. 	S-Human Svcs, Reentry & Rehab
SSB 5027	Extreme risk protection orders	<ul style="list-style-type: none"> • Revises the extreme risk protection order act regarding: Penalties for previous convictions; age of respondent and appointment of a guardian ad litem; proceedings in juvenile court; sealing court records of a person under eighteen years old; a parent's or guardian's obligation to secure firearms. • The development and preparation, by the administrative office of the courts, of a standard petition and order form for an extreme risk protection order and an informational brochure. 	S-Law & Justice

Bill No.	Bill Name	Description	Status
SB 5098	Increasing appropriated funding for public defense services	<ul style="list-style-type: none"> • Phases in state reimbursement of county and city public defense costs by 2029. • Requires the Office of Public Defense (OPD) to disburse appropriated funds, establish policies for the distribution of funds, and monitor trial-level public defense services to determine eligibility for reimbursement. • Repeals the county formulas for the OPD public defense services grant program. 	S-Law & Justice
SB 5328	Concerning driver's license suspensions and revocations	<ul style="list-style-type: none"> • Decriminalization of DWLS 3rd Degree 	S-Law & Justice
SB 5288	Sentencing for persistent offenders	Requires an offender to have a resentencing hearing, in a criminal case where he or she has been sentenced as a persistent offender, if a current or past conviction for assault or robbery in the second degree was used as a basis for the finding that the offender was a persistent offender.	S-Law & Justice
SB 5290	Noncriminal youth detention	<ul style="list-style-type: none"> • Eliminates the use of the valid court order exception to place youth in detention for noncriminal behavior. 	S-Human Svcs
SB 5291	Creating alternatives to total confinement for certain qualifying persons with minor children	<ul style="list-style-type: none"> • Addresses eligibility requirements of offenders for the parenting sentencing alternative. 	S-Human Svcs

Bill No.	Bill Name	Description	Status
SB 5700	Concerning the release of juveniles in the custody of juvenile rehabilitation	<ul style="list-style-type: none"> Amends statute to provide that the secretary shall work with each person in its custody, and the family of any juvenile under the age of eighteen, to establish a safe release plan into safe and stable housing. 	S-Human Svcs
SB 5351	Juvenile sex offense registry	<ul style="list-style-type: none"> Provides eligibility for a juvenile offender who is eligible for the special sex offender disposition alternative in certain circumstances. Requires the court, upon adjudication of the offense for which the disposition alternative is considered, to order the offender to register as a sex offender. 	S-Human Svcs
SB 5429	Referred and diverted youth	<ul style="list-style-type: none"> Requires the Department of Children, Youth & Families (DCYF) to allow proposals to receive Community Juvenile Accountability Program (CJAP) funds to be submitted to support programs for youth who are referred to the program by law enforcement rather than being formally diverted or charged within the juvenile justice system. Requires DCYF to implement a stop loss policy preventing a funding shift of more than two percent of CJAP funds away from a single county within a single year. Requires DCYF to report to the Legislature regarding the use of CJAP funds. 	S- Rules 2
SB 5640	Youth courts	<ul style="list-style-type: none"> Expands jurisdiction of youth courts to include transit infractions and civil infractions (in addition to traffic infractions) and changes minimum age from sixteen to twelve years old. 	S- Human Svcs
SB 5076	Allowing persons complying with conditions of community custody to be registered to vote	<ul style="list-style-type: none"> Allows any person who is no longer confined in a Department of Corrections facility to register to vote. 	S- State Gvrmnt, Tribal Relations & Elections

HOUSE BILL 1086

State of Washington

66th Legislature

2019 Regular Session

By Representatives Chapman, Harris, Goodman, Gregerson, Appleton, Vick, Frame, Kilduff, Walsh, Blake, Jenkins, Valdez, Ryu, Tharinger, Doglio, Senn, and Leavitt

Prefiled 01/08/19. Read first time 01/14/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to public defense services; amending RCW
2 10.101.050 and 10.101.060; adding a new section to chapter 10.101
3 RCW; and repealing RCW 10.101.070 and 10.101.080.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.101.050 and 2005 c 157 s 3 are each amended to
6 read as follows:

7 (1) The Washington state office of public defense shall disburse
8 appropriated funds to counties and cities for the purpose of
9 improving the quality of public defense services. (~~Counties may~~
10 ~~apply for up to their pro rata share as set forth in RCW 10.101.060~~
11 ~~provided that counties conform to application procedures established~~
12 ~~by the office of public defense and improve the quality of services~~
13 ~~for both juveniles and adults. Cities may apply for moneys pursuant~~
14 ~~to the grant program set forth in RCW 10.101.080.))~~

15 (2) In order to receive appropriated funds under RCW 10.101.060,
16 each ~~((applying))~~ county or city must:

17 (a) Require that attorneys providing public defense services
18 attend training approved by the office of public defense at least
19 once per calendar year ~~((. Each applying county or city shall))~~;

20 (b) Report the expenditure for all public defense services in the
21 previous calendar year, as well as case statistics for that year,

1 including per attorney caseloads, and shall provide a copy of each
2 current public defense contract to the office of public defense
3 (~~with its application. Each individual or organization that~~
4 ~~contracts to perform public defense services for a county or city~~
5 ~~shall report to the county or city~~);

6 (c) Provide documentation that attorneys providing public defense
7 services are in compliance with the Washington supreme court
8 standards for indigent defense; and

9 (d) Collect hours billed for nonpublic defense legal services in
10 the previous calendar year, including number and types of private
11 cases, from each individual or organization that contracts to perform
12 public defense services.

13 NEW SECTION. Sec. 2. A new section is added to chapter 10.101
14 RCW to read as follows:

15 (1) All funds appropriated for the cost of public defense
16 services in cities and counties as specified in RCW 10.101.050 must
17 be appropriated in the following manner:

18 (a) Beginning in fiscal year 2020, the state shall appropriate
19 funds for not less than ten percent of the cost of public defense
20 services;

21 (b) In fiscal year 2021, the state shall appropriate funds for
22 not less than twenty percent of the cost of public defense services;

23 (c) In fiscal year 2022, the state shall appropriate funds for
24 not less than thirty percent of the cost of public defense services;

25 (d) In fiscal year 2023, the state shall appropriate funds for
26 not less than forty percent of the cost of public defense services;

27 (e) In fiscal year 2024, the state shall appropriate funds for
28 not less than fifty percent of the cost of public defense services;

29 (f) In fiscal year 2025, the state shall appropriate funds for
30 not less than sixty percent of the cost of public defense services;

31 (g) In fiscal year 2026, the state shall appropriate funds for
32 not less than seventy percent of the cost of public defense services;

33 (h) In fiscal year 2027, the state shall appropriate funds for
34 not less than eighty percent of the cost of public defense services;

35 (i) In fiscal year 2028, the state shall appropriate funds for
36 not less than ninety percent of the cost of public defense services;

37 (j) In fiscal year 2029 and thereafter, the state shall
38 appropriate funds for not less than one hundred percent of the cost
39 of public defense services.

1 (2) (a) The office of public defense shall determine "the cost of
2 public defense services" annually, based on an average of the actual
3 expenditures for public defense services reported by counties and
4 cities for the previous two years.

5 (b) Counties and cities shall annually provide information on the
6 actual expenditures for public defense services to the office of
7 public defense.

8 **Sec. 3.** RCW 10.101.060 and 2005 c 157 s 4 are each amended to
9 read as follows:

10 (1) ~~((a))~~ Subject to the availability of funds appropriated for
11 this purpose, the office of public defense shall disburse to
12 ~~((applying))~~ all counties and cities that meet the requirements of
13 ~~((RCW 10.101.050))~~ this chapter designated funds under this chapter
14 on a pro rata basis pursuant to the formula set forth in ~~((RCW~~
15 ~~10.101.070 and shall disburse to eligible cities, funds pursuant to~~
16 ~~RCW 10.101.080))~~ subsection (3) of this section. Each fiscal year for
17 which it receives state ~~((funds))~~ reimbursement under this chapter, a
18 county or city must document to the office of public defense that it
19 is meeting the standards for provision of indigent defense services
20 as endorsed by the Washington state bar association ~~((or that the~~
21 ~~funds received under this chapter have been used to make appreciable~~
22 ~~demonstrable improvements in the delivery of public defense services,~~
23 ~~including the following:~~

24 ~~(i) Adoption by ordinance of a legal representation plan that~~
25 ~~addresses the factors in RCW 10.101.030. The plan must apply to any~~
26 ~~contract or agency providing indigent defense services for the county~~
27 ~~or city;~~

28 ~~(ii) Requiring attorneys who provide public defense services to~~
29 ~~attend training under RCW 10.101.050;~~

30 ~~(iii) Requiring attorneys who handle the most serious cases to~~
31 ~~meet specified qualifications as set forth in the Washington state~~
32 ~~bar association endorsed standards for public defense services or~~
33 ~~participate in at least one case consultation per case with office of~~
34 ~~public defense resource attorneys who are so qualified. The most~~
35 ~~serious cases include all cases of murder in the first or second~~
36 ~~degree, persistent offender cases, and class A felonies. This~~
37 ~~subsection (1) (a) (iii) does not apply to cities receiving funds under~~
38 ~~RCW 10.101.050 through 10.101.080;~~

1 ~~(iv) Requiring contracts to address the subject of compensation~~
2 ~~for extraordinary cases;~~

3 ~~(v) Identifying funding specifically for the purpose of paying~~
4 ~~experts (A) for which public defense attorneys may file ex parte~~
5 ~~motions, or (B) which should be specifically designated within a~~
6 ~~public defender agency budget;~~

7 ~~(vi) Identifying funding specifically for the purpose of paying~~
8 ~~investigators (A) for which public defense attorneys may file ex~~
9 ~~parte motions, and (B) which should be specifically designated within~~
10 ~~a public defender agency budget.~~

11 ~~(b) The cost of providing counsel in cases where there is a~~
12 ~~conflict of interest shall not be borne by the attorney or agency who~~
13 ~~has the conflict)).~~

14 (2) The office of public defense shall monitor trial level
15 criminal public defense services to determine eligibility of counties
16 and cities to receive state funds under this chapter. If a
17 determination is made that a county or city receiving state funds
18 under this chapter did not substantially comply with this section,
19 the office of public defense shall notify the county or city of the
20 failure to comply and unless the county or city contacts the office
21 of public defense and substantially corrects the deficiencies within
22 ninety days after the date of notice, or some other mutually agreed
23 period of time, the county's or city's eligibility to continue
24 receiving funds under this chapter is terminated. If an applying
25 county or city disagrees with the determination of the office of
26 public defense as to the county's or city's eligibility, the county
27 or city may file an appeal with the advisory committee of the office
28 of public defense within thirty days of the eligibility
29 determination. The decision of the advisory committee is final.

30 (3) (a) The moneys under RCW 10.101.050 shall be distributed to
31 each county and city determined to be eligible under this section by
32 the office of public defense.

33 (b) The office of public defense shall establish policies for the
34 distribution of appropriated funds to eligible counties and cities.

35 NEW SECTION. Sec. 4. The following acts or parts of acts are
36 each repealed:

37 (1) RCW 10.101.070 (County moneys) and 2005 c 157 s 5; and

1 (2) RCW 10.101.080 (City moneys) and 2007 c 59 s 1 & 2005 c 157 s
2 6.

--- END ---

HOUSE BILL 1282

State of Washington

66th Legislature

2019 Regular Session

By Representatives Reeves, Valdez, Gregerson, Pellicciotti, Frame, Fey, Robinson, Ortiz-Self, Stonier, Lovick, Kilduff, Pettigrew, Riccelli, Wylie, Appleton, Stanford, Santos, Bergquist, Jinkins, Kloba, Leavitt, Ormsby, and Pollet

Read first time 01/18/19. Referred to Committee on Transportation.

1 AN ACT Relating to driver's license suspensions and revocations;
2 amending RCW 46.20.289, 46.20.291, 46.20.341, 46.20.342, 10.37.015,
3 46.20.005, 46.20.391, 46.55.113, 46.63.020, 46.63.110, and 46.64.025;
4 reenacting and amending RCW 10.31.100; adding a new section to
5 chapter 46.20 RCW; prescribing penalties; and providing an effective
6 date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 46.20.289 and 2016 c 203 s 6 are each amended to
9 read as follows:

10 (1) The department shall suspend all driving privileges of a
11 person: (a) When the department receives notice from a court under
12 RCW ((46.63.070(6), 46.63.110(6), or)) 46.64.025 that the person has
13 ((failed to respond to a notice of traffic infraction for a moving
14 violation, failed to appear at a requested hearing for a moving
15 violation, violated a written promise to appear in court for a notice
16 of infraction for a moving violation, or has)) failed to comply with
17 the terms of a ((notice of traffic infraction,)) criminal
18 complaint((,)) or criminal citation ((for a moving violation,)); or
19 (b) when the department receives notice from another state under
20 Article IV of the nonresident violator compact under RCW 46.23.010 or
21 from a jurisdiction that has entered into an agreement with the

1 department under RCW 46.23.020, other than for a standing, stopping,
2 or parking violation, provided that the traffic infraction or traffic
3 offense is committed on or after July 1, 2005.

4 (2) A suspension under this section takes effect pursuant to the
5 provisions of RCW 46.20.245, and remains in effect until the
6 department has received a certificate from the court showing that the
7 case has been adjudicated, and until the person meets the
8 requirements of RCW 46.20.311. (~~In the case of failure to respond to~~
9 ~~a traffic infraction issued under RCW 46.55.105, the department shall~~
10 ~~suspend all driving privileges until the person provides evidence~~
11 ~~from the court that all penalties and restitution have been paid.))~~

12 (3) A suspension under this section does not take effect if,
13 prior to the effective date of the suspension, the department
14 receives a certificate from the court showing that the case has been
15 adjudicated.

16 **Sec. 2.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
17 read as follows:

18 The department is authorized to suspend the license of a driver
19 upon a showing by its records or other sufficient evidence that the
20 licensee:

21 (1) Has committed an offense for which mandatory revocation or
22 suspension of license is provided by law;

23 (2) Has, by reckless or unlawful operation of a motor vehicle,
24 caused or contributed to an accident resulting in death or injury to
25 any person or serious property damage;

26 (3) Has been convicted of offenses against traffic regulations
27 governing the movement of vehicles, or found to have committed
28 traffic infractions, with such frequency as to indicate a disrespect
29 for traffic laws or a disregard for the safety of other persons on
30 the highways;

31 (4) Is incompetent to drive a motor vehicle under RCW
32 46.20.031(3);

33 (5) Has (~~failed to respond to a notice of traffic infraction,~~
34 ~~failed to appear at a requested hearing, violated a written promise~~
35 ~~to appear in court, or has~~) failed to comply with the terms of a
36 (~~notice of traffic infraction,~~) criminal complaint(~~(7)~~) or criminal
37 citation, as provided in RCW 46.20.289;

38 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

1 (7) Has committed one of the prohibited practices relating to
2 drivers' licenses defined in RCW 46.20.0921; or

3 (8) Has been certified by the department of social and health
4 services as a person who is not in compliance with a child support
5 order or a residential or visitation order as provided in RCW
6 74.20A.320.

7 **Sec. 3.** RCW 46.20.341 and 2009 c 490 s 1 are each amended to
8 read as follows:

9 (1)(a) A person who violates RCW 46.20.342(1) (c) ~~((iv))~~ or (d)
10 in a jurisdiction that does not have a relicensing ~~((diversion))~~
11 program shall be provided with an abstract of his or her driving
12 record by the court or the prosecuting attorney, in addition to a
13 list of his or her unpaid traffic offense related fines and the
14 contact information for each jurisdiction or collection agency to
15 which money is owed.

16 (b) A fee of up to twenty dollars may be imposed by the court in
17 addition to any fee required by the department for provision of the
18 driving abstract.

19 (2)(a) Superior courts or courts of limited jurisdiction in
20 counties or cities are authorized to participate or provide
21 relicensing ~~((diversion))~~ programs to persons who violate RCW
22 46.20.342(1) (c) ~~((iv))~~ or (d).

23 (b) Eligibility for the relicensing ~~((diversion))~~ program shall
24 be limited to violators with no more than four convictions or
25 infractions under RCW 46.20.342(1) (c) ~~((iv))~~ or (d) in the ten
26 years preceding the date of entering the relicensing ~~((diversion))~~
27 program, subject to a less restrictive rule imposed by the presiding
28 judge of the county district court or municipal court. People subject
29 to arrest under a warrant are not eligible for the ~~((diversion))~~
30 relicensing program.

31 (c) ~~((The diversion option))~~ Participation in a relicensing
32 program may be offered at the discretion of the prosecuting attorney
33 or municipal prosecuting authority before charges are filed, or by
34 the court after charges are filed or when a person is found to have
35 violated RCW 46.20.342(1) (d).

36 (d) A person who is the holder of a commercial driver's license
37 or who was operating a commercial motor vehicle at the time of the
38 violation of RCW 46.20.342(1) (c) ~~((iv))~~ or (d) may not participate
39 in the ~~((diversion))~~ relicensing program under this section.

1 (e) A relicensing (~~(diversion)~~) program that is structured to
2 occur after charges are filed may charge participants a one-time fee
3 of up to one hundred dollars, which is not subject to chapters 3.50,
4 3.62, and 35.20 RCW, and shall be used to support administration of
5 the program. The fee of up to one hundred dollars shall be included
6 in the total to be paid by the participant in the relicensing
7 (~~(diversion)~~) program.

8 (3) A relicensing (~~(diversion)~~) program shall be designed to
9 assist suspended drivers to regain their license and insurance and
10 pay outstanding fines.

11 (4)(a) Counties and cities that operate relicensing (~~(diversion)~~)
12 programs shall, subject to available funds, provide information to
13 the administrative office of the courts on an annual basis regarding
14 the eligibility criteria used for the program, the number of
15 referrals from law enforcement, the number of participants accepted
16 into the program, the number of participants who regain their
17 driver's license and insurance, the total amount of fines collected,
18 the costs associated with the program, and other information as
19 determined by the office.

20 (b) The administrative office of the courts is directed, subject
21 to available funds, to compile and analyze the data required to be
22 submitted in this section and develop recommendations for a best
23 practices model for relicensing (~~(diversion)~~) programs.

24 **Sec. 4.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
25 read as follows:

26 (1) It is unlawful for any person to drive a motor vehicle in
27 this state while that person is in a suspended or revoked status or
28 when his or her privilege to drive is suspended or revoked in this or
29 any other state. Any person who has a valid Washington driver's
30 license is not guilty of a violation of this section.

31 (a) A person found to be a habitual offender under chapter 46.65
32 RCW, who violates this section while an order of revocation issued
33 under chapter 46.65 RCW prohibiting such operation is in effect, is
34 guilty of driving while license suspended or revoked in the first
35 degree, a gross misdemeanor. Upon the first such conviction, the
36 person shall be punished by imprisonment for not less than ten days.
37 Upon the second conviction, the person shall be punished by
38 imprisonment for not less than ninety days. Upon the third or
39 subsequent conviction, the person shall be punished by imprisonment

1 for not less than one hundred eighty days. If the person is also
2 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
3 both convictions arise from the same event, the minimum sentence of
4 confinement shall be not less than ninety days. The minimum sentence
5 of confinement required shall not be suspended or deferred. A
6 conviction under this subsection does not prevent a person from
7 petitioning for reinstatement as provided by RCW 46.65.080.

8 (b) A person who violates this section while an order of
9 suspension or revocation prohibiting such operation is in effect and
10 while the person is not eligible to reinstate his or her driver's
11 license or driving privilege, other than for a suspension for the
12 reasons described in (c) or (d) of this subsection, is guilty of
13 driving while license suspended or revoked in the second degree, a
14 gross misdemeanor. For the purposes of this subsection, a person is
15 not considered to be eligible to reinstate his or her driver's
16 license or driving privilege if the person is eligible to obtain an
17 ignition interlock driver's license but did not obtain such a
18 license. This subsection applies when a person's driver's license or
19 driving privilege has been suspended or revoked by reason of:

20 (i) A conviction of a felony in the commission of which a motor
21 vehicle was used;

22 (ii) A previous conviction under this section;

23 (iii) A notice received by the department from a court or
24 diversion unit as provided by RCW 46.20.265, relating to a minor who
25 has committed, or who has entered a diversion unit concerning an
26 offense relating to alcohol, legend drugs, controlled substances, or
27 imitation controlled substances;

28 (iv) A conviction of RCW 46.20.410, relating to the violation of
29 restrictions of an occupational driver's license, a temporary
30 restricted driver's license, or an ignition interlock driver's
31 license;

32 (v) A conviction of RCW 46.20.345, relating to the operation of a
33 motor vehicle with a suspended or revoked license;

34 (vi) A conviction of RCW 46.52.020, relating to duty in case of
35 injury to or death of a person or damage to an attended vehicle;

36 (vii) A conviction of RCW 46.61.024, relating to attempting to
37 elude pursuing police vehicles;

38 (viii) A conviction of RCW 46.61.212(4), relating to reckless
39 endangerment of emergency zone workers;

40 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

1 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
2 person under the influence of intoxicating liquor or drugs;
3 (xi) A conviction of RCW 46.61.520, relating to vehicular
4 homicide;
5 (xii) A conviction of RCW 46.61.522, relating to vehicular
6 assault;
7 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
8 endangerment of roadway workers;
9 (xiv) A conviction of RCW 46.61.530, relating to racing of
10 vehicles on highways;
11 (xv) A conviction of RCW 46.61.685, relating to leaving children
12 in an unattended vehicle with motor running;
13 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
14 vehicle fuel;
15 (xvii) A conviction of RCW 46.64.048, relating to attempting,
16 aiding, abetting, coercing, and committing crimes;
17 (xviii) An administrative action taken by the department under
18 chapter 46.20 RCW;
19 (xix) A conviction of a local law, ordinance, regulation, or
20 resolution of a political subdivision of this state, the federal
21 government, or any other state, of an offense substantially similar
22 to a violation included in this subsection; or
23 (xx) A finding that a person has committed a traffic infraction
24 under RCW 46.61.526 and suspension of driving privileges pursuant to
25 RCW 46.61.526 (4) (b) or (7) (a) (ii).
26 (c) A person who violates this section when his or her driver's
27 license or driving privilege is, at the time of the violation,
28 suspended or revoked solely because (i) the person must furnish proof
29 of satisfactory progress in a required alcoholism or drug treatment
30 program, (ii) the person must furnish proof of financial
31 responsibility for the future as provided by chapter 46.29 RCW, (iii)
32 the person has failed to comply with the provisions of chapter 46.29
33 RCW relating to uninsured accidents, (iv) the person has failed to
34 (~~respond to a notice of traffic infraction, failed to appear at a~~
35 ~~requested hearing, violated a written promise to appear in court, or~~
36 ~~has failed to~~) comply with the terms of a notice of (~~traffic~~
37 ~~infraction~~) a criminal complaint or criminal citation, as provided
38 in RCW 46.20.289(1)(a), (v) (~~the person has committed an offense in~~
39 ~~another state that, if committed in this state, would not be grounds~~
40 ~~for the suspension or revocation of the person's driver's license,~~

1 ~~(vi) the person has been suspended or revoked by reason of one or~~
2 ~~more of the items listed in (b) of this subsection, but was eligible~~
3 ~~to reinstate his or her driver's license or driving privilege at the~~
4 ~~time of the violation, (vii) the person has received traffic~~
5 ~~citations or notices of traffic infraction that have resulted in a~~
6 ~~suspension under RCW 46.20.267 relating to intermediate drivers'~~
7 ~~licenses, or (viii)) the person has been certified by the department~~
8 ~~of social and health services as a person who is not in compliance~~
9 ~~with a child support order as provided in RCW 74.20A.320, or (vi) the~~
10 person drives a motor vehicle while his or her driver's license is
11 suspended or revoked for any of the reasons listed in (d) of this
12 subsection and the person has three or more prior violations for
13 driving while license suspended or revoked in the fourth degree
14 within the past four years, or any combination of (c)(i) through
15 ((viii)) (vi) of this subsection, is guilty of driving while
16 license suspended or revoked in the third degree, a misdemeanor.
17 ~~((For the purposes of this subsection, a person is not considered to~~
18 ~~be eligible to reinstate his or her driver's license or driving~~
19 ~~privilege if the person is eligible to obtain an ignition interlock~~
20 ~~driver's license but did not obtain such a license.))~~

21 (d) A person who violates this section when his or her driver's
22 license or driving privilege is, at the time of the violation,
23 suspended or revoked solely because (i) the department receives
24 notice from another state under Article IV of the nonresident
25 violator compact under RCW 46.23.010 or from a jurisdiction that has
26 entered into an agreement with the department under RCW 46.23.020,
27 other than for a standing, stopping, or parking violation as provided
28 in RCW 46.20.289(1)(b); (ii) the person has committed an offense in
29 another state that, if committed in this state, would not be grounds
30 for the suspension or revocation of the person's driver's license;
31 (iii) the person has been suspended or revoked by reason of one or
32 more of the items listed in (b) or (c) of this subsection or for
33 failure to respond to a notice of traffic infraction, failure to
34 appear at a requested hearing for a noncriminal moving violation, or
35 violation of a written promise to appear in court for a notice of
36 infraction, but was eligible to reinstate his or her driver's license
37 or driving privilege at the time of the violation; or (iv) the person
38 has received traffic citations or notices of traffic infraction that
39 have resulted in a suspension under RCW 46.20.267 relating to
40 intermediate drivers' licenses, or any combination of (d)(i) through

1 (iv) of this subsection, has committed driving while license
2 suspended or revoked in the fourth degree, a traffic infraction
3 subject to a penalty of two hundred fifty dollars. If the person
4 appears in person before the court or submits by mail written proof
5 that he or she has reinstated his or her license after being cited,
6 the court shall reduce the penalty to fifty dollars. For the purposes
7 of this subsection, a person is not considered to be eligible to
8 reinstate his or her driver's license or driving privilege if the
9 person is eligible to obtain an ignition interlock driver's license
10 but did not obtain such a license.

11 (2) Upon receiving a record of conviction or infraction of any
12 person or upon receiving an order by any juvenile court or any duly
13 authorized court officer of the conviction or infraction of any
14 juvenile under this section, the department shall:

15 (a) For a conviction of driving while suspended or revoked in the
16 first degree, as provided by subsection (1)(a) of this section,
17 extend the period of administrative revocation imposed under chapter
18 46.65 RCW for an additional period of one year from and after the
19 date the person would otherwise have been entitled to apply for a new
20 license or have his or her driving privilege restored; or

21 (b) For a conviction of driving while suspended or revoked in the
22 second degree, as provided by subsection (1)(b) of this section, not
23 issue a new license or restore the driving privilege for an
24 additional period of one year from and after the date the person
25 would otherwise have been entitled to apply for a new license or have
26 his or her driving privilege restored; or

27 (c) Not extend the period of suspension or revocation (~~if the~~
28 ~~conviction was~~) for a conviction under subsection (1)(c) of this
29 section or an infraction under subsection (1)(d) of this section.
30 (~~If the~~) For a conviction (~~was~~) under subsection (1)(a) or (b) of
31 this section (~~and~~), if the court recommends against the extension
32 and the convicted person has obtained a valid driver's license, the
33 period of suspension or revocation shall not be extended.

34 **Sec. 5.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are
35 each reenacted and amended to read as follows:

36 A police officer having probable cause to believe that a person
37 has committed or is committing a felony shall have the authority to
38 arrest the person without a warrant. A police officer may arrest a
39 person without a warrant for committing a misdemeanor or gross

1 misdemeanor only when the offense is committed in the presence of an
2 officer, except as provided in subsections (1) through (11) of this
3 section.

4 (1) Any police officer having probable cause to believe that a
5 person has committed or is committing a misdemeanor or gross
6 misdemeanor, involving physical harm or threats of harm to any person
7 or property or the unlawful taking of property or involving the use
8 or possession of cannabis, or involving the acquisition, possession,
9 or consumption of alcohol by a person under the age of twenty-one
10 years under RCW 66.44.270, or involving criminal trespass under RCW
11 9A.52.070 or 9A.52.080, shall have the authority to arrest the
12 person.

13 (2) A police officer shall arrest and take into custody, pending
14 release on bail, personal recognizance, or court order, a person
15 without a warrant when the officer has probable cause to believe
16 that:

17 (a) An order has been issued of which the person has knowledge
18 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09,
19 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the
20 person has violated the terms of the order restraining the person
21 from acts or threats of violence, or restraining the person from
22 going onto the grounds of or entering a residence, workplace, school,
23 or day care, or prohibiting the person from knowingly coming within,
24 or knowingly remaining within, a specified distance of a location or,
25 in the case of an order issued under RCW 26.44.063, imposing any
26 other restrictions or conditions upon the person; or

27 (b) A foreign protection order, as defined in RCW 26.52.010, has
28 been issued of which the person under restraint has knowledge and the
29 person under restraint has violated a provision of the foreign
30 protection order prohibiting the person under restraint from
31 contacting or communicating with another person, or excluding the
32 person under restraint from a residence, workplace, school, or day
33 care, or prohibiting the person from knowingly coming within, or
34 knowingly remaining within, a specified distance of a location, or a
35 violation of any provision for which the foreign protection order
36 specifically indicates that a violation will be a crime; or

37 (c) The person is eighteen years or older and within the
38 preceding four hours has assaulted a family or household member as
39 defined in RCW 10.99.020 and the officer believes: (i) A felonious
40 assault has occurred; (ii) an assault has occurred which has resulted

1 in bodily injury to the victim, whether the injury is observable by
2 the responding officer or not; or (iii) that any physical action has
3 occurred which was intended to cause another person reasonably to
4 fear imminent serious bodily injury or death. Bodily injury means
5 physical pain, illness, or an impairment of physical condition. When
6 the officer has probable cause to believe that family or household
7 members have assaulted each other, the officer is not required to
8 arrest both persons. The officer shall arrest the person whom the
9 officer believes to be the primary physical aggressor. In making this
10 determination, the officer shall make every reasonable effort to
11 consider: (A) The intent to protect victims of domestic violence
12 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
13 or serious threats creating fear of physical injury; and (C) the
14 history of domestic violence of each person involved, including
15 whether the conduct was part of an ongoing pattern of abuse.

16 (3) Any police officer having probable cause to believe that a
17 person has committed or is committing a violation of any of the
18 following traffic laws shall have the authority to arrest the person:

19 (a) RCW 46.52.010, relating to duty on striking an unattended car
20 or other property;

21 (b) RCW 46.52.020, relating to duty in case of injury to or death
22 of a person or damage to an attended vehicle;

23 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
24 racing of vehicles;

25 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
26 influence of intoxicating liquor or drugs;

27 (e) RCW 46.61.503 or 46.25.110, relating to persons having
28 alcohol or THC in their system;

29 (f) RCW 46.20.342(1) (a), (b), or (c), relating to driving a
30 motor vehicle while operator's license is suspended or revoked;

31 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
32 negligent manner.

33 (4) A law enforcement officer investigating at the scene of a
34 motor vehicle accident may arrest the driver of a motor vehicle
35 involved in the accident if the officer has probable cause to believe
36 that the driver has committed in connection with the accident a
37 violation of any traffic law or regulation.

38 (5) (a) A law enforcement officer investigating at the scene of a
39 motor vessel accident may arrest the operator of a motor vessel
40 involved in the accident if the officer has probable cause to believe

1 that the operator has committed, in connection with the accident, a
2 criminal violation of chapter 79A.60 RCW.

3 (b) A law enforcement officer investigating at the scene of a
4 motor vessel accident may issue a citation for an infraction to the
5 operator of a motor vessel involved in the accident if the officer
6 has probable cause to believe that the operator has committed, in
7 connection with the accident, a violation of any boating safety law
8 of chapter 79A.60 RCW.

9 (6) Any police officer having probable cause to believe that a
10 person has committed or is committing a violation of RCW 79A.60.040
11 shall have the authority to arrest the person.

12 (7) An officer may act upon the request of a law enforcement
13 officer in whose presence a traffic infraction was committed, to
14 stop, detain, arrest, or issue a notice of traffic infraction to the
15 driver who is believed to have committed the infraction. The request
16 by the witnessing officer shall give an officer the authority to take
17 appropriate action under the laws of the state of Washington.

18 (8) Any police officer having probable cause to believe that a
19 person has committed or is committing any act of indecent exposure,
20 as defined in RCW 9A.88.010, may arrest the person.

21 (9) A police officer may arrest and take into custody, pending
22 release on bail, personal recognizance, or court order, a person
23 without a warrant when the officer has probable cause to believe that
24 an order has been issued of which the person has knowledge under
25 chapter 10.14 RCW and the person has violated the terms of that
26 order.

27 (10) Any police officer having probable cause to believe that a
28 person has, within twenty-four hours of the alleged violation,
29 committed a violation of RCW 9A.50.020 may arrest such person.

30 (11) A police officer having probable cause to believe that a
31 person illegally possesses or illegally has possessed a firearm or
32 other dangerous weapon on private or public elementary or secondary
33 school premises shall have the authority to arrest the person.

34 For purposes of this subsection, the term "firearm" has the
35 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
36 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

37 (12) A law enforcement officer having probable cause to believe
38 that a person has committed a violation under RCW 77.15.160(~~(+4)~~)
39 (5) may issue a citation for an infraction to the person in
40 connection with the violation.

1 (13) A law enforcement officer having probable cause to believe
2 that a person has committed a criminal violation under RCW 77.15.809
3 or 77.15.811 may arrest the person in connection with the violation.

4 (14) Except as specifically provided in subsections (2), (3),
5 (4), and (7) of this section, nothing in this section extends or
6 otherwise affects the powers of arrest prescribed in Title 46 RCW.

7 (15) No police officer may be held criminally or civilly liable
8 for making an arrest pursuant to subsection (2) or (9) of this
9 section if the police officer acts in good faith and without malice.

10 (16)(a) Except as provided in (b) of this subsection, a police
11 officer shall arrest and keep in custody, until release by a judicial
12 officer on bail, personal recognizance, or court order, a person
13 without a warrant when the officer has probable cause to believe that
14 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
15 local ordinance and the police officer: (i) Has knowledge that the
16 person has a prior offense as defined in RCW 46.61.5055 within ten
17 years; or (ii) has knowledge, based on a review of the information
18 available to the officer at the time of arrest, that the person is
19 charged with or is awaiting arraignment for an offense that would
20 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
21 conviction.

22 (b) A police officer is not required to keep in custody a person
23 under (a) of this subsection if the person requires immediate medical
24 attention and is admitted to a hospital.

25 **Sec. 6.** RCW 10.37.015 and 2011 c 46 s 1 are each amended to read
26 as follows:

27 ~~((1))~~ No person shall be held to answer in any court for an
28 alleged crime or offense, unless upon an information filed by the
29 prosecuting attorney, or upon an indictment by a grand jury, except
30 in cases of misdemeanor or gross misdemeanor before a district or
31 municipal judge, or before a court martial ~~(, except as provided in
32 subsection (2) of this section.~~

33 ~~(2) Violations of RCW 46.20.342(1)(c)(iv) may be required by the
34 prosecuting attorney to be referred to his or her office for
35 consideration of filing an information or for entry into a precharge
36 diversion program).~~

37 **Sec. 7.** RCW 46.20.005 and 1997 c 66 s 1 are each amended to read
38 as follows:

1 Except as expressly exempted by this chapter, it is a misdemeanor
2 for a person to drive any motor vehicle upon a highway in this state
3 without a valid driver's license issued to Washington residents under
4 this chapter. This section does not apply if at the time of the stop
5 the person is not in violation of RCW 46.20.342(1) or (~~46.20.420~~)
6 46.20.345 and has in his or her possession an expired driver's
7 license or other valid identifying documentation under RCW 46.20.035.
8 A violation of this section is a lesser included offense within the
9 offenses described in RCW 46.20.342(1) (~~or 46.20.420~~) (a), (b), and
10 (c) and 46.20.345.

11 **Sec. 8.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to read
12 as follows:

13 (1) Any person licensed under this chapter who is convicted of an
14 offense relating to motor vehicles for which suspension or revocation
15 of the driver's license is mandatory, other than vehicular homicide,
16 vehicular assault, driving while under the influence of intoxicating
17 liquor or any drug, or being in actual physical control of a motor
18 vehicle while under the influence of intoxicating liquor or any drug,
19 may submit to the department an application for a temporary
20 restricted driver's license. The department, upon receipt of the
21 prescribed fee and upon determining that the petitioner is eligible
22 to receive the license, may issue a temporary restricted driver's
23 license and may set definite restrictions as provided in RCW
24 46.20.394.

25 (2)(a) A person licensed under this chapter whose driver's
26 license is suspended administratively due to failure to (~~appear or~~
27 ~~pay a traffic ticket~~) comply with the terms of a notice of a
28 criminal complaint or criminal citation under RCW 46.20.289; a
29 violation of the financial responsibility laws under chapter 46.29
30 RCW; or for multiple violations within a specified period of time
31 under RCW 46.20.291, may apply to the department for an occupational
32 driver's license.

33 (b) An occupational driver's license issued to an applicant
34 described in (a) of this subsection shall be valid for the period of
35 the suspension or revocation.

36 (3) An applicant for an occupational or temporary restricted
37 driver's license who qualifies under subsection (1) or (2) of this
38 section is eligible to receive such license only if:

1 (a) Within seven years immediately preceding the date of the
2 offense that gave rise to the present conviction or incident, the
3 applicant has not committed vehicular homicide under RCW 46.61.520 or
4 vehicular assault under RCW 46.61.522; and

5 (b) The applicant demonstrates that it is necessary for him or
6 her to operate a motor vehicle because he or she:

7 (i) Is engaged in an occupation or trade that makes it essential
8 that he or she operate a motor vehicle;

9 (ii) Is undergoing continuing health care or providing continuing
10 care to another who is dependent upon the applicant;

11 (iii) Is enrolled in an educational institution and pursuing a
12 course of study leading to a diploma, degree, or other certification
13 of successful educational completion;

14 (iv) Is undergoing substance abuse treatment or is participating
15 in meetings of a twelve-step group such as Alcoholics Anonymous that
16 requires the petitioner to drive to or from the treatment or
17 meetings;

18 (v) Is fulfilling court-ordered community service
19 responsibilities;

20 (vi) Is in a program that assists persons who are enrolled in a
21 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
22 employed and the program requires a driver's license;

23 (vii) Is in an apprenticeship, on-the-job training, or welfare-
24 to-work program; or

25 (viii) Presents evidence that he or she has applied for a
26 position in an apprenticeship or on-the-job training program for
27 which a driver's license is required to begin the program, provided
28 that a license granted under this provision shall be in effect for no
29 longer than fourteen days; and

30 (c) The applicant files satisfactory proof of financial
31 responsibility under chapter 46.29 RCW; and

32 (d) Upon receipt of evidence that a holder of an occupational
33 driver's license granted under this subsection is no longer enrolled
34 in an apprenticeship or on-the-job training program, the director
35 shall give written notice by first-class mail to the driver that the
36 occupational driver's license shall be canceled. If at any time
37 before the cancellation goes into effect the driver submits evidence
38 of continued enrollment in the program, the cancellation shall be
39 stayed. If the cancellation becomes effective, the driver may obtain,
40 at no additional charge, a new occupational driver's license upon

1 submittal of evidence of enrollment in another program that meets the
2 criteria set forth in this subsection; and

3 (e) The department shall not issue an occupational driver's
4 license under (b)(iv) of this subsection if the applicant is able to
5 receive transit services sufficient to allow for the applicant's
6 participation in the programs referenced under (b)(iv) of this
7 subsection.

8 (4) A person aggrieved by the decision of the department on the
9 application for an occupational or temporary restricted driver's
10 license may request a hearing as provided by rule of the department.

11 (5) The director shall cancel an occupational or temporary
12 restricted driver's license after receiving notice that the holder
13 thereof has been convicted of operating a motor vehicle in violation
14 of its restrictions, no longer meets the eligibility requirements, or
15 has been convicted of or found to have committed a separate offense
16 or any other act or omission that under this chapter would warrant
17 suspension or revocation of a regular driver's license. The
18 department must give notice of the cancellation as provided under RCW
19 46.20.245. A person whose occupational or temporary restricted
20 driver's license has been canceled under this section may reapply for
21 a new occupational or temporary restricted driver's license if he or
22 she is otherwise qualified under this section and pays the fee
23 required under RCW 46.20.380.

24 **Sec. 9.** RCW 46.55.113 and 2011 c 167 s 6 are each amended to
25 read as follows:

26 (1) Whenever the driver of a vehicle is arrested for a violation
27 of RCW 46.20.342(1) (a), (b), or (c) or 46.20.345, the vehicle is
28 subject to summary impoundment, pursuant to the terms and conditions
29 of an applicable local ordinance or state agency rule at the
30 direction of a law enforcement officer.

31 (2) In addition, a police officer may take custody of a vehicle,
32 at his or her discretion, and provide for its prompt removal to a
33 place of safety under any of the following circumstances:

34 (a) Whenever a police officer finds a vehicle standing upon the
35 roadway in violation of any of the provisions of RCW 46.61.560, the
36 officer may provide for the removal of the vehicle or require the
37 driver or other person in charge of the vehicle to move the vehicle
38 to a position off the roadway;

1 (b) Whenever a police officer finds a vehicle unattended upon a
2 highway where the vehicle constitutes an obstruction to traffic or
3 jeopardizes public safety;

4 (c) Whenever a police officer finds an unattended vehicle at the
5 scene of an accident or when the driver of a vehicle involved in an
6 accident is physically or mentally incapable of deciding upon steps
7 to be taken to protect his or her property;

8 (d) Whenever the driver of a vehicle is arrested and taken into
9 custody by a police officer;

10 (e) Whenever a police officer discovers a vehicle that the
11 officer determines to be a stolen vehicle;

12 (f) Whenever a vehicle without a special license plate, placard,
13 or decal indicating that the vehicle is being used to transport a
14 person with disabilities under RCW 46.19.010 is parked in a stall or
15 space clearly and conspicuously marked under RCW 46.61.581 which
16 space is provided on private property without charge or on public
17 property;

18 (g) Upon determining that a person is operating a motor vehicle
19 without a valid and, if required, a specially endorsed driver's
20 license or with a license that has been expired for ninety days or
21 more;

22 (h) When a vehicle is illegally occupying a truck, commercial
23 loading zone, restricted parking zone, bus, loading, hooded-meter,
24 taxi, street construction or maintenance, or other similar zone
25 where, by order of the director of transportation or chiefs of police
26 or fire or their designees, parking is limited to designated classes
27 of vehicles or is prohibited during certain hours, on designated days
28 or at all times, if the zone has been established with signage for at
29 least twenty-four hours and where the vehicle is interfering with the
30 proper and intended use of the zone. Signage must give notice to the
31 public that a vehicle will be removed if illegally parked in the
32 zone;

33 (i) When a vehicle with an expired registration of more than
34 forty-five days is parked on a public street.

35 (3) When an arrest is made for a violation of RCW 46.20.342(1)
36 (a), (b), or (c), if the vehicle is a commercial vehicle or farm
37 transport vehicle and the driver of the vehicle is not the owner of
38 the vehicle, before the summary impoundment directed under subsection
39 (1) of this section, the police officer shall attempt in a reasonable
40 and timely manner to contact the owner of the vehicle and may release

1 the vehicle to the owner if the owner is reasonably available, as
2 long as the owner was not in the vehicle at the time of the stop and
3 arrest and the owner has not received a prior release under this
4 subsection or RCW 46.55.120(1) (~~(a)~~) (b)(ii).

5 (4) Nothing in this section may derogate from the powers of
6 police officers under the common law. For the purposes of this
7 section, a place of safety may include the business location of a
8 registered tow truck operator.

9 (5) For purposes of this section "farm transport vehicle" means a
10 motor vehicle owned by a farmer and that is being actively used in
11 the transportation of the farmer's or another farmer's farm, orchard,
12 aquatic farm, or dairy products, including livestock and plant or
13 animal wastes, from point of production to market or disposal, or
14 supplies or commodities to be used on the farm, orchard, aquatic
15 farm, or dairy, and that has a gross vehicle weight rating of 7,258
16 kilograms (16,001 pounds) or more.

17 **Sec. 10.** RCW 46.63.020 and 2018 c 18 s 4 are each amended to
18 read as follows:

19 Failure to perform any act required or the performance of any act
20 prohibited by this title or an equivalent administrative regulation
21 or local law, ordinance, regulation, or resolution relating to
22 traffic including parking, standing, stopping, and pedestrian
23 offenses, is designated as a traffic infraction and may not be
24 classified as a criminal offense, except for an offense contained in
25 the following provisions of this title or a violation of an
26 equivalent administrative regulation or local law, ordinance,
27 regulation, or resolution:

28 (1) RCW 46.09.457(1)(b)(i) relating to a false statement
29 regarding the inspection of and installation of equipment on wheeled
30 all-terrain vehicles;

31 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
32 vehicle while under the influence of intoxicating liquor or a
33 controlled substance;

34 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

35 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
36 while under the influence of intoxicating liquor or narcotics or
37 habit-forming drugs or in a manner endangering the person of another;

38 (5) RCW 46.10.495 relating to the operation of snowmobiles;

- 1 (6) Chapter 46.12 RCW relating to certificates of title,
2 registration certificates, and markings indicating that a vehicle has
3 been destroyed or declared a total loss;
- 4 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment
5 of taxes and fees by failure to register a vehicle and falsifying
6 residency when registering a motor vehicle;
- 7 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
8 drive;
- 9 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 10 (10) RCW 46.19.050(1) relating to knowingly providing false
11 information in conjunction with an application for a special placard
12 or license plate for disabled persons' parking;
- 13 (11) RCW 46.19.050(8) relating to illegally obtaining a parking
14 placard, special license plate, special year tab, or identification
15 card;
- 16 (12) RCW 46.19.050(9) relating to sale of a parking placard,
17 special license plate, special year tab, or identification card;
- 18 (13) RCW 46.20.005 relating to driving without a valid driver's
19 license;
- 20 (14) RCW 46.20.091 relating to false statements regarding a
21 driver's license or instruction permit;
- 22 (15) RCW 46.20.0921 relating to the unlawful possession and use
23 of a driver's license;
- 24 (16) RCW 46.20.342(1) (a), (b), and (c) relating to driving with
25 a suspended or revoked license or status;
- 26 (17) RCW 46.20.345 relating to the operation of a motor vehicle
27 with a suspended or revoked license;
- 28 (18) RCW 46.20.410 relating to the violation of restrictions of
29 an occupational driver's license, temporary restricted driver's
30 license, or ignition interlock driver's license;
- 31 (19) RCW 46.20.740 relating to operation of a motor vehicle
32 without an ignition interlock device in violation of a license
33 notation that the device is required;
- 34 (20) RCW 46.20.750 relating to circumventing an ignition
35 interlock device;
- 36 (21) RCW 46.25.170 relating to commercial driver's licenses;
- 37 (22) Chapter 46.29 RCW relating to financial responsibility;
- 38 (23) RCW 46.30.040 relating to providing false evidence of
39 financial responsibility;
- 40 (24) RCW 46.35.030 relating to recording device information;

1 (25) RCW 46.37.435 relating to wrongful installation of
2 sunscreening material;

3 (26) RCW 46.37.650 relating to the manufacture, importation,
4 sale, distribution, or installation of a counterfeit air bag,
5 nonfunctional air bag, or previously deployed or damaged air bag;

6 (27) RCW 46.37.660 relating to the sale or installation of a
7 device that causes a vehicle's diagnostic system to inaccurately
8 indicate that the vehicle has a functional air bag when a counterfeit
9 air bag, nonfunctional air bag, or no air bag is installed;

10 (28) RCW 46.37.671 through 46.37.675 relating to signal
11 preemption devices;

12 (29) RCW 46.37.685 relating to switching or flipping license
13 plates, utilizing technology to flip or change the appearance of a
14 license plate, selling a license plate flipping device or technology
15 used to change the appearance of a license plate, or falsifying a
16 vehicle registration;

17 (30) RCW 46.44.180 relating to operation of mobile home pilot
18 vehicles;

19 (31) RCW 46.48.175 relating to the transportation of dangerous
20 articles;

21 (32) RCW 46.52.010 relating to duty on striking an unattended car
22 or other property;

23 (33) RCW 46.52.020 relating to duty in case of injury to or death
24 of a person or damage to an attended vehicle;

25 (34) RCW 46.52.090 relating to reports by repairers, storage
26 persons, and appraisers;

27 (35) RCW 46.52.130 relating to confidentiality of the driving
28 record to be furnished to an insurance company, an employer, and an
29 alcohol/drug assessment or treatment agency;

30 (36) RCW 46.55.020 relating to engaging in the activities of a
31 registered tow truck operator without a registration certificate;

32 (37) RCW 46.55.035 relating to prohibited practices by tow truck
33 operators;

34 (38) RCW 46.55.300 relating to vehicle immobilization;

35 (39) RCW 46.61.015 relating to obedience to police officers,
36 flaggers, or firefighters;

37 (40) RCW 46.61.020 relating to refusal to give information to or
38 cooperate with an officer;

39 (41) RCW 46.61.022 relating to failure to stop and give
40 identification to an officer;

- 1 (42) RCW 46.61.024 relating to attempting to elude pursuing
2 police vehicles;
- 3 (43) RCW 46.61.212(4) relating to reckless endangerment of
4 emergency or work zone workers;
- 5 (44) RCW 46.61.500 relating to reckless driving;
- 6 (45) RCW 46.61.502 and 46.61.504 relating to persons under the
7 influence of intoxicating liquor or drugs;
- 8 (46) RCW 46.61.503 relating to a person under age twenty-one
9 driving a motor vehicle after consuming alcohol;
- 10 (47) RCW 46.61.520 relating to vehicular homicide by motor
11 vehicle;
- 12 (48) RCW 46.61.522 relating to vehicular assault;
- 13 (49) RCW 46.61.5249 relating to first degree negligent driving;
- 14 (50) RCW 46.61.527(4) relating to reckless endangerment of
15 roadway workers;
- 16 (51) RCW 46.61.530 relating to racing of vehicles on highways;
- 17 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
18 load;
- 19 (53) RCW 46.61.685 relating to leaving children in an unattended
20 vehicle with the motor running;
- 21 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;
- 22 (55) RCW 46.64.010 relating to unlawful cancellation of or
23 attempt to cancel a traffic citation;
- 24 (56) RCW 46.64.048 relating to attempting, aiding, abetting,
25 coercing, and committing crimes;
- 26 (57) Chapter 46.65 RCW relating to habitual traffic offenders;
- 27 (58) RCW 46.68.010 relating to false statements made to obtain a
28 refund;
- 29 (59) Chapter 46.70 RCW relating to unfair motor vehicle business
30 practices, except where that chapter provides for the assessment of
31 monetary penalties of a civil nature;
- 32 (60) Chapter 46.72 RCW relating to the transportation of
33 passengers in for hire vehicles;
- 34 (61) RCW 46.72A.060 relating to limousine carrier insurance;
- 35 (62) RCW 46.72A.070 relating to operation of a limousine without
36 a vehicle certificate;
- 37 (63) RCW 46.72A.080 relating to false advertising by a limousine
38 carrier;
- 39 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 40 (65) Chapter 46.82 RCW relating to driver's training schools;

1 (66) RCW 46.87.260 relating to alteration or forgery of a cab
2 card, letter of authority, or other temporary authority issued under
3 chapter 46.87 RCW;

4 (67) RCW 46.87.290 relating to operation of an unregistered or
5 unlicensed vehicle under chapter 46.87 RCW.

6 **Sec. 11.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
7 read as follows:

8 (1) A person found to have committed a traffic infraction shall
9 be assessed a monetary penalty. No penalty may exceed two hundred and
10 fifty dollars for each offense unless authorized by this chapter or
11 title.

12 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
13 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
14 is five hundred dollars for each offense. No penalty assessed under
15 this subsection (2) may be reduced.

16 (3) The supreme court shall prescribe by rule a schedule of
17 monetary penalties for designated traffic infractions. This rule
18 shall also specify the conditions under which local courts may
19 exercise discretion in assessing fines and penalties for traffic
20 infractions. The legislature respectfully requests the supreme court
21 to adjust this schedule every two years for inflation.

22 (4) There shall be a penalty of twenty-five dollars for failure
23 to respond to a notice of traffic infraction except where the
24 infraction relates to parking as defined by local law, ordinance,
25 regulation, or resolution or failure to pay a monetary penalty
26 imposed pursuant to this chapter. A local legislative body may set a
27 monetary penalty not to exceed twenty-five dollars for failure to
28 respond to a notice of traffic infraction relating to parking as
29 defined by local law, ordinance, regulation, or resolution. The local
30 court, whether a municipal, police, or district court, shall impose
31 the monetary penalty set by the local legislative body.

32 (5) Monetary penalties provided for in chapter 46.70 RCW which
33 are civil in nature and penalties which may be assessed for
34 violations of chapter 46.44 RCW relating to size, weight, and load of
35 motor vehicles are not subject to the limitation on the amount of
36 monetary penalties which may be imposed pursuant to this chapter.

37 (6) Whenever a monetary penalty, fee, cost, assessment, or other
38 monetary obligation is imposed by a court under this chapter, it is
39 immediately payable and is enforceable as a civil judgment under

1 Title 6 RCW. If the court determines, in its discretion, that a
2 person is not able to pay a monetary obligation in full, and not more
3 than one year has passed since the later of July 1, 2005, or the date
4 the monetary obligation initially became due and payable, the court
5 shall enter into a payment plan with the person, unless the person
6 has previously been granted a payment plan with respect to the same
7 monetary obligation, or unless the person is in noncompliance of any
8 existing or prior payment plan, in which case the court may, at its
9 discretion, implement a payment plan. If the court has notified the
10 department that the person has failed to pay or comply and the person
11 has subsequently entered into a payment plan and made an initial
12 payment, the court shall notify the department that the infraction
13 has been adjudicated, and the department shall rescind any suspension
14 of the person's driver's license or driver's privilege based on
15 failure to respond to that infraction. "Payment plan," as used in
16 this section, means a plan that requires reasonable payments based on
17 the financial ability of the person to pay. The person may
18 voluntarily pay an amount at any time in addition to the payments
19 required under the payment plan.

20 (a) If a payment required to be made under the payment plan is
21 delinquent or the person fails to complete a community restitution
22 program on or before the time established under the payment plan,
23 unless the court determines good cause therefor and adjusts the
24 payment plan or the community restitution plan accordingly, the court
25 may refer the unpaid monetary penalty, fee, cost, assessment, or
26 other monetary obligation for civil enforcement until all monetary
27 obligations, including those imposed under subsections (3) and (4) of
28 this section, have been paid, and court authorized community
29 restitution has been completed, or until the court has entered into a
30 new time payment or community restitution agreement with the person.
31 (~~For those infractions subject to suspension under RCW 46.20.289,~~
32 ~~the court shall notify the department of the person's failure to meet~~
33 ~~the conditions of the plan, and the department shall suspend the~~
34 ~~person's driver's license or driving privileges.))~~

35 (b) If a person has not entered into a payment plan with the
36 court and has not paid the monetary obligation in full on or before
37 the time established for payment, the court may refer the unpaid
38 monetary penalty, fee, cost, assessment, or other monetary obligation
39 to a collections agency until all monetary obligations have been
40 paid, including those imposed under subsections (3) and (4) of this

1 section, or until the person has entered into a payment plan under
2 this section. (~~For those infractions subject to suspension under RCW~~
3 ~~46.20.289, the court shall notify the department of the person's~~
4 ~~delinquency, and the department shall suspend the person's driver's~~
5 ~~license or driving privileges.~~)

6 (c) If the payment plan is to be administered by the court, the
7 court may assess the person a reasonable administrative fee to be
8 wholly retained by the city or county with jurisdiction. The
9 administrative fee shall not exceed ten dollars per infraction or
10 twenty-five dollars per payment plan, whichever is less.

11 (d) Nothing in this section precludes a court from contracting
12 with outside entities to administer its payment plan system. When
13 outside entities are used for the administration of a payment plan,
14 the court may assess the person a reasonable fee for such
15 administrative services, which fee may be calculated on a periodic,
16 percentage, or other basis.

17 (e) If a court authorized community restitution program for
18 offenders is available in the jurisdiction, the court may allow
19 conversion of all or part of the monetary obligations due under this
20 section to court authorized community restitution in lieu of time
21 payments if the person is unable to make reasonable time payments.

22 (7) In addition to any other penalties imposed under this section
23 and not subject to the limitation of subsection (1) of this section,
24 a person found to have committed a traffic infraction shall be
25 assessed:

26 (a) A fee of five dollars per infraction. Under no circumstances
27 shall this fee be reduced or waived. Revenue from this fee shall be
28 forwarded to the state treasurer for deposit in the emergency medical
29 services and trauma care system trust account under RCW 70.168.040;

30 (b) A fee of ten dollars per infraction. Under no circumstances
31 shall this fee be reduced or waived. Revenue from this fee shall be
32 forwarded to the state treasurer for deposit in the Washington auto
33 theft prevention authority account; and

34 (c) A fee of two dollars per infraction. Revenue from this fee
35 shall be forwarded to the state treasurer for deposit in the
36 traumatic brain injury account established in RCW 74.31.060.

37 (8)(a) In addition to any other penalties imposed under this
38 section and not subject to the limitation of subsection (1) of this
39 section, a person found to have committed a traffic infraction other
40 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional

1 penalty of twenty dollars. The court may not reduce, waive, or
2 suspend the additional penalty unless the court finds the offender to
3 be indigent. If a court authorized community restitution program for
4 offenders is available in the jurisdiction, the court shall allow
5 offenders to offset all or a part of the penalty due under this
6 subsection (8) by participation in the court authorized community
7 restitution program.

8 (b) Eight dollars and fifty cents of the additional penalty under
9 (a) of this subsection shall be remitted to the state treasurer. The
10 remaining revenue from the additional penalty must be remitted under
11 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
12 under this subsection to the state treasurer must be deposited in the
13 state general fund. The balance of the revenue received by the county
14 or city treasurer under this subsection must be deposited into the
15 county or city current expense fund. Moneys retained by the city or
16 county under this subsection shall constitute reimbursement for any
17 liabilities under RCW 43.135.060.

18 (9) If a legal proceeding, such as garnishment, has commenced to
19 collect any delinquent amount owed by the person for any penalty
20 imposed by the court under this section, the court may, at its
21 discretion, enter into a payment plan.

22 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
23 hundred fifty dollars for the first violation; (b) five hundred
24 dollars for the second violation; and (c) seven hundred fifty dollars
25 for each violation thereafter.

26 **Sec. 12.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to
27 read as follows:

28 Whenever any person served with, or provided notice of, ((a
29 ~~traffic infraction or~~) a traffic-related criminal complaint
30 (~~willfully fails to appear at a requested hearing for a moving~~
31 ~~violation,~~) or criminal citation fails to comply with the terms of
32 (~~a notice of infraction for a moving violation or a traffic-~~
33 ~~related~~) the criminal complaint or criminal citation, the court with
34 jurisdiction over the ((~~traffic infraction or~~) traffic-related
35 criminal complaint or criminal citation shall promptly give notice of
36 such fact to the department of licensing. Whenever thereafter the
37 case in which the defendant failed to ((~~appear or~~) comply is
38 adjudicated, the court hearing the case shall promptly file with the
39 department a certificate showing that the case has been adjudicated.

1 (~~For the purposes of this section, "moving violation" is defined by~~
2 ~~rule pursuant to RCW 46.20.2891.~~)

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.20
4 RCW to read as follows:

5 (1) The department is authorized to administratively reinstate
6 all licenses suspended pursuant to RCW 46.20.289, except (a) those
7 that are suspended pursuant to Article IV of the nonresident violator
8 compact under RCW 46.23.010 or from a jurisdiction that has entered
9 into an agreement with the department under RCW 46.23.020; and (b)
10 those licenses suspended because the person has failed to comply with
11 the terms of criminal complaint or criminal citation.

12 (2) No later than thirty days after the effective date of this
13 section, the department shall notify any person whose driver's
14 license was suspended pursuant to RCW 46.20.289 prior to September 1,
15 2019, that he or she may be eligible for reinstatement of his or her
16 license, specifying that the reinstatement is not available for (a)
17 licenses suspended pursuant to Article IV of the nonresident violator
18 compact under RCW 46.23.010 or from a jurisdiction that has entered
19 into an agreement with the department under RCW 46.23.020; and (b)
20 those licenses suspended because the person has failed to comply with
21 the terms of criminal complaint or criminal citation. The department
22 is also authorized to include any other pertinent information about
23 the reinstatement process in the notice.

24 (3) No later than thirty days after the effective date of this
25 section, the department shall create an online application process
26 available for people who had their licenses suspended pursuant to RCW
27 46.20.289 prior to the effective date of this section. This online
28 application process shall allow a person to determine whether they
29 are eligible to have their license reinstated and explain the process
30 for reinstatement. A reissue fee as provided in RCW 46.20.311 shall
31 apply.

32 NEW SECTION. **Sec. 14.** This act takes effect September 1, 2019.

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SENATE BILL 5328

State of Washington

66th Legislature

2019 Regular Session

By Senators Salomon, Kuderer, Hunt, Hasegawa, Palumbo, Nguyen, Saldaña, Llias, Frockt, and Keiser

Read first time 01/17/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to driver's license suspensions and revocations;
2 amending RCW 46.20.289, 46.20.291, 46.20.341, 46.20.342, 10.37.015,
3 46.20.005, 46.20.391, 46.55.113, 46.63.020, 46.63.110, and 46.64.025;
4 reenacting and amending RCW 10.31.100; adding a new section to
5 chapter 46.20 RCW; prescribing penalties; and providing an effective
6 date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 46.20.289 and 2016 c 203 s 6 are each amended to
9 read as follows:

10 (1) The department shall suspend all driving privileges of a
11 person: (a) When the department receives notice from a court under
12 RCW ((46.63.070(6), 46.63.110(6), or)) 46.64.025 that the person has
13 ((failed to respond to a notice of traffic infraction for a moving
14 violation, failed to appear at a requested hearing for a moving
15 violation, violated a written promise to appear in court for a notice
16 of infraction for a moving violation, or has)) failed to comply with
17 the terms of a ((notice of traffic infraction,)) criminal
18 complaint((,)) or criminal citation ((for a moving violation,)); or
19 (b) when the department receives notice from another state under
20 Article IV of the nonresident violator compact under RCW 46.23.010 or
21 from a jurisdiction that has entered into an agreement with the

1 department under RCW 46.23.020, other than for a standing, stopping,
2 or parking violation, provided that the traffic infraction or traffic
3 offense is committed on or after July 1, 2005.

4 (2) A suspension under this section takes effect pursuant to the
5 provisions of RCW 46.20.245, and remains in effect until the
6 department has received a certificate from the court showing that the
7 case has been adjudicated, and until the person meets the
8 requirements of RCW 46.20.311. (~~In the case of failure to respond to~~
9 ~~a traffic infraction issued under RCW 46.55.105, the department shall~~
10 ~~suspend all driving privileges until the person provides evidence~~
11 ~~from the court that all penalties and restitution have been paid.))~~

12 (3) A suspension under this section does not take effect if,
13 prior to the effective date of the suspension, the department
14 receives a certificate from the court showing that the case has been
15 adjudicated.

16 **Sec. 2.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
17 read as follows:

18 The department is authorized to suspend the license of a driver
19 upon a showing by its records or other sufficient evidence that the
20 licensee:

21 (1) Has committed an offense for which mandatory revocation or
22 suspension of license is provided by law;

23 (2) Has, by reckless or unlawful operation of a motor vehicle,
24 caused or contributed to an accident resulting in death or injury to
25 any person or serious property damage;

26 (3) Has been convicted of offenses against traffic regulations
27 governing the movement of vehicles, or found to have committed
28 traffic infractions, with such frequency as to indicate a disrespect
29 for traffic laws or a disregard for the safety of other persons on
30 the highways;

31 (4) Is incompetent to drive a motor vehicle under RCW
32 46.20.031(3);

33 (5) Has (~~failed to respond to a notice of traffic infraction,~~
34 ~~failed to appear at a requested hearing, violated a written promise~~
35 ~~to appear in court, or has~~) failed to comply with the terms of a
36 (~~notice of traffic infraction,~~) criminal complaint(~~(7)~~) or criminal
37 citation, as provided in RCW 46.20.289;

38 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

1 (7) Has committed one of the prohibited practices relating to
2 drivers' licenses defined in RCW 46.20.0921; or

3 (8) Has been certified by the department of social and health
4 services as a person who is not in compliance with a child support
5 order or a residential or visitation order as provided in RCW
6 74.20A.320.

7 **Sec. 3.** RCW 46.20.341 and 2009 c 490 s 1 are each amended to
8 read as follows:

9 (1)(a) A person who violates RCW 46.20.342(1) (c) ~~((iv))~~ or (d)
10 in a jurisdiction that does not have a relicensing ~~((diversion))~~
11 program shall be provided with an abstract of his or her driving
12 record by the court or the prosecuting attorney, in addition to a
13 list of his or her unpaid traffic offense related fines and the
14 contact information for each jurisdiction or collection agency to
15 which money is owed.

16 (b) A fee of up to twenty dollars may be imposed by the court in
17 addition to any fee required by the department for provision of the
18 driving abstract.

19 (2)(a) Superior courts or courts of limited jurisdiction in
20 counties or cities are authorized to participate or provide
21 relicensing ~~((diversion))~~ programs to persons who violate RCW
22 46.20.342(1) (c) ~~((iv))~~ or (d).

23 (b) Eligibility for the relicensing ~~((diversion))~~ program shall
24 be limited to violators with no more than four convictions or
25 infractions under RCW 46.20.342(1) (c) ~~((iv))~~ or (d) in the ten
26 years preceding the date of entering the relicensing ~~((diversion))~~
27 program, subject to a less restrictive rule imposed by the presiding
28 judge of the county district court or municipal court. People subject
29 to arrest under a warrant are not eligible for the ~~((diversion))~~
30 relicensing program.

31 (c) ~~((The diversion option))~~ Participation in a relicensing
32 program may be offered at the discretion of the prosecuting attorney
33 or municipal prosecuting authority before charges are filed, or by
34 the court after charges are filed or when a person is found to have
35 violated RCW 46.20.342(1)(d).

36 (d) A person who is the holder of a commercial driver's license
37 or who was operating a commercial motor vehicle at the time of the
38 violation of RCW 46.20.342(1) (c) ~~((iv))~~ or (d) may not participate
39 in the ~~((diversion))~~ relicensing program under this section.

1 (e) A relicensing (~~(diversion)~~) program that is structured to
2 occur after charges are filed may charge participants a one-time fee
3 of up to one hundred dollars, which is not subject to chapters 3.50,
4 3.62, and 35.20 RCW, and shall be used to support administration of
5 the program. The fee of up to one hundred dollars shall be included
6 in the total to be paid by the participant in the relicensing
7 (~~(diversion)~~) program.

8 (3) A relicensing (~~(diversion)~~) program shall be designed to
9 assist suspended drivers to regain their license and insurance and
10 pay outstanding fines.

11 (4)(a) Counties and cities that operate relicensing (~~(diversion)~~)
12 programs shall, subject to available funds, provide information to
13 the administrative office of the courts on an annual basis regarding
14 the eligibility criteria used for the program, the number of
15 referrals from law enforcement, the number of participants accepted
16 into the program, the number of participants who regain their
17 driver's license and insurance, the total amount of fines collected,
18 the costs associated with the program, and other information as
19 determined by the office.

20 (b) The administrative office of the courts is directed, subject
21 to available funds, to compile and analyze the data required to be
22 submitted in this section and develop recommendations for a best
23 practices model for relicensing (~~(diversion)~~) programs.

24 **Sec. 4.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
25 read as follows:

26 (1) It is unlawful for any person to drive a motor vehicle in
27 this state while that person is in a suspended or revoked status or
28 when his or her privilege to drive is suspended or revoked in this or
29 any other state. Any person who has a valid Washington driver's
30 license is not guilty of a violation of this section.

31 (a) A person found to be a habitual offender under chapter 46.65
32 RCW, who violates this section while an order of revocation issued
33 under chapter 46.65 RCW prohibiting such operation is in effect, is
34 guilty of driving while license suspended or revoked in the first
35 degree, a gross misdemeanor. Upon the first such conviction, the
36 person shall be punished by imprisonment for not less than ten days.
37 Upon the second conviction, the person shall be punished by
38 imprisonment for not less than ninety days. Upon the third or
39 subsequent conviction, the person shall be punished by imprisonment

1 for not less than one hundred eighty days. If the person is also
2 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
3 both convictions arise from the same event, the minimum sentence of
4 confinement shall be not less than ninety days. The minimum sentence
5 of confinement required shall not be suspended or deferred. A
6 conviction under this subsection does not prevent a person from
7 petitioning for reinstatement as provided by RCW 46.65.080.

8 (b) A person who violates this section while an order of
9 suspension or revocation prohibiting such operation is in effect and
10 while the person is not eligible to reinstate his or her driver's
11 license or driving privilege, other than for a suspension for the
12 reasons described in (c) or (d) of this subsection, is guilty of
13 driving while license suspended or revoked in the second degree, a
14 gross misdemeanor. For the purposes of this subsection, a person is
15 not considered to be eligible to reinstate his or her driver's
16 license or driving privilege if the person is eligible to obtain an
17 ignition interlock driver's license but did not obtain such a
18 license. This subsection applies when a person's driver's license or
19 driving privilege has been suspended or revoked by reason of:

20 (i) A conviction of a felony in the commission of which a motor
21 vehicle was used;

22 (ii) A previous conviction under this section;

23 (iii) A notice received by the department from a court or
24 diversion unit as provided by RCW 46.20.265, relating to a minor who
25 has committed, or who has entered a diversion unit concerning an
26 offense relating to alcohol, legend drugs, controlled substances, or
27 imitation controlled substances;

28 (iv) A conviction of RCW 46.20.410, relating to the violation of
29 restrictions of an occupational driver's license, a temporary
30 restricted driver's license, or an ignition interlock driver's
31 license;

32 (v) A conviction of RCW 46.20.345, relating to the operation of a
33 motor vehicle with a suspended or revoked license;

34 (vi) A conviction of RCW 46.52.020, relating to duty in case of
35 injury to or death of a person or damage to an attended vehicle;

36 (vii) A conviction of RCW 46.61.024, relating to attempting to
37 elude pursuing police vehicles;

38 (viii) A conviction of RCW 46.61.212(4), relating to reckless
39 endangerment of emergency zone workers;

40 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

1 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
2 person under the influence of intoxicating liquor or drugs;
3 (xi) A conviction of RCW 46.61.520, relating to vehicular
4 homicide;
5 (xii) A conviction of RCW 46.61.522, relating to vehicular
6 assault;
7 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
8 endangerment of roadway workers;
9 (xiv) A conviction of RCW 46.61.530, relating to racing of
10 vehicles on highways;
11 (xv) A conviction of RCW 46.61.685, relating to leaving children
12 in an unattended vehicle with motor running;
13 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
14 vehicle fuel;
15 (xvii) A conviction of RCW 46.64.048, relating to attempting,
16 aiding, abetting, coercing, and committing crimes;
17 (xviii) An administrative action taken by the department under
18 chapter 46.20 RCW;
19 (xix) A conviction of a local law, ordinance, regulation, or
20 resolution of a political subdivision of this state, the federal
21 government, or any other state, of an offense substantially similar
22 to a violation included in this subsection; or
23 (xx) A finding that a person has committed a traffic infraction
24 under RCW 46.61.526 and suspension of driving privileges pursuant to
25 RCW 46.61.526 (4) (b) or (7) (a) (ii).
26 (c) A person who violates this section when his or her driver's
27 license or driving privilege is, at the time of the violation,
28 suspended or revoked solely because (i) the person must furnish proof
29 of satisfactory progress in a required alcoholism or drug treatment
30 program, (ii) the person must furnish proof of financial
31 responsibility for the future as provided by chapter 46.29 RCW, (iii)
32 the person has failed to comply with the provisions of chapter 46.29
33 RCW relating to uninsured accidents, (iv) the person has failed to
34 (~~respond to a notice of traffic infraction, failed to appear at a~~
35 ~~requested hearing, violated a written promise to appear in court, or~~
36 ~~has failed to~~) comply with the terms of a notice of (~~traffic~~
37 ~~infraction~~) a criminal complaint or criminal citation, as provided
38 in RCW 46.20.289(1)(a), (v) (~~the person has committed an offense in~~
39 ~~another state that, if committed in this state, would not be grounds~~
40 ~~for the suspension or revocation of the person's driver's license,~~

1 ~~(vi) the person has been suspended or revoked by reason of one or~~
2 ~~more of the items listed in (b) of this subsection, but was eligible~~
3 ~~to reinstate his or her driver's license or driving privilege at the~~
4 ~~time of the violation, (vii) the person has received traffic~~
5 ~~citations or notices of traffic infraction that have resulted in a~~
6 ~~suspension under RCW 46.20.267 relating to intermediate drivers'~~
7 ~~licenses, or (viii)) the person has been certified by the department~~
8 ~~of social and health services as a person who is not in compliance~~
9 ~~with a child support order as provided in RCW 74.20A.320, or (vi) the~~
10 person drives a motor vehicle while his or her driver's license is
11 suspended or revoked for any of the reasons listed in (d) of this
12 subsection and the person has three or more prior violations for
13 driving while license suspended or revoked in the fourth degree
14 within the past four years, or any combination of (c)(i) through
15 ((viii)) (vi) of this subsection, is guilty of driving while
16 license suspended or revoked in the third degree, a misdemeanor.
17 ~~((For the purposes of this subsection, a person is not considered to~~
18 ~~be eligible to reinstate his or her driver's license or driving~~
19 ~~privilege if the person is eligible to obtain an ignition interlock~~
20 ~~driver's license but did not obtain such a license.))~~

21 (d) A person who violates this section when his or her driver's
22 license or driving privilege is, at the time of the violation,
23 suspended or revoked solely because (i) the department receives
24 notice from another state under Article IV of the nonresident
25 violator compact under RCW 46.23.010 or from a jurisdiction that has
26 entered into an agreement with the department under RCW 46.23.020,
27 other than for a standing, stopping, or parking violation as provided
28 in RCW 46.20.289(1)(b); (ii) the person has committed an offense in
29 another state that, if committed in this state, would not be grounds
30 for the suspension or revocation of the person's driver's license;
31 (iii) the person has been suspended or revoked by reason of one or
32 more of the items listed in (b) or (c) of this subsection or for
33 failure to respond to a notice of traffic infraction, failure to
34 appear at a requested hearing for a noncriminal moving violation, or
35 violation of a written promise to appear in court for a notice of
36 infraction, but was eligible to reinstate his or her driver's license
37 or driving privilege at the time of the violation; or (iv) the person
38 has received traffic citations or notices of traffic infraction that
39 have resulted in a suspension under RCW 46.20.267 relating to
40 intermediate drivers' licenses, or any combination of (d)(i) through

1 (iv) of this subsection, has committed driving while license
2 suspended or revoked in the fourth degree, a traffic infraction
3 subject to a penalty of two hundred fifty dollars. If the person
4 appears in person before the court or submits by mail written proof
5 that he or she has reinstated his or her license after being cited,
6 the court shall reduce the penalty to fifty dollars. For the purposes
7 of this subsection, a person is not considered to be eligible to
8 reinstate his or her driver's license or driving privilege if the
9 person is eligible to obtain an ignition interlock driver's license
10 but did not obtain such a license.

11 (2) Upon receiving a record of conviction or infraction of any
12 person or upon receiving an order by any juvenile court or any duly
13 authorized court officer of the conviction or infraction of any
14 juvenile under this section, the department shall:

15 (a) For a conviction of driving while suspended or revoked in the
16 first degree, as provided by subsection (1)(a) of this section,
17 extend the period of administrative revocation imposed under chapter
18 46.65 RCW for an additional period of one year from and after the
19 date the person would otherwise have been entitled to apply for a new
20 license or have his or her driving privilege restored; or

21 (b) For a conviction of driving while suspended or revoked in the
22 second degree, as provided by subsection (1)(b) of this section, not
23 issue a new license or restore the driving privilege for an
24 additional period of one year from and after the date the person
25 would otherwise have been entitled to apply for a new license or have
26 his or her driving privilege restored; or

27 (c) Not extend the period of suspension or revocation (~~if the~~
28 ~~conviction was~~) for a conviction under subsection (1)(c) of this
29 section or an infraction under subsection (1)(d) of this section.
30 (~~If the~~) For a conviction (~~was~~) under subsection (1)(a) or (b) of
31 this section (~~and~~), if the court recommends against the extension
32 and the convicted person has obtained a valid driver's license, the
33 period of suspension or revocation shall not be extended.

34 **Sec. 5.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are
35 each reenacted and amended to read as follows:

36 A police officer having probable cause to believe that a person
37 has committed or is committing a felony shall have the authority to
38 arrest the person without a warrant. A police officer may arrest a
39 person without a warrant for committing a misdemeanor or gross

1 misdemeanor only when the offense is committed in the presence of an
2 officer, except as provided in subsections (1) through (11) of this
3 section.

4 (1) Any police officer having probable cause to believe that a
5 person has committed or is committing a misdemeanor or gross
6 misdemeanor, involving physical harm or threats of harm to any person
7 or property or the unlawful taking of property or involving the use
8 or possession of cannabis, or involving the acquisition, possession,
9 or consumption of alcohol by a person under the age of twenty-one
10 years under RCW 66.44.270, or involving criminal trespass under RCW
11 9A.52.070 or 9A.52.080, shall have the authority to arrest the
12 person.

13 (2) A police officer shall arrest and take into custody, pending
14 release on bail, personal recognizance, or court order, a person
15 without a warrant when the officer has probable cause to believe
16 that:

17 (a) An order has been issued of which the person has knowledge
18 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09,
19 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the
20 person has violated the terms of the order restraining the person
21 from acts or threats of violence, or restraining the person from
22 going onto the grounds of or entering a residence, workplace, school,
23 or day care, or prohibiting the person from knowingly coming within,
24 or knowingly remaining within, a specified distance of a location or,
25 in the case of an order issued under RCW 26.44.063, imposing any
26 other restrictions or conditions upon the person; or

27 (b) A foreign protection order, as defined in RCW 26.52.010, has
28 been issued of which the person under restraint has knowledge and the
29 person under restraint has violated a provision of the foreign
30 protection order prohibiting the person under restraint from
31 contacting or communicating with another person, or excluding the
32 person under restraint from a residence, workplace, school, or day
33 care, or prohibiting the person from knowingly coming within, or
34 knowingly remaining within, a specified distance of a location, or a
35 violation of any provision for which the foreign protection order
36 specifically indicates that a violation will be a crime; or

37 (c) The person is eighteen years or older and within the
38 preceding four hours has assaulted a family or household member as
39 defined in RCW 10.99.020 and the officer believes: (i) A felonious
40 assault has occurred; (ii) an assault has occurred which has resulted

1 in bodily injury to the victim, whether the injury is observable by
2 the responding officer or not; or (iii) that any physical action has
3 occurred which was intended to cause another person reasonably to
4 fear imminent serious bodily injury or death. Bodily injury means
5 physical pain, illness, or an impairment of physical condition. When
6 the officer has probable cause to believe that family or household
7 members have assaulted each other, the officer is not required to
8 arrest both persons. The officer shall arrest the person whom the
9 officer believes to be the primary physical aggressor. In making this
10 determination, the officer shall make every reasonable effort to
11 consider: (A) The intent to protect victims of domestic violence
12 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
13 or serious threats creating fear of physical injury; and (C) the
14 history of domestic violence of each person involved, including
15 whether the conduct was part of an ongoing pattern of abuse.

16 (3) Any police officer having probable cause to believe that a
17 person has committed or is committing a violation of any of the
18 following traffic laws shall have the authority to arrest the person:

19 (a) RCW 46.52.010, relating to duty on striking an unattended car
20 or other property;

21 (b) RCW 46.52.020, relating to duty in case of injury to or death
22 of a person or damage to an attended vehicle;

23 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
24 racing of vehicles;

25 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
26 influence of intoxicating liquor or drugs;

27 (e) RCW 46.61.503 or 46.25.110, relating to persons having
28 alcohol or THC in their system;

29 (f) RCW 46.20.342(1) (a), (b), or (c), relating to driving a
30 motor vehicle while operator's license is suspended or revoked;

31 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
32 negligent manner.

33 (4) A law enforcement officer investigating at the scene of a
34 motor vehicle accident may arrest the driver of a motor vehicle
35 involved in the accident if the officer has probable cause to believe
36 that the driver has committed in connection with the accident a
37 violation of any traffic law or regulation.

38 (5) (a) A law enforcement officer investigating at the scene of a
39 motor vessel accident may arrest the operator of a motor vessel
40 involved in the accident if the officer has probable cause to believe

1 that the operator has committed, in connection with the accident, a
2 criminal violation of chapter 79A.60 RCW.

3 (b) A law enforcement officer investigating at the scene of a
4 motor vessel accident may issue a citation for an infraction to the
5 operator of a motor vessel involved in the accident if the officer
6 has probable cause to believe that the operator has committed, in
7 connection with the accident, a violation of any boating safety law
8 of chapter 79A.60 RCW.

9 (6) Any police officer having probable cause to believe that a
10 person has committed or is committing a violation of RCW 79A.60.040
11 shall have the authority to arrest the person.

12 (7) An officer may act upon the request of a law enforcement
13 officer in whose presence a traffic infraction was committed, to
14 stop, detain, arrest, or issue a notice of traffic infraction to the
15 driver who is believed to have committed the infraction. The request
16 by the witnessing officer shall give an officer the authority to take
17 appropriate action under the laws of the state of Washington.

18 (8) Any police officer having probable cause to believe that a
19 person has committed or is committing any act of indecent exposure,
20 as defined in RCW 9A.88.010, may arrest the person.

21 (9) A police officer may arrest and take into custody, pending
22 release on bail, personal recognizance, or court order, a person
23 without a warrant when the officer has probable cause to believe that
24 an order has been issued of which the person has knowledge under
25 chapter 10.14 RCW and the person has violated the terms of that
26 order.

27 (10) Any police officer having probable cause to believe that a
28 person has, within twenty-four hours of the alleged violation,
29 committed a violation of RCW 9A.50.020 may arrest such person.

30 (11) A police officer having probable cause to believe that a
31 person illegally possesses or illegally has possessed a firearm or
32 other dangerous weapon on private or public elementary or secondary
33 school premises shall have the authority to arrest the person.

34 For purposes of this subsection, the term "firearm" has the
35 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
36 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

37 (12) A law enforcement officer having probable cause to believe
38 that a person has committed a violation under RCW 77.15.160(~~(+4)~~)
39 (5) may issue a citation for an infraction to the person in
40 connection with the violation.

1 (13) A law enforcement officer having probable cause to believe
2 that a person has committed a criminal violation under RCW 77.15.809
3 or 77.15.811 may arrest the person in connection with the violation.

4 (14) Except as specifically provided in subsections (2), (3),
5 (4), and (7) of this section, nothing in this section extends or
6 otherwise affects the powers of arrest prescribed in Title 46 RCW.

7 (15) No police officer may be held criminally or civilly liable
8 for making an arrest pursuant to subsection (2) or (9) of this
9 section if the police officer acts in good faith and without malice.

10 (16)(a) Except as provided in (b) of this subsection, a police
11 officer shall arrest and keep in custody, until release by a judicial
12 officer on bail, personal recognizance, or court order, a person
13 without a warrant when the officer has probable cause to believe that
14 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
15 local ordinance and the police officer: (i) Has knowledge that the
16 person has a prior offense as defined in RCW 46.61.5055 within ten
17 years; or (ii) has knowledge, based on a review of the information
18 available to the officer at the time of arrest, that the person is
19 charged with or is awaiting arraignment for an offense that would
20 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
21 conviction.

22 (b) A police officer is not required to keep in custody a person
23 under (a) of this subsection if the person requires immediate medical
24 attention and is admitted to a hospital.

25 **Sec. 6.** RCW 10.37.015 and 2011 c 46 s 1 are each amended to read
26 as follows:

27 ~~((1))~~ No person shall be held to answer in any court for an
28 alleged crime or offense, unless upon an information filed by the
29 prosecuting attorney, or upon an indictment by a grand jury, except
30 in cases of misdemeanor or gross misdemeanor before a district or
31 municipal judge, or before a court martial ~~(, except as provided in
32 subsection (2) of this section.~~

33 ~~(2) Violations of RCW 46.20.342(1)(c)(iv) may be required by the
34 prosecuting attorney to be referred to his or her office for
35 consideration of filing an information or for entry into a precharge
36 diversion program).~~

37 **Sec. 7.** RCW 46.20.005 and 1997 c 66 s 1 are each amended to read
38 as follows:

1 Except as expressly exempted by this chapter, it is a misdemeanor
2 for a person to drive any motor vehicle upon a highway in this state
3 without a valid driver's license issued to Washington residents under
4 this chapter. This section does not apply if at the time of the stop
5 the person is not in violation of RCW 46.20.342(1) or (~~46.20.420~~)
6 46.20.345 and has in his or her possession an expired driver's
7 license or other valid identifying documentation under RCW 46.20.035.
8 A violation of this section is a lesser included offense within the
9 offenses described in RCW 46.20.342(1) (~~or 46.20.420~~) (a), (b), and
10 (c) and 46.20.345.

11 **Sec. 8.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to read
12 as follows:

13 (1) Any person licensed under this chapter who is convicted of an
14 offense relating to motor vehicles for which suspension or revocation
15 of the driver's license is mandatory, other than vehicular homicide,
16 vehicular assault, driving while under the influence of intoxicating
17 liquor or any drug, or being in actual physical control of a motor
18 vehicle while under the influence of intoxicating liquor or any drug,
19 may submit to the department an application for a temporary
20 restricted driver's license. The department, upon receipt of the
21 prescribed fee and upon determining that the petitioner is eligible
22 to receive the license, may issue a temporary restricted driver's
23 license and may set definite restrictions as provided in RCW
24 46.20.394.

25 (2)(a) A person licensed under this chapter whose driver's
26 license is suspended administratively due to failure to (~~appear or~~
27 ~~pay a traffic ticket~~) comply with the terms of a notice of a
28 criminal complaint or criminal citation under RCW 46.20.289; a
29 violation of the financial responsibility laws under chapter 46.29
30 RCW; or for multiple violations within a specified period of time
31 under RCW 46.20.291, may apply to the department for an occupational
32 driver's license.

33 (b) An occupational driver's license issued to an applicant
34 described in (a) of this subsection shall be valid for the period of
35 the suspension or revocation.

36 (3) An applicant for an occupational or temporary restricted
37 driver's license who qualifies under subsection (1) or (2) of this
38 section is eligible to receive such license only if:

1 (a) Within seven years immediately preceding the date of the
2 offense that gave rise to the present conviction or incident, the
3 applicant has not committed vehicular homicide under RCW 46.61.520 or
4 vehicular assault under RCW 46.61.522; and

5 (b) The applicant demonstrates that it is necessary for him or
6 her to operate a motor vehicle because he or she:

7 (i) Is engaged in an occupation or trade that makes it essential
8 that he or she operate a motor vehicle;

9 (ii) Is undergoing continuing health care or providing continuing
10 care to another who is dependent upon the applicant;

11 (iii) Is enrolled in an educational institution and pursuing a
12 course of study leading to a diploma, degree, or other certification
13 of successful educational completion;

14 (iv) Is undergoing substance abuse treatment or is participating
15 in meetings of a twelve-step group such as Alcoholics Anonymous that
16 requires the petitioner to drive to or from the treatment or
17 meetings;

18 (v) Is fulfilling court-ordered community service
19 responsibilities;

20 (vi) Is in a program that assists persons who are enrolled in a
21 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
22 employed and the program requires a driver's license;

23 (vii) Is in an apprenticeship, on-the-job training, or welfare-
24 to-work program; or

25 (viii) Presents evidence that he or she has applied for a
26 position in an apprenticeship or on-the-job training program for
27 which a driver's license is required to begin the program, provided
28 that a license granted under this provision shall be in effect for no
29 longer than fourteen days; and

30 (c) The applicant files satisfactory proof of financial
31 responsibility under chapter 46.29 RCW; and

32 (d) Upon receipt of evidence that a holder of an occupational
33 driver's license granted under this subsection is no longer enrolled
34 in an apprenticeship or on-the-job training program, the director
35 shall give written notice by first-class mail to the driver that the
36 occupational driver's license shall be canceled. If at any time
37 before the cancellation goes into effect the driver submits evidence
38 of continued enrollment in the program, the cancellation shall be
39 stayed. If the cancellation becomes effective, the driver may obtain,
40 at no additional charge, a new occupational driver's license upon

1 submittal of evidence of enrollment in another program that meets the
2 criteria set forth in this subsection; and

3 (e) The department shall not issue an occupational driver's
4 license under (b)(iv) of this subsection if the applicant is able to
5 receive transit services sufficient to allow for the applicant's
6 participation in the programs referenced under (b)(iv) of this
7 subsection.

8 (4) A person aggrieved by the decision of the department on the
9 application for an occupational or temporary restricted driver's
10 license may request a hearing as provided by rule of the department.

11 (5) The director shall cancel an occupational or temporary
12 restricted driver's license after receiving notice that the holder
13 thereof has been convicted of operating a motor vehicle in violation
14 of its restrictions, no longer meets the eligibility requirements, or
15 has been convicted of or found to have committed a separate offense
16 or any other act or omission that under this chapter would warrant
17 suspension or revocation of a regular driver's license. The
18 department must give notice of the cancellation as provided under RCW
19 46.20.245. A person whose occupational or temporary restricted
20 driver's license has been canceled under this section may reapply for
21 a new occupational or temporary restricted driver's license if he or
22 she is otherwise qualified under this section and pays the fee
23 required under RCW 46.20.380.

24 **Sec. 9.** RCW 46.55.113 and 2011 c 167 s 6 are each amended to
25 read as follows:

26 (1) Whenever the driver of a vehicle is arrested for a violation
27 of RCW 46.20.342(1) (a), (b), or (c) or 46.20.345, the vehicle is
28 subject to summary impoundment, pursuant to the terms and conditions
29 of an applicable local ordinance or state agency rule at the
30 direction of a law enforcement officer.

31 (2) In addition, a police officer may take custody of a vehicle,
32 at his or her discretion, and provide for its prompt removal to a
33 place of safety under any of the following circumstances:

34 (a) Whenever a police officer finds a vehicle standing upon the
35 roadway in violation of any of the provisions of RCW 46.61.560, the
36 officer may provide for the removal of the vehicle or require the
37 driver or other person in charge of the vehicle to move the vehicle
38 to a position off the roadway;

1 (b) Whenever a police officer finds a vehicle unattended upon a
2 highway where the vehicle constitutes an obstruction to traffic or
3 jeopardizes public safety;

4 (c) Whenever a police officer finds an unattended vehicle at the
5 scene of an accident or when the driver of a vehicle involved in an
6 accident is physically or mentally incapable of deciding upon steps
7 to be taken to protect his or her property;

8 (d) Whenever the driver of a vehicle is arrested and taken into
9 custody by a police officer;

10 (e) Whenever a police officer discovers a vehicle that the
11 officer determines to be a stolen vehicle;

12 (f) Whenever a vehicle without a special license plate, placard,
13 or decal indicating that the vehicle is being used to transport a
14 person with disabilities under RCW 46.19.010 is parked in a stall or
15 space clearly and conspicuously marked under RCW 46.61.581 which
16 space is provided on private property without charge or on public
17 property;

18 (g) Upon determining that a person is operating a motor vehicle
19 without a valid and, if required, a specially endorsed driver's
20 license or with a license that has been expired for ninety days or
21 more;

22 (h) When a vehicle is illegally occupying a truck, commercial
23 loading zone, restricted parking zone, bus, loading, hooded-meter,
24 taxi, street construction or maintenance, or other similar zone
25 where, by order of the director of transportation or chiefs of police
26 or fire or their designees, parking is limited to designated classes
27 of vehicles or is prohibited during certain hours, on designated days
28 or at all times, if the zone has been established with signage for at
29 least twenty-four hours and where the vehicle is interfering with the
30 proper and intended use of the zone. Signage must give notice to the
31 public that a vehicle will be removed if illegally parked in the
32 zone;

33 (i) When a vehicle with an expired registration of more than
34 forty-five days is parked on a public street.

35 (3) When an arrest is made for a violation of RCW 46.20.342(1)
36 (a), (b), or (c), if the vehicle is a commercial vehicle or farm
37 transport vehicle and the driver of the vehicle is not the owner of
38 the vehicle, before the summary impoundment directed under subsection
39 (1) of this section, the police officer shall attempt in a reasonable
40 and timely manner to contact the owner of the vehicle and may release

1 the vehicle to the owner if the owner is reasonably available, as
2 long as the owner was not in the vehicle at the time of the stop and
3 arrest and the owner has not received a prior release under this
4 subsection or RCW 46.55.120(1) (~~(a)~~) (b)(ii).

5 (4) Nothing in this section may derogate from the powers of
6 police officers under the common law. For the purposes of this
7 section, a place of safety may include the business location of a
8 registered tow truck operator.

9 (5) For purposes of this section "farm transport vehicle" means a
10 motor vehicle owned by a farmer and that is being actively used in
11 the transportation of the farmer's or another farmer's farm, orchard,
12 aquatic farm, or dairy products, including livestock and plant or
13 animal wastes, from point of production to market or disposal, or
14 supplies or commodities to be used on the farm, orchard, aquatic
15 farm, or dairy, and that has a gross vehicle weight rating of 7,258
16 kilograms (16,001 pounds) or more.

17 **Sec. 10.** RCW 46.63.020 and 2018 c 18 s 4 are each amended to
18 read as follows:

19 Failure to perform any act required or the performance of any act
20 prohibited by this title or an equivalent administrative regulation
21 or local law, ordinance, regulation, or resolution relating to
22 traffic including parking, standing, stopping, and pedestrian
23 offenses, is designated as a traffic infraction and may not be
24 classified as a criminal offense, except for an offense contained in
25 the following provisions of this title or a violation of an
26 equivalent administrative regulation or local law, ordinance,
27 regulation, or resolution:

28 (1) RCW 46.09.457(1)(b)(i) relating to a false statement
29 regarding the inspection of and installation of equipment on wheeled
30 all-terrain vehicles;

31 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
32 vehicle while under the influence of intoxicating liquor or a
33 controlled substance;

34 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

35 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
36 while under the influence of intoxicating liquor or narcotics or
37 habit-forming drugs or in a manner endangering the person of another;

38 (5) RCW 46.10.495 relating to the operation of snowmobiles;

- 1 (6) Chapter 46.12 RCW relating to certificates of title,
2 registration certificates, and markings indicating that a vehicle has
3 been destroyed or declared a total loss;
- 4 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment
5 of taxes and fees by failure to register a vehicle and falsifying
6 residency when registering a motor vehicle;
- 7 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
8 drive;
- 9 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 10 (10) RCW 46.19.050(1) relating to knowingly providing false
11 information in conjunction with an application for a special placard
12 or license plate for disabled persons' parking;
- 13 (11) RCW 46.19.050(8) relating to illegally obtaining a parking
14 placard, special license plate, special year tab, or identification
15 card;
- 16 (12) RCW 46.19.050(9) relating to sale of a parking placard,
17 special license plate, special year tab, or identification card;
- 18 (13) RCW 46.20.005 relating to driving without a valid driver's
19 license;
- 20 (14) RCW 46.20.091 relating to false statements regarding a
21 driver's license or instruction permit;
- 22 (15) RCW 46.20.0921 relating to the unlawful possession and use
23 of a driver's license;
- 24 (16) RCW 46.20.342(1) (a), (b), and (c) relating to driving with
25 a suspended or revoked license or status;
- 26 (17) RCW 46.20.345 relating to the operation of a motor vehicle
27 with a suspended or revoked license;
- 28 (18) RCW 46.20.410 relating to the violation of restrictions of
29 an occupational driver's license, temporary restricted driver's
30 license, or ignition interlock driver's license;
- 31 (19) RCW 46.20.740 relating to operation of a motor vehicle
32 without an ignition interlock device in violation of a license
33 notation that the device is required;
- 34 (20) RCW 46.20.750 relating to circumventing an ignition
35 interlock device;
- 36 (21) RCW 46.25.170 relating to commercial driver's licenses;
- 37 (22) Chapter 46.29 RCW relating to financial responsibility;
- 38 (23) RCW 46.30.040 relating to providing false evidence of
39 financial responsibility;
- 40 (24) RCW 46.35.030 relating to recording device information;

1 (25) RCW 46.37.435 relating to wrongful installation of
2 sunscreening material;

3 (26) RCW 46.37.650 relating to the manufacture, importation,
4 sale, distribution, or installation of a counterfeit air bag,
5 nonfunctional air bag, or previously deployed or damaged air bag;

6 (27) RCW 46.37.660 relating to the sale or installation of a
7 device that causes a vehicle's diagnostic system to inaccurately
8 indicate that the vehicle has a functional air bag when a counterfeit
9 air bag, nonfunctional air bag, or no air bag is installed;

10 (28) RCW 46.37.671 through 46.37.675 relating to signal
11 preemption devices;

12 (29) RCW 46.37.685 relating to switching or flipping license
13 plates, utilizing technology to flip or change the appearance of a
14 license plate, selling a license plate flipping device or technology
15 used to change the appearance of a license plate, or falsifying a
16 vehicle registration;

17 (30) RCW 46.44.180 relating to operation of mobile home pilot
18 vehicles;

19 (31) RCW 46.48.175 relating to the transportation of dangerous
20 articles;

21 (32) RCW 46.52.010 relating to duty on striking an unattended car
22 or other property;

23 (33) RCW 46.52.020 relating to duty in case of injury to or death
24 of a person or damage to an attended vehicle;

25 (34) RCW 46.52.090 relating to reports by repairers, storage
26 persons, and appraisers;

27 (35) RCW 46.52.130 relating to confidentiality of the driving
28 record to be furnished to an insurance company, an employer, and an
29 alcohol/drug assessment or treatment agency;

30 (36) RCW 46.55.020 relating to engaging in the activities of a
31 registered tow truck operator without a registration certificate;

32 (37) RCW 46.55.035 relating to prohibited practices by tow truck
33 operators;

34 (38) RCW 46.55.300 relating to vehicle immobilization;

35 (39) RCW 46.61.015 relating to obedience to police officers,
36 flaggers, or firefighters;

37 (40) RCW 46.61.020 relating to refusal to give information to or
38 cooperate with an officer;

39 (41) RCW 46.61.022 relating to failure to stop and give
40 identification to an officer;

- 1 (42) RCW 46.61.024 relating to attempting to elude pursuing
2 police vehicles;
- 3 (43) RCW 46.61.212(4) relating to reckless endangerment of
4 emergency or work zone workers;
- 5 (44) RCW 46.61.500 relating to reckless driving;
- 6 (45) RCW 46.61.502 and 46.61.504 relating to persons under the
7 influence of intoxicating liquor or drugs;
- 8 (46) RCW 46.61.503 relating to a person under age twenty-one
9 driving a motor vehicle after consuming alcohol;
- 10 (47) RCW 46.61.520 relating to vehicular homicide by motor
11 vehicle;
- 12 (48) RCW 46.61.522 relating to vehicular assault;
- 13 (49) RCW 46.61.5249 relating to first degree negligent driving;
- 14 (50) RCW 46.61.527(4) relating to reckless endangerment of
15 roadway workers;
- 16 (51) RCW 46.61.530 relating to racing of vehicles on highways;
- 17 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
18 load;
- 19 (53) RCW 46.61.685 relating to leaving children in an unattended
20 vehicle with the motor running;
- 21 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;
- 22 (55) RCW 46.64.010 relating to unlawful cancellation of or
23 attempt to cancel a traffic citation;
- 24 (56) RCW 46.64.048 relating to attempting, aiding, abetting,
25 coercing, and committing crimes;
- 26 (57) Chapter 46.65 RCW relating to habitual traffic offenders;
- 27 (58) RCW 46.68.010 relating to false statements made to obtain a
28 refund;
- 29 (59) Chapter 46.70 RCW relating to unfair motor vehicle business
30 practices, except where that chapter provides for the assessment of
31 monetary penalties of a civil nature;
- 32 (60) Chapter 46.72 RCW relating to the transportation of
33 passengers in for hire vehicles;
- 34 (61) RCW 46.72A.060 relating to limousine carrier insurance;
- 35 (62) RCW 46.72A.070 relating to operation of a limousine without
36 a vehicle certificate;
- 37 (63) RCW 46.72A.080 relating to false advertising by a limousine
38 carrier;
- 39 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 40 (65) Chapter 46.82 RCW relating to driver's training schools;

1 (66) RCW 46.87.260 relating to alteration or forgery of a cab
2 card, letter of authority, or other temporary authority issued under
3 chapter 46.87 RCW;

4 (67) RCW 46.87.290 relating to operation of an unregistered or
5 unlicensed vehicle under chapter 46.87 RCW.

6 **Sec. 11.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
7 read as follows:

8 (1) A person found to have committed a traffic infraction shall
9 be assessed a monetary penalty. No penalty may exceed two hundred and
10 fifty dollars for each offense unless authorized by this chapter or
11 title.

12 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
13 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
14 is five hundred dollars for each offense. No penalty assessed under
15 this subsection (2) may be reduced.

16 (3) The supreme court shall prescribe by rule a schedule of
17 monetary penalties for designated traffic infractions. This rule
18 shall also specify the conditions under which local courts may
19 exercise discretion in assessing fines and penalties for traffic
20 infractions. The legislature respectfully requests the supreme court
21 to adjust this schedule every two years for inflation.

22 (4) There shall be a penalty of twenty-five dollars for failure
23 to respond to a notice of traffic infraction except where the
24 infraction relates to parking as defined by local law, ordinance,
25 regulation, or resolution or failure to pay a monetary penalty
26 imposed pursuant to this chapter. A local legislative body may set a
27 monetary penalty not to exceed twenty-five dollars for failure to
28 respond to a notice of traffic infraction relating to parking as
29 defined by local law, ordinance, regulation, or resolution. The local
30 court, whether a municipal, police, or district court, shall impose
31 the monetary penalty set by the local legislative body.

32 (5) Monetary penalties provided for in chapter 46.70 RCW which
33 are civil in nature and penalties which may be assessed for
34 violations of chapter 46.44 RCW relating to size, weight, and load of
35 motor vehicles are not subject to the limitation on the amount of
36 monetary penalties which may be imposed pursuant to this chapter.

37 (6) Whenever a monetary penalty, fee, cost, assessment, or other
38 monetary obligation is imposed by a court under this chapter, it is
39 immediately payable and is enforceable as a civil judgment under

1 Title 6 RCW. If the court determines, in its discretion, that a
2 person is not able to pay a monetary obligation in full, and not more
3 than one year has passed since the later of July 1, 2005, or the date
4 the monetary obligation initially became due and payable, the court
5 shall enter into a payment plan with the person, unless the person
6 has previously been granted a payment plan with respect to the same
7 monetary obligation, or unless the person is in noncompliance of any
8 existing or prior payment plan, in which case the court may, at its
9 discretion, implement a payment plan. If the court has notified the
10 department that the person has failed to pay or comply and the person
11 has subsequently entered into a payment plan and made an initial
12 payment, the court shall notify the department that the infraction
13 has been adjudicated, and the department shall rescind any suspension
14 of the person's driver's license or driver's privilege based on
15 failure to respond to that infraction. "Payment plan," as used in
16 this section, means a plan that requires reasonable payments based on
17 the financial ability of the person to pay. The person may
18 voluntarily pay an amount at any time in addition to the payments
19 required under the payment plan.

20 (a) If a payment required to be made under the payment plan is
21 delinquent or the person fails to complete a community restitution
22 program on or before the time established under the payment plan,
23 unless the court determines good cause therefor and adjusts the
24 payment plan or the community restitution plan accordingly, the court
25 may refer the unpaid monetary penalty, fee, cost, assessment, or
26 other monetary obligation for civil enforcement until all monetary
27 obligations, including those imposed under subsections (3) and (4) of
28 this section, have been paid, and court authorized community
29 restitution has been completed, or until the court has entered into a
30 new time payment or community restitution agreement with the person.
31 (~~For those infractions subject to suspension under RCW 46.20.289,~~
32 ~~the court shall notify the department of the person's failure to meet~~
33 ~~the conditions of the plan, and the department shall suspend the~~
34 ~~person's driver's license or driving privileges.))~~

35 (b) If a person has not entered into a payment plan with the
36 court and has not paid the monetary obligation in full on or before
37 the time established for payment, the court may refer the unpaid
38 monetary penalty, fee, cost, assessment, or other monetary obligation
39 to a collections agency until all monetary obligations have been
40 paid, including those imposed under subsections (3) and (4) of this

1 section, or until the person has entered into a payment plan under
2 this section. (~~For those infractions subject to suspension under RCW~~
3 ~~46.20.289, the court shall notify the department of the person's~~
4 ~~delinquency, and the department shall suspend the person's driver's~~
5 ~~license or driving privileges.~~)

6 (c) If the payment plan is to be administered by the court, the
7 court may assess the person a reasonable administrative fee to be
8 wholly retained by the city or county with jurisdiction. The
9 administrative fee shall not exceed ten dollars per infraction or
10 twenty-five dollars per payment plan, whichever is less.

11 (d) Nothing in this section precludes a court from contracting
12 with outside entities to administer its payment plan system. When
13 outside entities are used for the administration of a payment plan,
14 the court may assess the person a reasonable fee for such
15 administrative services, which fee may be calculated on a periodic,
16 percentage, or other basis.

17 (e) If a court authorized community restitution program for
18 offenders is available in the jurisdiction, the court may allow
19 conversion of all or part of the monetary obligations due under this
20 section to court authorized community restitution in lieu of time
21 payments if the person is unable to make reasonable time payments.

22 (7) In addition to any other penalties imposed under this section
23 and not subject to the limitation of subsection (1) of this section,
24 a person found to have committed a traffic infraction shall be
25 assessed:

26 (a) A fee of five dollars per infraction. Under no circumstances
27 shall this fee be reduced or waived. Revenue from this fee shall be
28 forwarded to the state treasurer for deposit in the emergency medical
29 services and trauma care system trust account under RCW 70.168.040;

30 (b) A fee of ten dollars per infraction. Under no circumstances
31 shall this fee be reduced or waived. Revenue from this fee shall be
32 forwarded to the state treasurer for deposit in the Washington auto
33 theft prevention authority account; and

34 (c) A fee of two dollars per infraction. Revenue from this fee
35 shall be forwarded to the state treasurer for deposit in the
36 traumatic brain injury account established in RCW 74.31.060.

37 (8)(a) In addition to any other penalties imposed under this
38 section and not subject to the limitation of subsection (1) of this
39 section, a person found to have committed a traffic infraction other
40 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional

1 penalty of twenty dollars. The court may not reduce, waive, or
2 suspend the additional penalty unless the court finds the offender to
3 be indigent. If a court authorized community restitution program for
4 offenders is available in the jurisdiction, the court shall allow
5 offenders to offset all or a part of the penalty due under this
6 subsection (8) by participation in the court authorized community
7 restitution program.

8 (b) Eight dollars and fifty cents of the additional penalty under
9 (a) of this subsection shall be remitted to the state treasurer. The
10 remaining revenue from the additional penalty must be remitted under
11 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
12 under this subsection to the state treasurer must be deposited in the
13 state general fund. The balance of the revenue received by the county
14 or city treasurer under this subsection must be deposited into the
15 county or city current expense fund. Moneys retained by the city or
16 county under this subsection shall constitute reimbursement for any
17 liabilities under RCW 43.135.060.

18 (9) If a legal proceeding, such as garnishment, has commenced to
19 collect any delinquent amount owed by the person for any penalty
20 imposed by the court under this section, the court may, at its
21 discretion, enter into a payment plan.

22 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
23 hundred fifty dollars for the first violation; (b) five hundred
24 dollars for the second violation; and (c) seven hundred fifty dollars
25 for each violation thereafter.

26 **Sec. 12.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to
27 read as follows:

28 Whenever any person served with, or provided notice of, ((a
29 ~~traffic infraction or~~) a traffic-related criminal complaint
30 (~~willfully fails to appear at a requested hearing for a moving~~
31 ~~violation,~~) or criminal citation fails to comply with the terms of
32 (~~a notice of infraction for a moving violation or a traffic-~~
33 ~~related~~) the criminal complaint or criminal citation, the court with
34 jurisdiction over the ((~~traffic infraction or~~) traffic-related
35 criminal complaint or criminal citation shall promptly give notice of
36 such fact to the department of licensing. Whenever thereafter the
37 case in which the defendant failed to ((~~appear or~~) comply is
38 adjudicated, the court hearing the case shall promptly file with the
39 department a certificate showing that the case has been adjudicated.

1 (~~For the purposes of this section, "moving violation" is defined by~~
2 ~~rule pursuant to RCW 46.20.2891.~~)

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.20
4 RCW to read as follows:

5 (1) The department is authorized to administratively reinstate
6 all licenses suspended pursuant to RCW 46.20.289, except (a) those
7 that are suspended pursuant to Article IV of the nonresident violator
8 compact under RCW 46.23.010 or from a jurisdiction that has entered
9 into an agreement with the department under RCW 46.23.020; and (b)
10 those licenses suspended because the person has failed to comply with
11 the terms of criminal complaint or criminal citation.

12 (2) No later than thirty days after the effective date of this
13 section, the department shall notify any person whose driver's
14 license was suspended pursuant to RCW 46.20.289 prior to September 1,
15 2019, that he or she may be eligible for reinstatement of his or her
16 license, specifying that the reinstatement is not available for (a)
17 licenses suspended pursuant to Article IV of the nonresident violator
18 compact under RCW 46.23.010 or from a jurisdiction that has entered
19 into an agreement with the department under RCW 46.23.020; and (b)
20 those licenses suspended because the person has failed to comply with
21 the terms of criminal complaint or criminal citation. The department
22 is also authorized to include any other pertinent information about
23 the reinstatement process in the notice.

24 (3) No later than thirty days after the effective date of this
25 section, the department shall create an online application process
26 available for people who had their licenses suspended pursuant to RCW
27 46.20.289 prior to the effective date of this section. This online
28 application process shall allow a person to determine whether they
29 are eligible to have their license reinstated and explain the process
30 for reinstatement. A reissue fee as provided in RCW 46.20.311 shall
31 apply.

32 NEW SECTION. **Sec. 14.** This act takes effect September 1, 2019.

--- END ---

HOUSE BILL 1495

State of Washington

66th Legislature

2019 Regular Session

By Representatives Goodman, Klippert, Appleton, Ormsby, and Jinkins

Read first time 01/23/19. Referred to Committee on Public Safety.

1 AN ACT Relating to establishing the joint legislative task force
2 on criminal sentencing; creating a new section; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) A joint legislative task force on
6 criminal sentencing is established.

7 (2) The task force is composed of members as provided in this
8 subsection.

9 (a) The president of the senate shall appoint one member from
10 each of the two largest caucuses of the senate.

11 (b) The speaker of the house of representatives shall appoint one
12 member from each of the two largest caucuses of the house of
13 representatives.

14 (c) The president of the senate and the speaker of the house of
15 representatives jointly shall appoint members representing the:

16 (i) Caseload forecast council;

17 (ii) Department of corrections;

18 (iii) Sentencing guidelines commission;

19 (iv) Statewide family council administered by the department of
20 corrections;

21 (v) Statewide reentry council;

- 1 (vi) Superior court judges' association;
- 2 (vii) Washington association of criminal defense attorneys or the
- 3 Washington defender association;
- 4 (viii) Washington association of prosecuting attorneys;
- 5 (ix) Washington association of sheriffs and police chiefs;
- 6 (x) Washington state association of counties;
- 7 (xi) Washington state minority and justice commission; and
- 8 (xii) Two different community organizations representing the
- 9 interests of incarcerated persons.

10 (3) The legislative membership shall convene the initial meeting
11 of the task force no later than September 1, 2019. The legislative
12 membership shall choose the task force's cochairs, which must include
13 one senator and one representative from among the legislative
14 membership of the task force.

15 (4) The task force shall review state sentencing laws, including
16 a consideration of the report of the sentencing guidelines commission
17 required by section 129, chapter 299, Laws of 2018. The task force
18 shall develop recommendations for the purpose of:

- 19 (a) Reducing sentencing implementation complexities and errors;
- 20 (b) Improving the effectiveness of the sentencing system; and
- 21 (c) Promoting and improving public safety.

22 (5) The task force shall submit an initial report, including
23 findings and recommendations, to the governor and the appropriate
24 committees of the legislature by December 31, 2019. The task force
25 shall submit a final report by December 31, 2020.

26 (6) Staff support for the task force must be provided by the
27 senate committee services and the house of representatives office of
28 program research.

29 (7) Legislative members of the task force are reimbursed for
30 travel expenses in accordance with RCW 44.04.120. Nonlegislative
31 members are not entitled to be reimbursed for travel expenses if they
32 are elected officials or are participating on behalf of an employer,
33 governmental entity, or other organization. Any reimbursement for
34 other nonlegislative members is subject to chapter 43.03 RCW.

35 (8) The expenses of the task force must be paid jointly by the
36 senate and the house of representatives. Task force expenditures are
37 subject to approval by the senate facilities and operations committee
38 and the house of representatives executive rules committee, or their
39 successor committees.

1 (9) This section expires January 1, 2021.

--- **END** ---

**Announcing the Judicial Fellows Clinic
March 22-23, 2019
Seattle University School of Law**

ABOUT THE JUDICIAL INSTITUTE

The Judicial Institute is Washington non-profit organization that prepares qualified diverse attorneys for judicial positions. Through our efforts, we strive to make the path to the judiciary more accessible, and to increase the number of diverse attorneys seeking and securing judicial positions.

We are committed to the diversification of Washington's courts, and we believe our judicial system is strengthened when it reflects the richness and diversity of the communities and populations served throughout the State of Washington. The bench is enriched, and decision-making is enhanced, by a variety of perspectives and life experiences.

ABOUT THE JUDICIAL FELLOWS CLINIC

Fellows will in a two-day interactive course, taught by instructors that are judges, MBA judicial evaluation committee members, and appointing authorities. Presenters will address topics including judicial ethics, the judicial appointment process, and preparing for a judicial campaign. In addition, Fellows will be assigned judicial mentors who will provide one-on-one feedback and guidance. At the end of the program, Fellows should have the skills and information to begin seeking a position on the bench. Fellows will also receive general and ethics CLE credits.

HOW YOU CAN HELP

As a nonprofit organization, we rely on the generous support of donors. The funds raised go directly into hosting the Clinic every other year and we hope to provide future programs to address the lack of diversity of the pipeline of people that want to pursue a position in the judiciary.

For your support, your logo will appear on all marketing and information materials for the 2019 Judicial Fellows Clinic, including on our website. You will also be acknowledged and thanked at our Fellows Clinic and receive a personalized thank you note from the Judicial Institute.

PLEASE CONSIDER SUPPORTING THE WORK OF THE JUDICIAL INSTITUTE BY BECOMING A SPONSOR OF THE 2019 JUDICIAL FELLOWS CLINIC. Your financial support will have an immeasurable impact on the diversity of our judiciary who serve our increasingly diverse communities.

To become a sponsor, or for additional information, please contact Chach Duarte White, President of the Judicial Institute, at chach@stanfordalumni.org or 206-499-1681.

December 5, 2018

Dear Partners in Providing Justice:

RE: Support Legislative Funding for Interpreter Services and Court System Education

The Board for Judicial Administration (BJA) needs your support to improve access to court interpreter services for our growing diverse population and to provide training for a new wave of judges and court system personnel.

The Administrative Office of the Courts 2019-2021 budget includes funds to support these two judicial branch priorities. Please reach out to your local legislators and ask them to support these important funding requests.

- 1) Funding for interpreters and court system training has remained flat for over a decade while the needs and costs for those essential services have increased dramatically.
- 2) It is fundamental to our system of justice that all participants have the ability to meaningfully participate in court proceedings. The judicial branch seeks \$2.1 million to help more cities and counties with the rising cost of providing credentialed court interpreters.
- 3) The judicial branch is requesting \$1.4 million to ensure new judicial officers and court personnel receive timely access to the training they need. Funds will be used to develop the statewide online delivery system to provide immediate and sustainable training opportunities and to improve access to in-person training for judicial officers and court system personnel in all parts of the state.

Individuals and communities benefit from and are better able to access critical court services when we have credentialed interpreters and trained judicial officers and court personnel. Your voice is vital. Please use the enclosed materials in your efforts to support these requests.

Sincerely,

Mary E. Fairhurst
BJA Chair
Chief Justice Supreme Court

Judy Rae Jasprica, Member Chair
BJA Member Chair
Presiding Judge, Pierce County District Court

BJA Interpreter Services Funding Task Force Chairs: Justice Steve González, Judge Sean O'Donnell, Judge Andrea Beall

BJA Court System Education Funding Task Force Chairs: Judge Joe Burrowes, Judge Doug Fair

Please Support These Funding Requests By:

- 1) Meeting with local legislators to support this effort.
- 2) Asking your county/city executives and commissions/council members to adopt as legislative priorities funding for court interpreters and training for judges and court personnel.
- 3) Sharing [materials](#) with your membership and colleagues and requesting that they contact local stakeholders.
- 4) Sharing personal and community experiences with key stakeholders to highlight how funding can address local needs and benefit the community. For example, you might discuss:
 - A case that proceeded with no interpreter or an unqualified interpreter, especially in a family or non-criminal matter.
 - A case that went smoothly because of qualified interpreters.
 - A time that training would have helped provide greater access to the judicial process.
 - How training judicial officers and court personnel benefits the individuals that use court services.
- 5) During the legislative session, respond to emails requesting targeted outreach and support.

Materials Provided:

- 1) **Information sheets** can be shared with local legislators and stakeholders. Even if you are primarily discussing only one of the Task Force's priorities, please use the double-sided BJA information sheet when appropriate.
- 2) **Talking points** serve as a guide to consistently share the main points of the funding requests. Please complement these by sharing local stories and needs.
- 3) **Frequently asked questions and answers** are available to assist in your communications. We will update this sheet as needed.
- 4) Please complete a **BJA Task Force Legislative Response Form** after you contact your legislator so that we can respond to your efforts and ongoing communication needs. These are attached and can be found on the BJA webpage below.

All materials can be found online in the [Legislative Communications Toolkit](#).

Questions: Contact Jeanne Englert, Jeanne.englert@courts.wa.gov or 360-705-5207.

INCREASED FUNDING IS CRITICAL FOR FUNDAMENTAL ACCESS TO QUALIFIED INTERPRETERS

The Washington Judiciary is requesting \$2.1 million for the state Interpreter Reimbursement Program to allow more courts in all parts of the state to access funding.

INCREASED DEMAND, INSUFFICIENT LOCAL RESOURCES

State funding has been flat since 2008, yet a recent study of Washington courts found that the costs of providing interpreters is increasing. Increased funding will help additional courts, especially rural and small courts, access the Interpreter Reimbursement Program and support interpreter recruitment and testing to increase the number of qualified interpreters.

DUE PROCESS AND PROTECTION OF LEGAL RIGHTS

Individuals face severe and costly consequences affecting their safety, health, families, property, and finances if they're unable to access qualified interpreter services. Providing qualified interpreters from the beginning of a case can resolve minor legal issues before they become bigger ones.

LIFE-ALTERING CONSEQUENCES

Without access to qualified interpreters, victims often face many negative impacts such as emotional stress, delayed response or no assistance, and conflicts of interest. For victims who are seeking resolutions to high-risk situations, such as a protection order, a court interpreter can be a matter of life and death.

THE FACTS



59%

A recent survey revealed that 59% of courts experienced delays in proceedings when interpreter services were needed and unavailable.

165

The number of languages courts must accommodate has increased 30%, with one court reporting 165 languages.

50%

Approximately 50% of courts report exceeding their interpreter budgets. Small and rural courts often face a shortage of qualified interpreters in their communities, which can lead to unexpected interpreter travel costs that break the bank.



Without an interpreter, my clients would not be able to address the court or understand what was happening. It is crucial for interpreting services to be available — especially in court — which is already an intimidating setting and communication is particularly important.

DOMESTIC VIOLENCE COMMUNITY ADVOCATE



www.courts.wa.gov

CONTACT Jeanne.Englert@courts.wa.gov (360) 705-5207

COURT TRAINING IS ESSENTIAL FOR NEW JUDGES AND COURT PERSONNEL

The Washington Judiciary is requesting \$1.4 million to ensure new judicial officers and court personnel have timely access to the training they need to effectively serve the public.

PUBLIC TRUST AND CONFIDENCE

Funding for court training has remained the same for more than a decade, despite increasing needs. Well-trained judicial officers and court personnel foster confidence in the judicial process.

INFORMED RESPONSES

Timely training is critical to informed and effective responses to increasing numbers of self-represented litigants and cases involving mental health, domestic violence, and drug addiction in our communities.

LEGISLATIVE IMPACT

In the last three years, the Legislature has passed more than 150 bills that impact the court system, including DUI laws, family law and parentage, guardianship, mental health, public records, and juvenile justice. Proper training is essential to making sure the intent of the legislature is carried out in the cases that come through the courts.

Justice is not administered by itself. It requires qualified and educated people.



THE FACTS



50 / 63%

Almost 50% of judicial officers and 63% of new administrators received no training during their first six months on the job.

150

In the last three years, the Legislature has passed more than 150 bills that impact the court system.

ONE THIRD

The “age wave” is here. Nearly one third of the district and municipal court bench will turn over by the end of 2018. Superior Court and Court of Appeals judges are not far behind.



Interpreter Services Funding Task Force 2019

Funding Request Talking Points

Increase State Funded Interpreter Program

1. The judicial branch is requesting \$2.1 million for the state Interpreter Reimbursement Program so that more courts throughout the state receive financial help to hire qualified court interpreters. Interpreter services are fundamental to justice, providing the ability for all participants to meaningfully participate in court proceedings.
2. Funding for court interpreters is meant to be a partnership. The legislature established funding for the Interpreter Reimbursement Program in 2008 as a partnership between local courts and the State to provide 50% funding for interpreter services.
3. The program currently provides limited funds to only 20% of Washington courts. It's time to reaffirm our commitment to this partnership.
4. Increased funds will help additional courts, especially rural and small courts, access the program and support interpreter recruitment and testing to increase the number of qualified interpreters.

Increased Demand, Insufficient Local Resources

5. State funding has been flat since 2008, yet a recent study of Washington Courts found that the costs of providing interpreters is increasing. The number of languages courts are facing has increased 30% percent, with one court reporting 165 languages.
6. Small and rural courts often face a shortage of qualified interpreters in their communities, which can lead to unexpected interpreter travel costs that break the bank.

Due Process and Protection of Legal Rights

7. Individuals can face severe consequences affecting safety, health, families, housing, and finances if they're unable to access qualified interpreter services at the needed time in court. Availability of qualified interpreters from the beginning of a case can resolve minor legal issues before they become bigger ones.
8. A recent survey of Washington courts revealed that 59% of courts experienced delays in proceedings when interpreter services were unavailable. Delays cost the courts, community, and individuals. Delays may increase staff, attorney, and jail costs. Individuals may lose work days, struggle to find additional child care, or spend more time incarcerated.
9. Delays can be especially challenging for persons who are low income or who have health and mobility challenges.



Court System Education Funding Task Force 2019

Funding Request Talking Points

- 1) The Washington Judiciary is requesting \$1.4 million to ensure new judicial officers and court personnel get timely access to the training needed to effectively serve the public. Funding will ensure equal access for small and rural courts that struggle to afford sending judges and court staff to training opportunities.
- 2) Funds will be used to develop a statewide online education and training system which can provide immediate and sustainable training opportunities, and to expand critical in-person training for judicial officers and court staff who work in all regions of the state.
- 3) New judges are typically highly experienced legal professionals in specialty practice areas. Judges are required to be proficient in all areas of the law. They need knowledge and training to preside over continuous changes in law, policy, and technology.
- 4) A recent survey revealed that almost 50% of judicial officers and 63% of new administrators received no training during their first six months on the job.
- 5) Even when training is provided, there is often insufficient funding for court personnel to attend training. The lack of resources make it particularly difficult for small and rural court staff to access training opportunities. We will use the additional funding to develop and implement critical court personnel trainings and remove financial barriers to attending those trainings.
- 6) Well-trained judicial officers and court staff foster confidence in the judicial process. Better outcomes for the public means greater trust in state and local government. Research has shown that people tend to comply with court orders and the law if they perceive that court proceedings and the laws are fair.
- 7) In the last three years, the Legislature has passed more than 150 bills impacting the court system. Nearly every year, the Legislature makes changes to a wide array of substantive legal and policy areas such as DUI laws, family law and parentage, guardianship, mental health, public records, and juvenile justice. Timely training is essential to make sure that the intent of the legislature is carried out in the cases that come through the courts.
- 8) The “age wave” is here and is creating huge turnover on the bench and among court staff. Nearly a third of the district and municipal court bench will be replaced by the end of 2018. Superior Court and Court of Appeals judges are retiring in similar numbers. We need additional dollars to train these new judges.
- 9) Timely training is critical to informed and effective responses to increasing numbers of self-represented litigants and mental health, domestic violence, and drug addiction cases swamping the courts.

REQUEST FORM

<p>Full name and contact information of organization and persons making the request:</p>	<p>Alyssa Garcia, Beverly Tsai, Lia Baligod, Tran Dinh</p> <p>seattleumjc@gmail.com</p> <p>tsaib@seattleu.edu</p> <p>dinh3@seattleu.edu</p>
<p>Type of request (please check one)</p> <p>SUPPORT includes:</p> <p>Publicity – WSMJC listed as a “supporter” on all promotional materials and helps advertise.</p> <p>CO-SPONSORSHIP includes:</p> <p>Publicity – WSMJC listed as a “co-sponsor” on all promotional materials and helps advertise.</p> <p>Funding based on available WSMJC funds.</p> <p>Planning support for the event.</p>	<p><input type="checkbox"/> SUPPORT (Level 1)</p> <p>Indicate if you would also like:</p> <p><input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission</p> <p><input checked="" type="checkbox"/> CO-SPONSORSHIP (Level 2)</p> <p>Indicate if you would also like:</p> <p><input type="checkbox"/> Guest speaker – WSMJC member(s) provide speaking services on behalf of the Commission</p>
<p>Name, date, time, and location of the event or project:</p>	<p>LFOs: Tackling the Modern Day Debtor’s Prison</p>
<p>If funding is requested, total amount of funds requested and tentative budget:</p>	<p>Videographer: <u>(confirmed - RJ Albers)</u></p> <p>- Videos: filming, editing</p>

	<ul style="list-style-type: none"> - Cost: \$1,500 total (<u>confirmed</u>)
<p>Purpose and objectives of the request:</p>	<ul style="list-style-type: none"> • Theme: Legal Financial Obligation Reform and Relief in Washington • Target: Young adults, Current and prospective law students, general public • The Problem: Legal financial obligations (LFOs) are emerging as an issue that perpetuates poverty, inequity, and injustice within our criminal justice system. In recent conversations with fellow law students, we (surprisingly!) realized that many are unfamiliar with what LFOs are and how they affect our community. Our goal will to be educate law students in a digestible and easily accessible format about the LFO system in Washington and recent reform efforts. • Product: We will create one video comprised of interviews with several interviewees (potentially a Judge, an

attorney, and a law student) about legal financial obligations in Washington.

- **Task:** Our goal is to introduce the issues related to seeking relief for legal financial obligations in the Washington court system and recent efforts to reform LFOs. We will discuss 1) what LFOs are, 2) the inequities perpetuated by our current LFO structure on marginalized groups such as people of color, low-income individuals, and people with disabilities, 3) the legal process of filing for LFO relief and relief eligibility for clients, and 5) current reform efforts such as the *Blazina* case, recent legislative enactments, the LFO calculator (MJC efforts), and pending impact litigation like *State v. Catling*, and 5) how students can get involved.
- We aim to feature the efforts of the new LFO clinic at Seattle University School of Law and other local organizations like Columbia Legal Services and the Washington Appellate Project to cast light on the current work that is being done to restructure the LFO system and potential areas for students to get involved.
- Additionally, we want to focus on the work occurring in Washington state because of the recent groundbreaking statewide efforts to tackle the issue. Other organizations such

	<p>as NJP are working on material to educate the greater public about LFOs, so we want our product to focus on educating students and young lawyers about the issue and how they can contribute to the fight.</p> <ul style="list-style-type: none"> • Potential Interviewees: • Nick Allen, Columbia Legal Services (in contact with) • Professor Bryan Adamson, SU Law (LFO Legal Clinic Instructor) (<u>confirmed</u>) • LFO clinic students (confirmed) • Superior Court Judge (TBD)
<p>Event agenda or project schedule, if available:</p>	<p style="text-align: center;"><u>TENTATIVE TIMELINE</u></p> <ul style="list-style-type: none"> • January – early February 2019: draft interview questions; recruit interviewees • Mid-February – Mid-March 2019: film interviews; edit and finalize • End March 2019: Completion and publication of video

Target audience:	Law students and Greater Seattle community, especially minority communities of color
Expected attendance or number of persons who will benefit:	<ul style="list-style-type: none"> • <i>Number of persons who will benefit:</i> 100+ community members
Other methods or sources being used to raise funds, if any:	Seattle University School of Law Student Bar Association; Access to Justice Institute
Other co-sponsors, if any:	<ul style="list-style-type: none"> • <i>Co-collaborators:</i> APILSA, BLSA, LLSA, NALSA • <i>Co-sponsor:</i> Access to Justice Institute
Plan to collect outcome data and evaluate the impact of the project (i.e., survey):	Check view counts, comments, shares, and thumbs ups on YouTube; debrief with interviewees and co-collaborators from minority student organizations

Sample Interview Questions: (not an exhaustive, final list rather a preliminary list)

- Introduction: who you are, what your role is (student, attorney at X)
- What are LFOs?
- How did you first learn about LFOs?
- What about the issue caught your attention?
- How did you first get involved with LFOs?
- What type of work do you do now regarding LFOs?
- Can you talk about some of the cases you have been involved in?
- What type of barriers do LFOs cause for individuals?
- Are there ways to get rid of them?
- What are some of the recent reforms in Washington addressed at eliminating LFO debt?
- Are there any ongoing cases, projects, or efforts to look out for?
- Can you talk about your role in X case?
- What is your take on the process of seeking LFO relief? Has it been effective?
- What challenges persist despite the recent reform efforts?
- How can law students get involved in tackling LFOs?

1 **Section 1.** RCW 2.36.010 and Laws of 2015, chapter 7, section 1 are each amended as
2 follows:

3
4 Unless the context clearly requires otherwise, the definitions in this section apply
5 throughout this chapter.

6 (1) A jury is a body of persons temporarily selected from the qualified inhabitants of a
7 particular district, and invested with power—

8 (a) To present or indict a person for a public offense.

9 (b) To try a question of fact.

10 (2) "Court" when used without further qualification means any superior court or court of
11 limited jurisdiction in the state of Washington.

12 (3) "Judge" means every judicial officer authorized to hold or preside over a court. For
13 purposes of this chapter "judge" does not include court commissioners or referees.

14 (4) "Juror" means any person summoned for service on a petit jury, grand jury, or jury of
15 inquest as defined in this chapter.

16 (5) "Grand jury" means those twelve persons impaneled by a superior court to hear,
17 examine, and investigate evidence concerning criminal activity and corruption.

18 (6) "Petit jury" means a body of persons twelve or less in number in the superior court
19 and six in number in courts of limited jurisdiction, drawn by lot from the jurors in attendance
20 upon the court at a particular session, and sworn to try and determine a question of fact.

21 (7) "Jury of inquest" means a body of persons six or fewer in number, but not fewer than
22 four persons, summoned before the coroner or other ministerial officer, to inquire of particular
23 facts.

24 (8) "Jury source list" means the list of all registered voters for any county, merged with a
25 list of licensed drivers and identicard holders who reside in the county. The list shall specify each
26 person's name and residence address and conform to the methodology and standards set pursuant
27 to the provisions of RCW 2.36.054 or by supreme court rule. The list shall be filed with the
28 superior court by the county auditor.

29 (9) "Master jury list" means the list of prospective jurors from which jurors summoned to
30 serve will be randomly selected. The master jury list shall be either randomly selected from the
31 jury source list or may be an exact duplicate of the jury source list.

32 (10) "Jury term" means a period of time of one or more days, not exceeding two weeks
33 for counties with a jury source list that has at least seventy thousand names and one month for
34 counties with a jury source list of less than seventy thousand names, during which summoned
35 jurors must be available to report for juror service.

36 (11) "Juror service" means the period of time a juror is required to be present at the court
37 facility. This period of time may not extend beyond the end of the jury term, and may not exceed
38 one week for counties with a jury source list that has at least seventy thousand names, and two
39 weeks for counties with a jury source list of less than seventy thousand names, except to
40 complete a trial to which the juror was assigned during the service period.

41 (12) "Jury panel" means those persons randomly selected for jury service for a particular
42 jury term.

43 (13) "Civil rights restored" means a person's right to vote has been provisionally or
44 permanently restored prior to reporting for jury service.

Annual Conference Committee Session Proposal Form

61st Washington Annual Judicial Conference

September 22-25, 2019

The Heathman Lodge

Vancouver, Washington

PROPOSAL DEADLINE: January 11, 2019 to Judith.Anderson@courts.wa.gov

TOPIC AREA:

Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities

PROPOSED SESSION TITLE: Managing Immigrant Families and Non-English Speakers In Family Law: What Judges Need To Know & What You Can Do		STATUS: ___ Received Date: _____ ___ Accepted ___ Not Accepted Why: _____
PROPOSED BY: International Families Justice Coalition/Minority and Justice Commission CONTACT NAME: Anthony Gipe CONTACT PHONE: 206-389-1647 CONTACT EMAIL: adgipelaw@gmail.com		TARGET AUDIENCE: <input checked="" type="checkbox"/> Experienced Judges <input checked="" type="checkbox"/> New Judges <input checked="" type="checkbox"/> Court Level: Superior Courts
PROPOSED DURATION: <input type="checkbox"/> 90 Minutes <input checked="" type="checkbox"/> 3 Hours <input type="checkbox"/> Other: _____	SESSION TYPE: <input checked="" type="checkbox"/> Plenary <input type="checkbox"/> Choice <input type="checkbox"/> Colloquium <input type="checkbox"/> Other: _____	IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, maximum number: ---
REQUIRED COMPONENTS <i>The session must address the following essential areas of information:</i>		
Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> Immigrant Issues in Family Law 101 Language & Cultural Barriers Hague Convention Vulnerable Spouses & Children 	<ul style="list-style-type: none"> Problematic Procedures Proposed Procedures to Reduce Impact on Vulnerable Families 	<ul style="list-style-type: none"> Cultural Competence in Family Law
RECOMMENDED FACULTY (Include contact information): Anthony Gipe, International Families Justice Coalition (A.D. Gipe – 206-389-1647, adgipelaw@gmail.com) Professor Gillian Dutton, Seattle University (206-398-4010, duttong@seattleu.edu) Tentative/Pending - Leticia Camacho, NW Justice Project (Leticiaac@nwjustice.org) Professor Deidre Bowen, Seattle University (dbowen@seattleu.edu)		

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

Immigrant families, either composed of one or more non-citizen parents, face certain challenges when going through the family law process. These can include lack of sufficient language skills, lack of interpreters outside of the courtroom, inequitable power between the parties, including ability to retain counsel, lack of language proficient counsel, and implicit/explicit biases in the access of services. There are also differences in how the international families are handled in international law, the Hague Convention and conventions on human trafficking/exploitation, as well as cultural differences in how communities view and respond to family courts. Finally, court systems for handling family law sometimes exacerbate the inequalities and can fail to adequately insure the immigrant/non-citizen spouse/parent is being protected.

LEARNING OBJECTIVES: Describe what participants will be able to do as a result of this session.

As a result of this session, participants will be able to:

- A. Define the barriers facing immigrant families in the family law system, recent developments in international law, and common misconceptions and stereotypes of international cultures.
- B. Recognize the issues facing immigrant families in divorces, and provide a more inclusive and accommodating environment for all participants in our legal system.
- C. Provide recommendations for courts to review local rules and procedures to help eliminate systemic barriers which could have disproportionate impact on immigrant families in divorces.

FUNDAMENTALS COVERED: Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Immigrant Issues in Family Law 101
- Language & Cultural Barriers
- Hague Convention
- Vulnerable Spouses & Children
- Resources and techniques for judicial officers to recognize procedural and legal barriers to equal access to legal services and court services.

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

Attending judicial officers will be provided with:

1. Relevant materials and articles.
2. A list of web sites and other resources to provide assistance on specific issues.
3. Recommendations for judicial officers to use in addressing systemic issues and procedures.

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

All panelists will participate in the entire presentation to allow for an open discussion and responses to audience questions. Individuals or groups of panelists will address (1) personal stories and experiences of immigrant/non-native speakers involved in family law cases and obstacles faced, (2) cultural competency, (3) disconnects between interpreters in the court and lack of interpreters out of court, and (4) instructing and equipping judicial officers on how to address these issues in court and to provide a more inclusive and accommodating process for all participants in divorce cases.

Depending on final proposals from panelist, the presentations may also include other materials and multi-media.

DIVERSITY AND INCLUSION: Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

The focus of the training is toward the competency issues in addressing language and cultural barriers for the area of family law and immigrant participants in the process. As such, there will be presentations on language access, cultural barriers and how to identify them, court access and the effect of poverty as a multiplier for other access issues.

If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.

<p>ANTICIPATED COST:</p> <p>Transportation, accommodation, lodging. To date no honoraria requested.</p>	<p>FUNDING RESOURCES:</p> <p>IFJC – Willing to sponsor and has confirmed funding for judicial education Minority & Justice Commission – Potential <i>IFJC has a budget of \$5,000 for Continuing Judicial Education for this year, and are willing to cover lodging, transportation (mileage/airfare), meals, etc., up to that amount. If any additional expenses or overage of that required, we would need MJC support.</i></p>
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Annual Conference Committee Session Proposal Form

61st Washington Annual Judicial Conference

September 22-25, 2019

The Heathman Lodge

Vancouver, Washington

PROPOSAL DEADLINE: January 11, 2019 to Judith.Anderson@courts.wa.gov

<p>TOPIC AREA: <i>Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities</i></p>		
<p>PROPOSED SESSION TITLE <i>Surviving the Big Waive: a look at how courts can and must respond to defendants' legal right to readdress legal financial obligations (LFOs).</i></p>		<p>STATUS: ___ Received Date: _____ ___ Accepted ___ Not Accepted Why: _____</p>
<p>PROPOSED BY: Washington State Minority and Justice Commission CONTACT NAME: Chanel Rhymes CONTACT PHONE: 360-704-5536 CONTACT EMAIL: chanel.rhymes@courts.wa.gov</p>		<p>TARGET AUDIENCE: <input checked="" type="checkbox"/> Experienced Judges <input checked="" type="checkbox"/> New Judges <input checked="" type="checkbox"/> Court Level: Superior and Courts of Limited Jurisdiction</p>
<p>PROPOSED DURATION: <input checked="" type="checkbox"/> 90 Minutes <input type="checkbox"/> 3 Hours <input type="checkbox"/> Other: _____</p>	<p>SESSION TYPE: <input checked="" type="checkbox"/> Plenary <input type="checkbox"/> Choice <input type="checkbox"/> Colloquium <input type="checkbox"/> Other: _____</p>	<p>IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, maximum number: ---</p>
<p>REQUIRED COMPONENTS <i>The session must address the following essential areas of information:</i></p>		
<p>Substantive Knowledge</p>	<p>How it Relates to Their Work</p>	<p>Skills, Attitudes & Beliefs</p>
<ul style="list-style-type: none"> Case law updates Legislative Updates How to use the LFO Calculator during sentencing LFO relief and remission statutes, procedure and practice Results, recommendations, and data from the 3-year grant work of the LFO Stakeholder Consortium 	<ul style="list-style-type: none"> Current procedure for calculating LFOs using the LFO calculator 	<ul style="list-style-type: none"> Real-life examples of what works and does not work in the remission process from the perspective of those who have the right to seek LFO relief under the law.

RECOMMENDED FACULTY (Include contact information):

Judge Theresa B. Doyle, King County Superior Court or Judge David Keenan, King County Superior Court
Professor Bryan L. Adamson, Seattle University School of Law
Dr. Alexis Harris, Ph.D., University of Washington
Judge Linda W.Y. Coburn, Edmonds Municipal Court

(Short presentations by 2-3 people who have had the assistance of the SU Law School LFO Clinic regarding requesting remission.)

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

Get an update on LFO law, hear research results from an analysis of Washington LFO data, and get the perspective of those attempting to turn their legal rights into a reality. Learn about updated tools designed to help you navigate through these murky waters.

The session will also feature 2-3 individuals who can share their experience trying to access the court to exercise their rights under the law to seek relief from LFO debt.

LEARNING OBJECTIVES: Describe what participants will be able to do as a result of this session.

- To identify and discuss the recent changes in the laws related to sentencing and remission of LFOs
- To improve current LFO practices and to be in compliance with the recent changes in laws around LFOs
- To review and discuss the remission process, how it may differ across jurisdictions, issues that have come up relating to collection companies as third-parties, and what courts can do to properly and efficiently facilitate the process.

FUNDAMENTALS COVERED: Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Education on the new LFO law ES2SHB 1783 (particularly in regards to relief and remission)
- Provide legislative and LFO case law update
- Demonstration of the updated LFO Calculator
- Practice and procedure for post-conviction remission requests

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- LFO Calculator
- New LFO bench cards

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (*e.g., small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

- Case study review – lecture, hypotheticals, small group discussions
- Live demo of updated LFO Calculator – hands-on practice
- Interactive questions via responders (hypotheticals; legal scenarios)
- Live examples from people (small panel) who have gone through the remission process.

DIVERSITY AND INCLUSION: Describe how the session will incorporate issues of diversity and inclusion into the topic. *(Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.)*

Dr. Harris is anticipated to talk about new research results related to LFOs and their intersection with race and ethnicity.

If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.

ANTICIPATED COST:

Transportation, accommodation, lodging and printing of benchcards - \$1000

FUNDING RESOURCES:

Minority & Justice Commission

Annual Conference Committee Session Proposal Form
61st Washington Annual Judicial Conference
 September 22-25, 2019
 The Heathman Lodge
 Vancouver, Washington

PROPOSAL DEADLINE: January 11, 2019 to Judith.Anderson@courts.wa.gov

TOPIC AREA:

Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities

PROPOSED SESSION TITLE: Equal Justice Overview: Youth, the Eighth Amendment and the Law

STATUS:

Received Date: _____
 Accepted
 Not Accepted
 Why: _____

PROPOSED BY: Minority & Justice Commission, Juvenile Justice & Education Committees and Gender and Justice Commission

CONTACT NAME: Judge LeRoy McCullough

CONTACT PHONE: 206.477-1519/206.477-1519

CONTACT EMAIL: LeRoy.McCullough@kingcounty.gov

TARGET AUDIENCE:

Experienced Judges
 New Judges
 Court Level: Juvenile Court

PROPOSED DURATION:

90 Minutes
 3 Hours
 Other: _____

SESSION TYPE:

Plenary
 Choice
 Colloquium
 Other: _____

IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?

Yes
 No
 If yes, maximum number: ---

REQUIRED COMPONENTS

The session must address the following essential areas of information:

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> Contemporary case law, federal and state Legislative updates relating to juvenile justice Review of juvenile trauma-source and impacts Brain Development update Juvenile Justice trends 	<ul style="list-style-type: none"> Will offer tools that will enhance and encourage the use of judicial discretion in decision-making Will offer updates on available detention alternatives Will challenge judicial officers to reassess current Court rules, operations and practices 	<ul style="list-style-type: none"> Will challenge attendees to a more global view of issues affecting youth and families a paradigm shift: to envision youth as having potential for success as youth and young adults Better understand the impact of personal and institutional biases including those of justice system partners on judicial decision-making Understand and embrace the connection between success

with juveniles and the resource and other goals of the Sentencing Reform Act, Chapter 9.94A, RCW youth success and

RECOMMENDED FACULTY (Include contact information): Faculty will be selected from the following list:

Jeffrey Robinson, Deputy Legal Direct ACLU
Professor Kimberly Ambrose, UW School of Law
Judge LeRoy McCullough, King County Superior Court
Judicial officers from eastern and central Washington
Impacted Youth and victims

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

Most judicial officers are assigned to juvenile court. Most receive no advance training and enter with a limited awareness of youth brain and physical development; of the origin and impact of youth trauma; of the role that implicit and explicit bias play in justice system encounters; and of the collateral consequences of judicial decisions on the youth, his/her community and on the society. This means that however brief, a young person's encounter with a juvenile court judicial officer will often have long-term adverse impacts on a youth's education, employment, housing and family life. This is because juvenile court judges and commissioners exercise discretion and authority in matters of pre- and post-hearing detention, therapeutic and general court hearings, dispositions and probation reviews. Accordingly, this session will give judicial officers who may find themselves in juvenile court a road map to an improved and enhanced understanding of these issues. The session will provide critical information on restorative justice, diversion and other alternatives that better meet the needs of youth, their families and the community.

LEARNING OBJECTIVES: Describe what participants will be able to do as a result of this session.

As a result of this session, participants will be able to

- Identify information gaps in awareness and knowledge about the foregoing
- Assess how improved fund of knowledge will improve decision-making
- Gain specific knowledge on the impact of privilege and racial biases on decision making
- Evaluate court policies and practices for harmful and negative impacts on girls, youth of color, Native American youth, LGBTQ youth, youth with disabilities and youth in economic distress.
- Apply federal and local contemporary case law
- Access contemporary resources on the subject matter

FUNDAMENTALS COVERED: Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Implicit bias
- Institutional/systemic racism
- Teenage brain science & trauma
- Avenues for diversion and disposition alternatives that better meet the needs of youth

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- Juvenile Court Accreditation Curriculum.
- Websites and organizations with extensive materials on brain science, trauma and youth development including but not limited to the Center for Children Youth Justice.

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (e.g., *small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

Keynote by Jeff Robinson

Interactive discussion on brain science, trauma and youth development

Interactive discussion on expanding diversion and disposition alternatives

DIVERSITY AND INCLUSION: Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

The entire program will be centered around race and the justice system and will include content related to the intersection of disability, socio economic status, gender and age on decision making. Jeff Robinson is a national speaker on race and bias in the justice system. Professor Kim Ambrose teaches Race and the Law and a clinics on race and the juvenile justice system.

If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.

ANTICIPATED COST:

Transportation accommodation, lodging and printing of benchcards - \$2000 (*these costs will be split evenly between MJ and GJ Commissions*)

FUNDING RESOURCES:

Minority and Justice Commission and Gender and Justice Commission

Annual Conference Committee Session Proposal Form
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Vancouver, Washington

PROPOSAL DEADLINE: January 11, 2019 to Judith.Anderson@courts.wa.gov

TOPIC AREA:

Educational programs need to relate to the entire judiciary at all court levels. Be specific regarding what will be covered, why it will be covered and how it relates to the judicial officers daily roles and responsibilities

PROPOSED SESSION TITLE: Pre-Trial Justice: Bail, Risk Assessments, and Reforms

STATUS:

Received Date: _____
 Accepted
 Not Accepted
 Why: _____

PROPOSED BY: The Minority and Justice Commission and Gender and Justice Commission

CONTACT NAME: Chanel Rhymes

CONTACT PHONE: 360-704-5536

CONTACT EMAIL: chanel.rhymes@courts.wa.gov

TARGET AUDIENCE:

Experienced Judges
 New Judges
 Court Level: Superior and Courts of Limited Jurisdiction

PROPOSED DURATION:

90 Minutes
 3 Hours
 Other: 120 Minutes

SESSION TYPE:

Plenary
 Choice
 Colloquium
 Other:

IS THERE A LIMIT TO THE NUMBER OF PARTICIPANTS?

Yes
 No
 If yes, maximum number: ---

REQUIRED COMPONENTS

The session must address the following essential areas of information:

Substantive Knowledge	How it Relates to Their Work	Skills, Attitudes & Beliefs
<ul style="list-style-type: none"> Practice and application of current court rules CrR 3.2 and CrRLJ 3.2 Case law updates related to pretrial Local and national reform around pretrial Findings and recommendations of the statewide Pretrial Task Force, a joint task force of the SCJA, DMCJA, and Minority and Justice Commission 	<ul style="list-style-type: none"> Practice applying CrR 3.2 and CrRLJ 3.2 to hypothetical scenarios and discuss differing viewpoints and reasons behind application Members of the Pretrial Task Force will explain reasoning behind its findings and recommendations by hearing from colleagues representing each court level Learn about the changing landscape of pretrial reform, 	<ul style="list-style-type: none"> Differing perspectives around pretrial practice and application will be shared. Gain a deeper understanding of the impacts of pretrial on defendants, their families, and the community.

both locally and around the country, which will help widen the perspective of possibilities in making changes to pretrial practice

RECOMMENDED FACULTY (Include contact information):

Judge Theresa Doyle, *King County Superior Court & Pretrial Reform Taskforce Risk Assessment Subcommittee Member*

Judge Sean O'Donnell, *King County Superior Court & Pretrial Reform Taskforce Executive Committee Member*

Timothy Schnacke, *Executive Director, Center for Legal and Evidence-Based Practices.*

Timothy R. Schnacke is a criminal justice system analyst with nearly thirty years of legal experience. He is currently the Executive Director of the Center for Legal and Evidence-Based Practices, a Colorado nonprofit corporation that provides research and consulting for jurisdictions exploring and/or implementing changes to the administration of bail. Most recently, he worked as a consultant to the Bail Subcommittee of the Colorado Commission on Criminal and Juvenile Justice, where he helped to draft comprehensive revisions to the Colorado bail statute to better reflect pretrial best-practices. In addition, he has served as a part-time consultant on local justice system assessments as well as a pretrial faculty member for the National Institute of Corrections within the United States Department of Justice, and as a consultant for the Pretrial Justice Institute in Washington, D.C. In 2014, the National Association of Pretrial Services Agencies gave Tim the John C. Hendricks Pioneer Award for his work in pretrial justice, and he was also selected as 2014-15 Co-Chair of the American Bar Association's Pretrial Justice Committee.

SESSION DESCRIPTION: Describe the purpose of the session and key issues to be presented. Explain what judicial officers will learn in the course and how the information will apply to their work in the courts (*this information will be included in the program flyer as your session description*).

Nationally, the majority of people in jail have not been convicted of the crime for which they are being held. Pretrial detention can have lasting impacts, leaving low-risk defendants less likely to appear in court and more likely to commit new crimes than those on pretrial release. Incarceration can place significant stress on an individual's work, family, and housing obligations, especially those unable to afford to post bond. This session will outline current bail law and practices, present results of bail reform legislative changes in other states, and facilitate dialogue on the potential impacts of reform on racial and ethnic communities.

LEARNING OBJECTIVES: Describe what participants will be able to do as a result of this session.

- To improve current pretrial practices and adherence to Criminal Rule (CrR) 3.2 and Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 3.2
- To understand the current state of Washington’s legal landscape/ jurisprudence related to pretrial matters.
- To gain tools and learn best practices to assist judicial officers when making pretrial release and detention determinations. Participants will also receive the bail law bench card.

FUNDAMENTALS COVERED: Describe the case law, best practices, or “nuts and bolts” that will be addressed during the session.

- Application of Criminal Rule (CrR) 3.2 and Criminal Rule (CrRLJ) 3.2.
- Review current bail law, litigation results, California Humphries hearings
- Results of bail reform legislative changes in other states, including: California and New Jersey
- WA Pretrial Taskforce results and recommendations
- Use of new technologies in the courts relating to pre-trial.

PARTICIPANT RESOURCES: Describe the resources faculty will recommend participants reference when handling the key issues described in this session (*e.g., bench books, checklists, bench cards, websites, organizations, agencies, etc.*).

- Bail Law Benchcards developed by the Pre-Trial Reform Taskforce
- Updates in case law and statutes in Washington and nationally
- Pre-Trial Taskforce recommendations
- Washington State Auditors Report
- Domestic Violence Risk Assessment Report (June 2018) from the HB 1163 DV Workgroups convened by the Gender and Justice Commission

PROPOSED TEACHING METHODS AND ACTIVITIES: Describe how the session will be presented to actively engage the audience in the education (e.g., *small/large group discussion, hypotheticals, case study review, role play, lecturette, etc.*).

- Lecture/Discussion
- Interactive questions via responders
- Hypotheticals/role play; legal questions

DIVERSITY AND INCLUSION: Describe how the session will incorporate issues of diversity and inclusion into the topic. (*Consider different perspectives and experiences relating to gender, ethnicity, race, nationality, sexuality, socio-economic status, ability, language, age, etc.*)

This session will identify the impact of pre-trial on communities, particularly communities of color.

If you need assistance with this question, please let us know and we can connect you with a representative who can help with identifying ways to incorporate diversity and inclusion into your topic.

ANTICIPATED COST:

Transportation accommodation, lodging and printing of benchcards - \$2000 (*these cost will be split evenly between the commissions*)

FUNDING RESOURCES:

Minority and Justice Commission and Gender and Justice Commission