

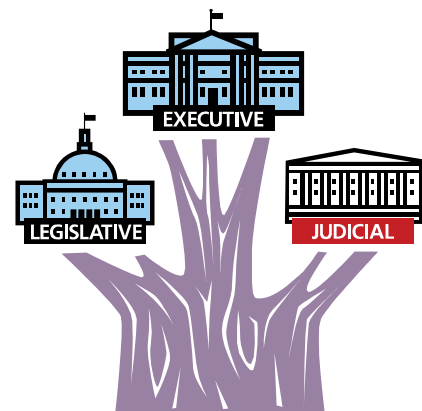
SUMMARY


of Selected

2010 LEGISLATION

of Interest to the Courts

May 2010





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Administrative Office of the Courts, Publications Department,
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***“ . . . TO ADVANCE THE EFFICIENT AND
EFFECTIVE OPERATION OF THE
WASHINGTON JUDICIAL SYSTEM ”***

AOC Mission Statement

The Administrative Office of the Courts (AOC) was established by the 1957 Legislature and operates under the direction and supervision of the Chief Justice of the Supreme Court, pursuant to Chapter 2.56 RCW.

2010 Legislative Summary

We are pleased to present a **Summary of Selected 2010 Legislation of Interest to the Courts** and hope it will be useful to implement bills that impact your court. During the 2010 legislative session, the Legislature and Governor enacted 73 bills that affect the courts and are of general interest to the legal community.

Brief descriptions of these measures follow, arranged by court level within each area of law. Designators indicate whether the measure is of primary interest to judges and/or court managers in appellate (A), superior (S), juvenile (S-JUV), or district/municipal courts (D/M).

Unless otherwise noted at the end of the bill summary, the **effective date of bills is June 10, 2010**. Partial vetoes by the Governor are also indicated at the end of the summary. For details on vetoes and other bill information, please click on the bill number to go directly to the bill. If this link does not work, go the Washington State Legislature’s website at www.leg.wa.gov and enter the bill number under the “Bill Search” heading located on the left side.

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

BILL TRACKERS

- MELLANI MCALEENAN:** BJA/multi-court legislation
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2010 Legislative Summary

CIVIL

MODIFYING OATH REQUIREMENTS FOR INTERPRETERS

ESHB 2518

Chapter 190, Laws 2010 ALL

Permits certified or registered interpreters to forego taking the required oath at the beginning of each interpreting session, but requires the oath to be taken upon certification or registration and every two years thereafter. Maintains the oath requirement at the beginning of each interpreting session for interpreters who are neither certified nor registered.



ESHB 2518 2010-03-24L_5183

Signing ESHB 2518. Standing L-R: Melanie Stewart, Nicole Williams, Katrin Johnson (AOC), Mellani McAleenan (AOC), and Representative Roger Goodman.

AUTHORIZING STATE CERTIFIED COURT REPORTERS TO ADMINISTER OATHS AND AFFIRMATIONS

HB 2861

Chapter 98, Laws 2010 ALL

Amends RCW 5.28.010 to allow state-certified court reporters to administer oaths and affirmations and take testimony in proceedings.

PROVIDING A REMEDY FOR BREACHES OF SECURITY

E2SHB 1149

Chapter 151, Laws 2010 S

Modifies the state security breach law (chapter 19.255 RCW). Provides a cause of action for a

financial institution if account information is compromised by a lack of reasonable care by a business, processor, or vendor.

Effective date: July 1, 2010.

FRANCHISE AGREEMENTS BETWEEN NEW MOTOR VEHICLE DEALERS AND MANUFACTURERS

ESHB 2547

Chapter 178, Laws 2010 S

Modifies the provisions regarding manufacturer and dealer franchise agreements, including those related to terminations of franchises, warranty work, designated successors to franchise ownership, and unfair practices.

PERSONS FOUND NOT GUILTY BY REASON OF INSANITY

SHB 2533

Chapter 208, Laws 2010 S

Creates independent civil commitment procedures under the Involuntary Treatment Act for persons who have been found not guilty by reason of insanity and have fled the state where the person was committed or was on conditional release. Provides authority to return such person to the requesting state.

L & I SUBPOENAS/ELECTRICIANS

SHB 2555

Chapter 55, Laws 2010 S

Authorizes the Director of the Department of Labor and Industries to issue subpoenas to enforce production of necessary information when there is reason to believe laws relating to electricians or electrical installations (chapter 19.28 RCW) have been violated. The superior court has power to enforce such subpoenas by proper proceedings.

DISSOLUTION OF LIMITED LIABILITY COMPANIES

SHB 2657

Chapter 196, Laws 2010 S

Modifies chapter 25.15 RCW. Creates a certificate of dissolution for limited liability

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companies to provide notice of dissolution. Establishes procedures to allow a dissolved limited liability company to dispose of known claims. Removes all references to a "certificate of cancellation" for domestic limited liability companies.

SAFETY OF RUNAWAY YOUTH

ESHB 2752

Chapter 229, Laws 2010 S

Modifies requirements for notice to the Department of Social and Health Services (DSHS), local law enforcement agencies, and parents when youth are admitted to licensed shelters serving youth who have run away from home or who are homeless. Requires the Washington State Patrol (WSP) to make information about youth reported by a parent as being absent from home without permission publically available, if there is no cost to do so. Creates a private right of action for a parent of a youth admitted to an unlicensed youth shelter if the shelter fails to notify a parent after learning the youth is absent from home without permission.

AUTHORIZING ISSUANCE OF SUBPOENAS FOR AGENCY INVESTIGATIONS OF UNDERGROUND ECONOMIC ACTIVITY

SHB 2789

Chapter 22, Laws 2010 S

Provides a process for the Department of Labor and Industries, the Employment Security Department, and the Department of Revenue to obtain court approval of agency investigative subpoenas.

ADRESSING CONFIDENTIALITY RELATING TO INSURER RECEIVERSHIP

ESHB 2842

Chapter 97, Laws 2010 S

Exempts documents and other information obtained by the Insurance Commissioner in his or her capacity as a receiver of an insurer from public records disclosure requirements. Provides that those records are records of the receivership court and are not subject to disclosure by the Insurance Commissioner

unless the court orders that the records be disclosed.

DISSOLUTION OF ASSETS AND AFFAIRS OF A NONPROFIT CORPORATION

SHB 3046

Chapter 212, Laws 2010 S

Replaces the procedures for judicial liquidation of a nonprofit corporation with provisions from the Model Nonprofit Corporation Act, Third Edition, adopted by the American Bar Association. Permits superior courts to dissolve nonprofit corporations in actions brought by the Attorney General, members, directors, or creditors of a nonprofit corporation if certain criteria are met. Authorizes the court to appoint a receiver or custodian to manage the affairs of the nonprofit corporation during a proceeding to dissolve the corporation.

Effective date: March 25, 2010.

INVOLUNTARY TREATMENT ACT

2SHB 3076

Chapter 280, Laws 2010 S

Modifies the Involuntary Treatment Act (chapter 71.05 RCW), requiring that in determining whether a person is gravely disabled or presents a likelihood of serious harm, the court must consider the respondent's symptoms and behavior in light of his/her historical behavior. Adds a new section to chapter 9.94A RCW, requiring the court to consider the defendant's ability to pay when imposing monetary penalties upon a defendant who suffers from a mental health condition.

Effective date: Sections 2 and 3 are effective January 1, 2012; sections 1, 2, and 3 are contingent upon specific funding by June 30, 2010.

EXPANDING PROVISIONS RELATING TO VULNERABLE ADULTS

SSB 6202

Chapter 133, Laws 2010 S

Permits a financial institution, including a broker-dealer or investment adviser, to refuse to

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disburse funds from the account of a vulnerable adult or a suspected perpetrator of financial exploitation of a vulnerable adult when the financial institution reasonably believes that financial exploitation of a vulnerable adult has occurred, has been attempted, or is being attempted. Immunizes a financial institution from liability for certain acts taken in response to the suspected financial exploitation of a vulnerable adult. Requires that a report be made to the medical examiner or coroner, the Department of Social and Health Services, and law enforcement when there is reason to suspect a vulnerable adult's death was due to abuse, neglect, or abandonment.

RESTRUCTURING GROWTH MANAGEMENT HEARINGS BOARDS

SSB 6214

Chapter 211, Laws 2010 S

Consolidates the powers, duties, and functions of the three regional Growth Management Hearings Boards into a single seven-member Growth Management Hearings Board. Specifies that petitions for review before the consolidated board must be heard and decided by a regional panel of three board members. Specifies provisions for the adjudicative and operational functioning of the consolidated board.

Effective date: July 1, 2010.

CONTROLLING COMPUTER ACCESS BY RESIDENTS OF THE SPECIAL COMMITMENT CENTER

SB 6308

Chapter 218, Laws 2010 S

Prohibits a person committed or detained under chapter 71.09 RCW (sexually violent predators) from possessing or accessing a personal computer if such access would be harmful under the resident's treatment plan. Permits access to a limited functioning personal computer only capable of word processing and limited data storage.

ADDRESSING STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION

SSB 6395

Chapter 118, Laws 2010 S

Creates the Washington Act Limiting Strategic Lawsuits Against Public Participation to protect participants in public controversies from abusive use of the courts. Defines an action involving public participation and petition to include any oral or written statement submitted in connection with an issue under consideration by a legislative, executive, judicial or other proceeding authorized by law. Allows a party in a civil action to bring a special motion to strike any claim based on an action involving public participation and petition. Provides for costs of litigation, attorney fees, and additional relief where appropriate.

MODIFYING PROVISIONS OF THE CRIME VICTIMS' COMPENSATION PROGRAM

E2SSB 6504

Chapter 122, Laws 2010 S

Changes eligibility provisions and reduces benefits for burial costs, medical treatment, and lost wages that a person is eligible for under the Crime Victims' Compensation Program (chapter 7.68 RCW).

Effective date: Sections 1 and 2 are effective April 1, 2010.

PROCEDURES CONCERNING COMMITMENT OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY

ESB 6610

Chapter 263, Laws 2010 S

Amends chapter 10.77 RCW regarding commitment of persons found not guilty by reason of insanity. Creates an independent public safety review panel to advise regarding changes in commitment status, furlough, temporary leave, or movement around the grounds. The panel must provide to the court a written determination of the public safety risk presented by a conditional release. A person committed for treatment as criminally insane who presents an unreasonable safety risk may

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be transferred to a secure facility. Authorizes the Department of Social and Health Services to apply to the court for the conditional release or petition the court for release of a person committed to a state hospital facility if the person has not applied or petitioned on his or her own behalf. Requires the Washington State Institute for Public Policy, with others, to seek a validated mental health assessment tool for competency evaluation, risk level assessment, and recommendations regarding conditional release.

EDUCATION REFORM

E2SSB 6696

Chapter 235, Laws 2010 S

Provides authority and specifies a process for the Office of the Superintendent of Public Instruction and the State Board of Education to implement an accountability system that recognizes successful schools and requires certain actions by school districts with persistently lowest achieving schools. Addresses school and school district accountability, educator preparation, teacher and principal evaluations, academic standards, and parent and community involvement in schools.

INTEREST RATES ON TORT JUDGMENTS

ESB 6764

Chapter 149, Laws 2010 S, S-JUV, D/M

Maintains the interest rate of two percentage points above the 26-week treasury bill rate on judgments founded on the tortious conduct of a public agency. Creates an interest rate of two percentage points above the prime rate for judgments founded on the tortious conduct of individuals or other entities.

DOMESTIC VIOLENCE PROVISIONS

ESHB 2777

Chapter 274, Laws 2010 S, D/M

At the defendant's first court appearance for a domestic violence (DV) offense the prosecutor must provide the court with the defendant's criminal history and history of no-contact and protection orders. The formula for calculating an offender's score under the SRA is adjusted. During sentencing for a non-felony DV offense

the prosecutor must provide limited jurisdiction courts with the defendant's criminal history and history of no-contact and protection orders. Probation by district and municipal courts is increased from possible two years to five years. The law enforcement information form will be revised to include information about a respondent's disability, brain injury or impairment requiring special assistance.

Reasonable efforts must be made by law enforcement when serving respondent requiring special assistance to accommodate the needs of the respondent without compromise to the safety of the petitioner. All no-contact orders must substantially comply with the pattern form developed by AOC.

New provisions are created to address when a court, issuing protection orders for domestic violence, sexual assault, and harassment, may exercise personal jurisdiction over a nonresident. New provisions against cyberstalking are created.

Workgroups to be convened will address these issues: policies and procedures to grant victims a process to modify or rescind a no-contact order; guidelines for all courts to establish a process to reconcile duplicate or conflicting no-contact or protection orders issued in Washington; and transmitting information between the courts and law enforcement regarding the revocation of concealed pistol licenses for those individuals that are subject to a protection order or no-contact order.

Partial veto: Section 202.

HUMAN TRAFFICKING

SSB 6332

Chapter 142, Laws 2010 S, D/M

Modifies human trafficking provisions relating to the definition of foreign worker, furnishing disclosure statements, and informational pamphlets. International labor recruitment agencies and domestic employers of foreign workers must provide a disclosure statement to foreign workers who have been referred to or hired by a Washington employer. An agency or employer that fails to provide the statement is

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liable to the foreign worker in a civil action.

INSPECTION OF RENTAL PROPERTIES

SSB 6459

Chapter 148, Laws 2010 S, D/M

Establishes processes for inspection of rental property and permits municipalities to require that landlords provide a certificate of inspection as a business license condition. Permits municipalities to assess a penalty for noncompliance with the statute. Makes knowing submission of a falsified certificate or of false information upon which a certificate was issued a gross misdemeanor punishable by a \$5,000 fine. Authorizes a judge of a superior court or of a court of limited jurisdiction to issue a search warrant for an inspection to determine if there is an unsafe condition or a legal violation.

Provides for remedial and punitive sanctions for contempt of court for willfully refusing to permit inspection, obstructing inspection, or aiding in the obstruction of an inspection authorized by warrant and permits local jurisdictions to establish by local ordinance a civil penalty for such actions.

FAMILY & JUVENILE

MODIFYING OATH REQUIREMENTS FOR INTERPRETERS

ESHB 2518

Chapter 190, Laws 2010 ALL

See Civil, Page 4.

ESTABLISHING A STATEWIDE DROPOUT REENGAGEMENT SYSTEM

E2SHB 1418

Chapter 20, Laws 2010 S

Directs the Office of the Superintendent of Public Instruction to develop model contracts and inter-local agreements for school districts to use in contracting with community and technical colleges, community-based organizations, or other entities to deliver dropout reengagement programs.

CHILD SUPPORT ORDERS

SHB 3016

Chapter 279, Laws 2010 S

Establishes provisions for the Division of Child Support to file an action to modify or adjust child support orders in public assistance and non-assistance cases when certain conditions are met. When testimony is needed, requires the court to allow parties and witnesses to testify by telephone or other electronic means in child support modification proceedings, unless good cause is shown.

IMPLEMENTING A GUARDIANSHIP PROGRAM FOR FOSTER CHILDREN

SHB 2680

Chapter 272, Laws 2010 S, S-JUV

A new chapter is created in Title 13 setting forth a process for the establishment, modification, and termination of guardianships for children in foster care. Dependency guardianships are removed as a future permanency option for children in foster care.

Existing dependency guardianships may continue or may be converted by the court to a Guardianship. The court must appoint a guardian ad litem (GAL) or attorney for the child in the guardianship proceedings. A child 12 years and older is a party to guardianship proceedings.

The court must find it is in the child's best interests to establish a guardianship and dismiss the dependency, rather than terminate parental rights and pursue adoption, or continue efforts to reunify the child and parent. Upon the agreement of the DSHS, the parent, and the child, if the child is 12 or older, the court may enter an order of guardianship. In the absence of agreement between the parties, the court must enter specific findings. A guardianship will remain in effect until the child reaches age 18, or until it is terminated by the court. The court is required to dismiss the underlying dependency when a guardianship is established or when a current dependency guardianship is converted to a guardianship under the new chapter. After the entry of the guardianship order, the court cannot

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require the DSHS or supervising agency to provide continuing case management services to the guardian or the child.

Modification and termination standards are provided. The court may direct DSHS to refile a dependency petition if the guardianship terminates and the child is not returned to the parent or placed with another suitable guardian.

SEX CRIMES INVOLVING MINORS

ESSB 6476

Chapter 289, Laws 2010 S, S-JUV

If a juvenile is alleged to have committed the offense of prostitution or prostitution loitering, the prosecutor shall divert the first offense and may divert subsequent allegations. Starting July 1, 2011, if a juvenile is a sexually exploited child, a CHINS petition may be filed. A sexually exploited child is defined as any person under the age of 18 who is a victim of the crime of commercial sexual abuse of a minor, and promoting sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor. Within available funding upon referral, DSHS must connect the child with services and treatment for sexually abused youth. A juvenile charged with prostitution who is also the minor sexual abuse victim is considered a victim of a criminal act for receipt of benefits from the Crime Victim's Compensation fund. Designated receipts from levied fines deposited into the prostitution prevention and intervention account must be spent as follows: half for secure and semi-secure CRCs to provide for staff trained to work with sexually exploited children and half for funding the grant program to enhance prostitution and intervention services. It is not a defense to the crime of commercial sexual abuse of a minor that the defendant did not know the age of the victim.

Partial veto: Section 4.

Effective date: Section 1 effective July 1, 2011.

RESTRICTING ACCESS TO JUVENILE OFFENDER RECORDS

E2SSB 6561

Chapter 150, Laws 10 S, S-JUV

Allows a juvenile to petition the court to seal his or her records for a class A felony that is not a sex offense if the juvenile has spent five years, and for a non-sex offense class B felony, two years, in the community with no new offenses and meets other statutory criteria. Provides that the term adjudication has the same meaning as conviction but only for purposes of the Sentencing Reform Act.

REPRESENTATION OF CHILDREN IN DEPENDENCY MATTERS

HB 2735

Chapter 180, Laws 2010 S-JUV

Requires DSHS and the CASA/GAL to notify a dependent child who is age 12 years or older that the child has the right to request an attorney. At the first hearing after a child turns 12 and after the child turns 15, requires the court to inquire whether child was notified of the right. Requires the DSHS or the CASA/GAL to notify the child of his or her right to petition the court to reinstate a previously terminated parent's rights if the child is eligible to petition and the previously terminated parent contacts the DSHS or the CASA/GAL. Requires AOC to develop recommendations for voluntary training and caseload standards for attorneys representing children in dependencies.

MODIFICATION OF THE DISPOSITION CONCERNING RESTITUTION IN JUVENILE CASES

SSB 6192

Chapter 134, Laws 2010 S-JUV

The portion of the juvenile offender's disposition related to restitution may be modified as to amount, terms, and conditions for up to a maximum of ten years after the juvenile's 18th birthday. Restitution may include the costs of counseling reasonably related to the offense. If the court orders that a juvenile offender's record be sealed, the court's jurisdiction regarding restitution ends. The juvenile can petition the court to have his or her record sealed as long as

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the juvenile has paid the full amount of restitution ordered.

VULNERABLE STUDENTS AND DROPOUTS

ESSB 6403

Chapter 243, Laws 2010 S-JUV

Expands the Building Bridges Dropout Prevention Workgroup (workgroup). Tasks state agency workgroup members to work together on various activities to support building K-12 dropout prevention, intervention, and re-engagement systems. Requires the workgroup to recommend state targets for graduation and re-engagements and funding to support career guidance and dropout systems.

Partial veto: Section 1.

DEPENDENCY MATTERS AFFECTING INDIAN CHILDREN

SSB 6470

Chapter 288, Laws 2010 S-JUV

The court may not order an Indian child to be removed from his or her home unless the court finds, by clear and convincing evidence including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. In any proceeding for termination of the parent-child relationship of an Indian child no termination of parental rights may be ordered in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

CHILD WELFARE SERVICES

SSB 6832

Chapter 291, Laws 2010 S-JUV

The date by which DSHS must convert all child welfare services contracts to performance-based contracts is extended from January 1, 2011, to July 1, 2011. The date by which the private case management demonstration sites are to be fully implemented is extended from June 30,

2012, to December 30, 2012.

CONCERNING THE PRACTICE OF COUNSELING

SB 6884

**Chapter 20, Laws 2010 S-JUV
First Special Session**

Juvenile probation officers and juvenile court employees who provide evidence based programs approved by JRA are defined as agency affiliated counselors. This means they must meet any requirements as set in rules developed by DSHS in collaboration with the county that employs them and JRA.

Effective date: April 13, 2010.

LIMITING USE OF RESTRAINTS ON PREGNANT WOMEN OR YOUTH

ESHB 2747

Chapter 181, Laws 2010 S, S-JUV, D/M

Prohibits restraints of any kind on any pregnant woman or youth in a correctional or detention facility during labor, childbirth, or postpartum recovery. Permits use of restraints only under extraordinary circumstances during transportation to and from visits to medical providers and court proceedings during the third trimester of pregnancy. Defines "extraordinary circumstances" and authorization required for use of restraints under those circumstances.

Requires enumerated stakeholders by September 1, 2010, to jointly develop an information packet describing the requirements of this act. Requires the information packet to be distributed to all medical staff and nonmedical staff involved in the transportation of in-custody pregnant women and youth. Requires notice of the act's requirements to be provided to all pregnant women or youth at the time that a state correctional facility institution or detention facility assumes custody. Requires notice of the act's requirements to be posted in conspicuous locations in correctional facilities, institutions, or detention facilities, including where medical care is provided.

PROBATE/GUARDIANSHIP

MODIFYING OATH REQUIREMENTS FOR INTERPRETERS

ESHB [2518](#)
Chapter 190, Laws 2010 ALL

See Civil, Page 4.

CONCERNING ESTATES AND TRUSTS

SSB [6831](#)
Chapter 11, Laws 2010 S

Creates a method to address certain wills and trusts that use formulas or terms tied to federal estate and generation skipping-transfer taxes while these taxes are repealed in 2010.

Effective date: March 10, 2010.

IMPLEMENTING A GUARDIANSHIP PROGRAM FOR FOSTER CHILDREN

SHB [2680](#)
Chapter 272, Laws 2010 S, S-JUV

See Family & Juvenile, Page 8.

CRIMINAL

MODIFYING OATH REQUIREMENTS FOR INTERPRETERS

ESHB [2518](#)
Chapter 190, Laws 2010 ALL

See Civil, Page 4.

AUTHORIZING STATE CERTIFIED COURT REPORTERS TO ADMINISTER OATHS AND AFFIRMATIONS

HB [2861](#)
Chapter 98, Laws 2010 ALL

See Civil, Page 4.

APPOINTING A TASK FORCE TO STUDY BAIL PRACTICES AND PROCEDURES

SSB [6673](#)
Chapter 256, Laws 2010 ALL

Establishes a workgroup within existing resources to study and make recommendations regarding bail practices and procedures. Prescribes the membership of the workgroup and the topics to be reviewed.

ADDRESSING BAIL FOR FELONY OFFENSES

HB [2625](#)
Chapter 254, Laws 2010 S

States the legislative intent to require individualized determination of conditions of release for persons in custody for felony offenses and to eliminate the practice of allowing release where bail is based on a bail schedule. Bail for a felony offense must be determined on an individualized basis by a judicial officer.

Effective date: Sections 1 and 2 are effective January 1, 2011; sections 3 through 11 are contingent upon voter approval of HJR 4220.

SUSPENDING PAROLE OR PROBATION OF AN OFFENDER WHO IS CHARGED WITH A NEW FELONY OFFENSE IN CERTAIN CONDITIONS

SSB [6548](#)
Chapter 258, Laws 2010 S

Allows suspension of the parole or probation and total confinement of an offender charged with a new felony. Directs the Department of Corrections to pursue more balanced and equitable obligations under the Interstate Compact for Adult Offender Supervision.

Effective date: Sections 3 and 4 are effective June 1, 2010.



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ALTERNATIVES TO TOTAL CONFINEMENT FOR NONVIOLENT OFFENDERS WITH MINOR CHILDREN

SSB [6639](#)

Chapter 224, Laws 2010 S

Creates a new parenting sentencing alternative for nonviolent offenders with minor children. Allows offenders already serving a sentence, who would otherwise be eligible for the parenting sentencing alternative, to be released on home detention for up to the final 12 months of their sentence.

LIMITING USE OF RESTRAINTS ON PREGNANT WOMEN OR YOUTH

ESHB [2747](#)

Chapter 181, Laws 2010 S, S-JUV, D/M

See Family & Juvenile, Page 10.

SEX AND KIDNAPPING OFFENDER REGISTRATION

SSB [6414](#)

Chapter 267, Laws 2010 S, S-JUV, D/M

Reorganizes and amends statutory registration requirements for those convicted of sex and kidnapping offenses. Establishes crimes for failure to register as a sex offender and as a kidnapping offender. Modifies time periods within which an offender must register. Addresses the duration of registration, relief from registration, and relief from registration for offenses committed as a juvenile. Changes an adult offender's third conviction for felony failure to register as a sex offender from a class C to a class B felony.

DOMESTIC VIOLENCE PROVISIONS

ESHB [2777](#)

Chapter 274, Laws 2010 S, D/M

See Civil, Page 7.



TRACKING METHAMPHETAMINE PRECURSORS

E2SHB [2961](#)

Chapter 182, Laws 2010 S, D/M

Amends criminal statutes on the sale of methamphetamine precursors. Establishes a statewide electronic sales tracking system for the nonprescription sales of ephedrine, pseudoephedrine, and phenylpropanolamine and makes failure to comply with tracking requirements a gross misdemeanor. Changes limits on sales to comply with federal law.

BAILABLE CRIMES

ESHJR [4220](#)

Filed w/Secretary of State S, D/M

Article I, section 20 of the Constitution could be amended to read: All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great. Bail may be denied for offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons, subject to such limitations as shall be determined by the legislature.

BREATH TEST INSTRUMENTS

HB [2465](#)

Chapter 53, Laws 2010 D/M

RCW 46.61.506, listing the criteria for breath test admissibility, is amended to allow for the use of dry gas simulators as well as liquid simulator solutions.

IGNITION INTERLOCK DEVICES

SHB [2466](#)

Chapter 268, Laws 2010 D/M

Adds provisions on the regulation of ignition interlock devices by the Washington State Patrol (WSP):

- Authorizes WSP to inspect the records and equipment of ignition interlock manufacturers and vendors for compliance and to inspect

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ignition interlock devices in customers' vehicles during installation.

- Authorizes WSP to suspend or revoke the certification of an ignition interlock device and the installation privileges of a provider or installer for noncompliance.
- Requires ignition interlock devices to employ fuel cell technology.

DEFERRED PROSECUTION COSTS

SHB 2487

Chapter 54, Laws 2010 D/M

Increases the maximum cost for administering a deferred prosecution agreement from \$150 to \$250.

DUI ACCOUNTABILITY INCLUDING IGNITION INTERLOCK LICENSES AND SENTENCING

2SHB 2742

Chapter 269, Laws 2010 D/M

Amends motor vehicle code statutes concerning ignition interlock driver's licenses and alcohol violations:

- Expands the eligibility for ignition interlock driver's licenses.
- Removes defendants in deferred prosecution programs from those whom the court is required to order to apply for an ignition interlock driver's license.
- Adds limits to the categories of persons for whom the court may waive the requirement.
- Limits court ordered alcohol monitoring for those convicted of alcohol related offenses to persons who either do not drive or who are not eligible to obtain an ignition interlock driver's license.
- Provides that for sentencing, on a deferred prosecution for an alcohol violation revoked because of a subsequent conviction, the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution.
- Modifies the definitions of "within seven years" and "within ten years" for the purpose of identifying prior offenses at sentencing for alcohol violations.
- Requires a probation or supervision

department to verify the installation of ignition interlock devices when a court orders installation of the device and the person is under the jurisdiction of the municipality or county probation or supervision department. This requirement is satisfied by written verification by a company that it has installed the required device on a vehicle owned or operated by the person.

- Changes from a misdemeanor to a gross misdemeanor the violation of restriction of an occupational or temporary restricted driver's license.
- Changes from a misdemeanor to a gross misdemeanor the operation of a motor vehicle not equipped with a functioning ignition interlock device by a person who has a driving record notation that the person may operate only a vehicle so equipped.
- Provides that a person is driving while license suspended in the second degree if he or she is driving while his or her license is suspended and the person is eligible to obtain an ignition interlock license but did not obtain one.
- Amends statutes on deferred prosecution.

Effective date: January 1, 2011.

DRIVER ABSTRACTS—NOTATIONS A PERSON WAS NOT AT FAULT IN A MOTOR VEHICLE ACCIDENT

SHB 2939

Chapter 253, Laws 2010 D/M

Rewrites and consolidates the statute on driver abstracts. Adds new requirement for the Department of Licensing to indicate in a driving abstract obtained for employment purposes that an individual was not at fault in an accident if an individual provides court records to that effect.

Effective date: October 31, 2010.

Partial veto: Section 2.

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ANIMAL INSPECTIONS

SSB 6299

Chapter 66, Laws 2010 D/M

Changes the inspection provisions for animal health inspections. Amends the statute identifying unlawful acts. Creates authority for the Department of Agriculture to monitor imported livestock to the state. Changes the self-certification requirements for livestock identification.

NEW & AMENDED CRIMES

PROTECTING CHILDREN FROM SEXUAL EXPLOITATION AND ABUSE

ESHB 2424

Chapter 227, Laws 2010 S

Creates a new offense for viewing depictions of a minor engaged in sexually explicit conduct. Each session of intentional viewing over the internet constitutes a separate offense. Creates first and second degree classifications for dealing in and possessing depictions and specifies units of prosecution. Creates affirmative defenses. Modifies the definition of "predatory" for purposes of sex offender sentencing to include individuals providing home-based instruction.

ADDING THE DEFINITION OF THREAT TO MALICIOUS HARASSMENT PROVISIONS

SSB 6398

Chapter 119, Laws 2010 S

Defines "threat" for the offense of malicious harassment as the direct or indirect communication of the intent to cause bodily injury or physical damage to property immediately or in the future.

RELATING TO RENDERING CRIMINAL ASSISTANCE IN THE FIRST DEGREE

SSB 6293

Chapter 255, Laws 2010 S, S-JUV, D/M

Amends RCW 9A.76.060(2)(a) to increase the penalty from a class C to a class B felony for

rendering criminal assistance in the first degree. Also amends subsection (2)(b) to make the penalty a gross misdemeanor if the actor is a relative and under the age of 18 at the time of the offense.

MODIFYING SEX AND KIDNAPPING OFFENDER REGISTRATION

SSB 6414

Chapter 267, Laws 2010 S, S-JUV, D/M

Reorganizes and amends statutory registration requirements for those convicted of sex and kidnapping offenses. Establishes crimes for failure to register as a sex offender and as a kidnapping offender. Modifies time periods within which an offender must register. Addresses the duration of registration, relief from registration, and relief from registration for offenses committed as a juvenile. Changes an adult offender's third conviction for felony failure to register as a sex offender from a class C to a class B felony.

TRACKING METHAMPHETAMINE PRECURSORS

E2SHB 2961

Chapter 182, Laws 2010 S, D/M

See Criminal, Page 12.

INSPECTION OF RENTAL PROPERTIES

SSB 6459

Chapter 148, Laws 2010 S, D/M

See Civil, Page 8.

VEHICLE LICENSE FRAUD

2SHB 2436

Chapter 270, Laws 2010 D/M

Amends the statute on motor vehicle license fraud (RCW 46.16.010).

Failure to make initial registration (traffic infraction): directs fines into a dedicated (vehicle license fraud) account, provides that no part may be suspended or deferred, and specifies that the fine is in addition to any delinquent taxes and fees.

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Licensing a vehicle in another state (gross misdemeanor): directs fines into a dedicated (vehicle license fraud) account, provides that no part may be suspended or deferred, and increases the fines:

- First offense: An additional \$1,000 fine is added to the current base fine of \$529 for a total with assessments of \$3,237.
- Second and subsequent offenses: an additional \$5,000 fine is added to the current base fine of \$529 for total with assessments of \$11,437.

Provisions in the current statute for the fine to include twice the delinquent taxes and fees for a first offense and four times the delinquent taxes and fees for subsequent offenses are replaced with a requirement that that the punishment include the delinquent taxes and fees.

Effective date: July 1, 2010.

VEHICLES IN EMERGENCY ZONES **ESHB 2464**

Chapter 252, Laws 2010 D/M

Amends the statute (RCW 46.61.212) on approaching stationary emergency vehicles, tow trucks, and police vehicles to:

- Make it applicable to an emergency zone defined as 200 feet before and after the stopped vehicle.
- Provide that a person may not drive a vehicle in an emergency zone at a speed greater than the posted speed limit.
- Double the penalty for violations of provisions on approaching stationary vehicles and driving at a speed greater than posted. This penalty may not be waived, reduced or suspended.
- Make it a gross misdemeanor (reckless endangerment of emergency zone workers) to drive a vehicle in an emergency zone in such a manner as to endanger or be likely to endanger an emergency zone worker or property. A conviction results in an automatic 60 day suspension of driving privileges.

Adds reckless endangerment of emergency zone workers to the offenses included in second degree driving while license suspended or revoked.

Effective date: January 1, 2011.

STREAMLINING AND MAKING TECHNICAL CORRECTIONS TO VEHICLE AND VESSEL REGISTRATION AND TITLE PROVISIONS

SB 6379

Chapter 161, Laws 2010 D/M

Clarifies, reorganizes and recodifies statutes related to vehicle and vessel registrations and titles. All statutes establishing offenses (crimes and infractions) related to registrations and titles are affected.

The 2011 legislature will make any changes necessary to reconcile this bill with other 2010 legislation (e.g., 2SHB 2436, ESSB 5902).

Court action: Update local law tables. Inform local law enforcement.

Effective date: July 1, 2011; except section 1020 which becomes effective June 30, 2012 and does not affect the courts.

INFRACTIONS

VEHICLE LICENSE FRAUD

2SHB 2436

Chapter 270, Laws 2010 D/M

See New & Amended Crimes, Page 14.

VEHICLES IN EMERGENCY ZONES

ESHB 2464

Chapter 252, Laws 2010 D/M

See New & Amended Crimes, Page 14.

2010 Legislative Summary

PERSONS WITH DISABILITIES

ESSB [5902](#)

Chapter 215, Laws 2010 D/M

Amends RCW 46.16.381 – Special Parking For Persons With Disabilities – to:

- Change unauthorized use of a special placard, special license plate, or identification card from a traffic infraction to a parking infraction.
- Add a \$200 assessment for violations of (1) unauthorized use of the placard, etc., (2) blocking or making inaccessible the aisle next to a space reserved for persons with disabilities, and (3) parking in such a reserved space without a placard or special license plate.
- Provide for the assessment to be split between a new Accessible Communities Account and the existing Multimodal Transportation Account.

Court action: Update local law tables.

VEHICLES AT RAILROAD GRADE CROSSINGS

SSB [6213](#)

Chapter 15, Laws 2010 D/M

Amends and reorganizes the rules of the road section on vehicles stopping at nonexempt railroad crossings. Lists the types of commercial vehicles that carry hazardous materials that must stop at non-exempt railroad crossings. Modifies the list of railroad crossings that are exempt from the general requirement to stop.

WIRELESS COMMUNICATIONS WHILE DRIVING

SSB [6345](#)

Chapter 223, Laws 2010 D/M

Makes the laws prohibiting holding a wireless communication device to an individual's ear while operating a moving motor vehicle and the use of a wireless communication device to send, read, or write a text message while operating a moving motor vehicle enforceable as primary offenses for all drivers. Prohibits the holder of either an intermediate driver's license or an

instruction permit from operating a motor vehicle while using a wireless communication device except in the case of an emergency.

ENFORCEMENT OF CERTAIN SCHOOL OR PLAYGROUND CROSSWALK VIOLATIONS

SSB [6363](#)

Chapter 242, Laws 2010 D/M

Amends the motor vehicle code to provide for doubling the penalties for the following violations when committed in school and playground crosswalk speed zones:

- RCW 46.61.235 (crosswalk violations)
- RCW 46.61.245 (failure to use due care)
- RCW 46.61.261 (failure to yield to pedestrians and bicycles on sidewalks)

The penalty may not be waived, reduced, or suspended. Fifty percent of the moneys collected under the doubling are to be deposited in the school zone safety account.

Effective date: July 1, 2010.

STREAMLINING AND MAKING TECHNICAL CORRECTIONS TO VEHICLE AND VESSEL REGISTRATION AND TITLE PROVISIONS

SB [6379](#)

Chapter 161, Laws 2010 D/M

See *New & Amended Crimes, Page 15.*

TOLLS: COLLECTION, USE, ETC.

ESSB [6499](#)

Chapter 249, Laws 2010 D/M

Provides for the administration, collection, use and enforcement of tolls on roads and bridges. Allows for the detection and issuance of photo tolls (toll charges associated with a particular vehicle identified by its license plate as shown in a photograph of the vehicle when it passed through a toll station), which may be paid through a customer account or upon receipt of a toll bill from a tolling authority. Provides for the issuance of a toll infraction with a civil penalty for failure to pay a toll, if a toll is not paid within 80 days. Removes the Washington State

2010 Legislative Summary

Patrol from the toll infraction issuance process, and places it in the hands of limited law enforcement officers designated by the Washington State Department of Transportation (WSDOT). Requires WSDOT to develop an administrative adjudication process for appeals of civil penalties related to toll infractions which effectively removes the courts from the toll infraction adjudication process.

Amends the motor vehicle code to add a traffic infraction if a driver using a toll bridge, tunnel, road, or ferry displays a vehicle license plate that is altered, obscured, disfigured or illegible.

Effective date: Upon certification by the Secretary of Transportation that the new statewide tolling operations center and photo toll system are fully operational. A notice of certification must be filed with the Code Reviser for publication in the State Register. If a certificate is not issued by the Secretary of Transportation by December 1, 2012, the act is null and void.

COURT FUNDING & FEES

VEHICLE LICENSE FRAUD

2SHB [2436](#)

Chapter 270, Laws 2010 D/M

See New & Amended Crimes, Page 14.

DEFERRED PROSECUTION COSTS

SHB [2487](#)

Chapter 54, Laws 2010 D/M

See Criminal, Page 13.

PERSONS WITH DISABILITIES

ESSB [5902](#)

Chapter 215, Laws 2010 D/M

See Infractions, Page 16.



JUDICIAL ELECTIONS

CONCERNING CAMPAIGN CONTRIBUTION AND DISCLOSURE LAWS

2SHB [2016](#)

Chapter 204, Laws 2010 ALL

Reorganizes and recodifies chapter 42.17 RCW. Requires the listing of the controlling entity for independent expenditures and electioneering communications if the sponsor is a political committee. Allows bona fide political parties to use exempt funds for independent expenditures and electioneering communications. Prohibits state elected officials and municipal elected officials from making public service announcements beginning January 1 through the general election, or until the official is no longer a candidate.

Effective Date: January 1, 2012; except sections 505, 602 and 703 which are effective March 25, 2010.

Partial veto: Sections 309, 412 and 415.

SALARIES & BENEFITS

MILITARY LEAVE FOR PUBLIC EMPLOYEES

SHB [2403](#)

Chapter 91, Laws 2010 ALL

Military leave is granted for required military duty, training, or drills including those in the National Guard under Title 10 U.S.C., Title 32 U.S.C., or state active status. An officer or employee of state or local government is charged military leave only for the days that he or she is regularly scheduled to work for the state or local government.

ALLOWING COMPENSATION FOR PART-TIME JUDGES' JUDICIAL SERVICES

HB [2681](#)

Chapter 191, Laws 2010 D/M

Allows for compensation for judicial services of a visiting part-time district court judge when the visiting judge is not serving in a judicial capacity

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in his or her district and the county legislative authority has approved the payment in advance.

OTHER

CRIMINAL JUSTICE EMPLOYEES

E2SHB 1317

Chapter 257, Laws 2010 ALL

This bill exempts criminal justice agency employees' photographs and birthdates, including month and year of birth, from being disclosed to the public. It is important to note that this exemption was added to the Public Records Act, which does not apply to the judicial branch. However, the judicial branch does use the Public Records Act as a guide when making public disclosure decisions and this information has not, and should not, be released to the public.

Additionally the bill says, the news media, as defined by statute, is entitled to this information upon request unless the news media personnel are in custody at the time of the public records request.

CONFORMING THE UNIFORM CONTROLLED SUBSTANCES ACT TO EXISTING STATE AND FEDERAL LAW

SHB 2443

Chapter 177, Laws 2010 ALL

Schedules, deletes, or reschedules 69 drugs, substances, or immediate precursors to bring Washington's Controlled Substances Act (chapter 69.50 RCW) into conformance with the Board of Pharmacy rules and federal law. Adds osteopathic physician assistants and naturopathic physicians to the definition of "practitioner." Adds multiple sclerosis as a disease for which a Schedule II non-narcotic stimulant may be prescribed, dispensed, or administered.



BOARDS AND COMMISSIONS

E2SHB 2617

Chapter 7, Laws 2010 ALL

Forty-five statutory boards, commissions, committees, or councils are eliminated. Where appropriate, duties are transferred to the agency that the board, commission, committee, or council advises.

Beginning July 1, 2010, through June 30, 2011, members of boards, commissions, councils, or committees identified as class 1 through class 3 and class 5 groups may not receive allowances for subsistence, lodging, and travel if these costs are funded by the State General Fund. All classes are directed to use methods of conducting meetings that do not require members to travel and to use state facilities for meetings that require members to physically be present. Those boards, commissions, councils, or committees funded by sources other than the State General Fund are encouraged to reduce travel, lodging, and other costs.

REGULATION AND LICENSING OF RESIDENTIAL MORTGAGE LOAN SERVICERS AND SERVICES

HB 2608

Chapter 35, Laws 2010 S

Amends the Consumer Loan Act (chapter 31.04 RCW) to include regulation of residential mortgage loan servicers; revises the Consumer Loan Act and the Mortgage Broker Practices Act (chapter 19.146 RCW) to clarify the Department of Financial Institutions' regulatory authority over loan modification services.

Effective date: July 1, 2010.

CONTINUING EDUCATION FOR COURT REPORTERS

SB 6450

Chapter 49, Laws 2010 S

Requires the Department of Licensing to establish continuing education requirements for court reporters.

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EDUCATION PROGRAMS FOR JUVENILES IN ADULT JAILS

2SSB [6702](#)

Chapter 226, Laws 2010 S-JUV

Provides for a program of education for juveniles under the age of 18 who are confined in adult jails. Sets forth the responsibilities of school districts and adult jail facilities. Requires school districts and adult jail facilities to negotiate and execute contracts and specifies provisions which must be included in such contracts. Requires the OSPI to adopt rules for school districts and educational providers regarding the program of education for juveniles confined in adult jails. Prohibits the use of local levy funds for the education program for juveniles in jails.

VERIFYING THE ADDRESS OF REGISTERED SEX OFFENDERS AND KIDNAPPING OFFENDERS

SHB [2534](#)

Chapter 265, Laws 2010 S, S-JUV, D/M

Establishes a grant program administered by the Washington Association of Sheriffs and Police Chiefs for sex offender address verification by local governments. Offenders' addresses are to be verified every 12 months for level I and unclassified offenders, every six months for level II offenders, and every three months for level III offenders. Requires homeless sex and kidnapping offenders to keep an accounting of where they have stayed over the last seven days and provide it to the sheriff upon request. Level II and III sex offenders are no longer required to report to the county sheriff every 90 days.

CLARIFYING THE USE OF REVENUE FROM TOLLING SR 520

ESSB [6392](#)

Chapter 248, Laws 2010 D/M

Expresses the legislature's intent that tolling on the SR 520 bridge start in Spring 2011. Modifies and adds statutes related to funding for the SR 520 bridge replacement and the design of the new bridge.

Partial veto: Sections 1 and 3.

CREATING EFFICIENCIES IN THE USE OF TECHNOLOGY IN STATE GOVERNMENT

ESHB [3178](#)

Chapter 282, Laws 2010 AOC

Information Technology Savings. Higher education institutions, the State Board for Community and Technical Colleges, the Higher Education Coordinating Board, offices headed by a statewide elected official, the legislative branch, and the judicial branch are exempted from the provisions pertaining to achieving IT savings.

Wireless Phone Service. Institutions of higher education, the State Board for Community and Technical Colleges, the Higher Education Coordinating Board, offices headed by a statewide elected official, the legislative branch, and the judicial branch are exempt from this requirement.

Information Technology Reporting. Additional requirements are added to the State Budget and Accounting Act related to IT reporting. The OFM must collect from agencies information to produce reports, summaries and budget detail of all current and proposed expenditures for IT by state agencies. In addition, the OFM must collect information for all existing IT projects as defined by ISB policy. The OFM must work with the DIS to maximize the ability to draw this information from the IT portfolio management data collected by the DIS.

The Administrative Office of the Courts and the Legislative Service Center must develop and submit an IT portfolio to the Legislature, the DIS, and the OFM.

Enterprise strategy for IT. The legislative and judicial branches are encouraged to coordinate with, and participate in, shared services initiatives, pilot programs, and development of the enterprise-based strategy.

Partial veto: Sections 5, 13, 14 and 15.

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