

SUMMARY

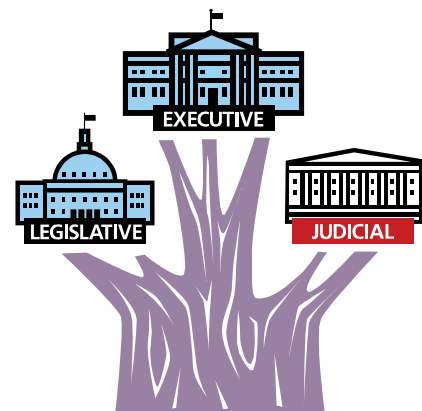
of Selected


2012 LEGISLATION

of Interest to the Courts

May 2012

Revision—May 25, 2012
(Corrections to three chapter numbers for
ESHB 2692, ESHB 2363 and 2SHB 2443)





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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.

2012 Legislative Summary

We are pleased to present a **Summary of Selected 2012 Legislation of Interest to the Courts** and hope it will be useful to implement bills that impact your court. During the 2012 legislative session, the Legislature and Governor enacted 59 bills that affect the courts and are of general interest to the legal community. Between updating/creating pattern forms, law table work and making JIS additions/changes, AOC expects to spend more than 700 hours implementing the 2012 legislation on the following pages.

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 7, 2012**. Partial vetoes by the Governor are also indicated at the end of the summary. For details on vetoes and other bill information, please click on the bill number to go directly to the bill. If the link does not work, go to the Washington State Legislature’s website at <http://apps.leg.wa.gov/billinfo/> and enter the bill number in the box provided.

A list of AOC 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
mellani.mcaleenan@courts.wa.gov 360-357-2113
- DIRK MARLER:** Fiscal notes; BJA/multi-court legislation
dirk.marler@courts.wa.gov 360-705-5211
- ANNE WATSON:** Appellate court legislation; Superior court criminal and civil legislation
anne.watson@courts.wa.gov 360-357-2157
- REGINA MCDUGALL:** Superior court/juvenile offender legislation
regina.mcdougall@courts.wa.gov 360-705-5337
- JANET SKREEN:** Juvenile and family court legislation
janet.skreen@courts.wa.gov 360-705-5252
- SHANNON HINCHCLIFFE:** District and municipal court legislation
shannon.hinchcliffe@courts.wa.gov 360-705-5226
- LYNNE ALFASSO:** Data dissemination
lynne.alfasso@courts.wa.gov 360-705-5315
- CHARLEY BATES:** Administrative public records
charles.bates@courts.wa.gov 360-705-5305
- COLLEEN CLARK:** Fiscal note coordinator/bill summary
colleen.clark@courts.wa.gov 360-704-4143

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2012 Legislative Summary

CIVIL

ELECTRONIC IMPERSONATION

2SHB 1652

Chapter 9, Laws 2012 S

This law specifies that the tort of invasion of privacy may include the misappropriation of a person's name or likeness through social networking web sites and online bulletin boards with the intent to mislead, deceive, harass, threaten or intimidate. It also establishes a civil cause of action allowing a person injured by electronic impersonation to seek damages in certain contexts. A person may be liable in a civil action for damages based on a claim of invasion of privacy when: the person intentionally impersonates another actual person on social networking website or online bulletin board without the actual person's consent; the person intended to deceive or mislead for the purpose of harassing, threatening, intimidating, humiliating, or defrauding another; and the impersonation was the proximate cause of injury to the actual person (including injury to reputation or humiliation, injury to professional or financial standing or physical harm).

POLICE DOGS

SHB 2191

Chapter 94, Laws 2012 S

The bill exempts police dogs from certain liability requirements for damage from biting. Authorizes a court to impose a civil penalty of up to \$5,000 for harming a police dog; and requires a court to impose a mandatory civil penalty of \$5,000, with discretion to increase the penalty up to \$10,000 if a police dog is killed.

UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

HB 2195

Chapter 95, Laws 2012 S

This bill adopts uniform procedures for litigants in foreign actions to obtain subpoenas for depositions and production of discoverable materials in Washington. Requires that applications for protective orders or to enforce, quash, or modify subpoenas must comply with Washington rules and statutes.

UNIFORM COMMERCIAL CODE

ESHB 2197

Chapter 215, Laws 2012 S

Adopts revisions to the Uniform Commercial Code Article 1 (general provisions) and Article 7 (documents of title used in the storage and transportation of goods in commerce). Provides rules governing the creation and transfer of electronic documents of title and revises provisions governing warehouse and carrier liens and the allocation and enforcement of risk of damage or loss of goods in storage or transit.

Effective date: June 7, 2012 except sections 902, 1403, 1502, 1508, 1511, 1514, 1516, and 1518, which become effective July 1, 2013.

PROFESSIONAL PEER REVIEW BODIES

HB 2308

Chapter 165, Laws 2012 S

This bill revises the standard for awarding a prevailing party's attorney fees and costs in suits under the health care peer review act (chapter 7.71 RCW). It requires the court to award the substantially prevailing party costs and attorney fees attributable to any claim or defense that was frivolous, unreasonable, without foundation, or in bad faith. It also requires the award of attorney fees and costs to a substantially prevailing defendant if the plaintiff fails to exhaust all administrative remedies available before the professional peer review board.

SHORT SALES/RESIDUAL DEBTS

ESHB 2614

Chapter 186, Laws 2012 S

This bill requires notice to the seller in a short sale transaction stating whether a beneficiary intends to waive or reserve its right to collect full payment of the debt. Specifies that if the beneficiary does not initiate a court action to collect the outstanding debt within three years of the date it releases its security interest, the right to collect is forfeited. Requires real estate licensees to notify a seller that a short sale does not relieve the seller of the obligation to pay other costs, such as the real estate licensee's commission. With regard to the Foreclosure Fairness Act, allows the meet and confer process to be conducted by telephone and applies the process to borrowers who have filed for bankruptcy. Allows a borrower to be referred to

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mediation after a notice of default has been issued, but no later than 20 days after a notice of sale has been recorded. Amends the foreclosure mediation process, providing more time to schedule a mediation, specifying how and when documents and information must be provided by beneficiaries and borrowers, and specifying when the mediator's fee must be paid. Establishes further requirements to serve as a foreclosure mediator. Lengthens the time period between the trustee sale and the notice of sale for owner-occupied residential real property for certain borrowers. Changes the allocation of funds from the beneficiaries' quarterly remittance for housing counselors and the department of commerce. Allows a domestic limited liability corporation to be a trustee. Creates procedures for rescinding a foreclosure sale when: (1) the trustee, beneficiary, or authorized agent asserts there was an error with the foreclosure sale process, including an erroneous opening bid; (2) the beneficiary and borrower, prior to the sale, agreed to a loan modification or loss mitigation plan to postpone or discontinue the sale; or (3) the beneficiary or authorized agent accepted funds that fully reinstated or satisfied the loan.

Effective date: June 7, 2012 except section 12, which becomes effective March 29, 2012.

REDUCTION OF THE COMMERCIAL SALE OF SEX

ESHB 2692

Chapter 136, Laws 2012 S

Increases the additional fee imposed for patronizing a prostitute from \$150 to \$1,500 for a first offense, \$2,500 for a second offense, and \$5,000 for a third or subsequent offense; mandates that the court require first-time offenders convicted of patronizing a prostitute or commercial sexual abuse of a minor to fulfill the terms of a program designed to educate offenders about the negative costs of prostitution.

Partial veto: Section 1 vetoed because the section increases additional fee amounts for patronizing a prostitute and cannot be reconciled with Section 3 of ESHB 1983.

SERVICE MEMBER CIVIL RELIEF

SSB 5627

Chapter 24, Laws 2012 All

This bill provides protection against default judgments to National Guard members called to service by the governor for more than 30 consecutive days.

MEDICAID FRAUD

ESSB 5978

Chapter 241, Laws 2012 S

Creates the State Medicaid Fraud False Claims Act; establishes civil liability for false or fraudulent claims against the state Medicaid program; authorizes private parties to bring actions on behalf of the state; establishes whistleblower protections for employees who report fraudulent practices by their employers; creates a Medicaid Fraud Penalty Account to fund Medicaid services and fraud protection and detection; terminates the Act on June 30, 2016, and requires a sunset review by the Joint Legislative Audit and Review Committee.

Partial veto: Section 218, which eliminates the emergency clause providing for an immediate effective date.

FISH & WILDLIFE ENFORCEMENT

SSB 6135

Chapter 176, Laws 2012 S, D/M

This bill makes a number of changes related to the enforcement policies of the Department of Fish and Wildlife (DFW) and the crimes primarily enforced by the DFW. Creates new fish and wildlife related crimes, decriminalizes certain acts, provides new penalties for existing crimes, and changes details for certain crimes. Provides new direction to the DFW regarding seizure and forfeiture of property and provides new definitions for existing terms. This bill also creates an infraction, with certain exemptions, for feeding or attempting to attract large wild carnivores to land or a building.

CONCERNING SEXUAL ABUSE OF A MINOR

SSB 6253

Chapter 140, Laws 2012 S

This bill allows for civil forfeiture of property traceable to the crimes of commercial sexual abuse of a minor,

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promoting commercial sexual abuse of a minor or promoting prostitution in the first degree.

EXCHANGE FACILITATORS

SSB [6295](#)

Chapter 34, Laws 2012 S

This bill modifies provisions regarding fidelity bonds required for an exchange facilitator. It requires an exchange facilitator and his or her client to independently authenticate a withdrawal from a qualified escrow account or qualified trust. It also requires additional disclosures regarding recommended products or services. The bill expands criminal penalties to include an exchange facilitator who fails to comply with requirements as to fidelity bonds, disclosure provisions, or withdrawal of funds.

FAIR TENANT SCREENING ACT

SSB [6315](#)

Chapter 41, Laws 2012 D/M

Concerning the fair tenant screening act. Prior to screening a prospective tenant, and in order to charge the prospective tenant for the screening, the prospective landlord must first notify the prospective tenant in writing, or by posting, the following information: what types of information will be accessed to conduct the tenant screening, what criteria may result in the denial of the application, the name and address of the consumer reporting agency used, and the prospective tenant's right to obtain a free copy of the consumer report in the event of an adverse action and to dispute the accuracy of information in the report. If an adverse action is taken, the prospective landlord must provide this information to the prospective tenant, and provide the contact information of the consumer reporting agency, if any. The prospective tenant is entitled to damages for violation by the prospective landlord of the statutory provisions.

VULNERABLE ADULT PROTECTION

SSB [6403](#)

Chapter 156, Laws 2012 S

This bill prohibits a public agency from charging a fee for filing or service of process to petitioners seeking vulnerable adult protection orders. It requires provision of certified copies to petitioners at no cost.

COMPETENCY TO STAND TRIAL

SSB [6492](#)

Chapter 256, Laws 2012 S

Establishes performance targets for completion of competency services for adult criminal defendants; limits the court to appointment of one state forensic evaluator; changes the procedures and requirements for conducting competency evaluations and revises the required contents of competency evaluation reports; shortens the initial competency restoration period for specified felony defendants; establishes study and reporting requirements as to competency evaluations and the benefit of standardizing protocols for treatment to restore competency to stand trial; prohibits a jail from refusing to book a state hospital patient based solely on his or her status as a patient; establishes procedures for a state hospital to administer antipsychotic medication without consent to an individual committed as criminally insane.

Effective date: May 1, 2012.

SEXUAL PREDATOR COMMITMENT

SSB [6493](#)

Chapter 257, Laws 2012 S

Transfers administration of indigent defense representation in sexually violent predator commitment cases from the Department of Social and Health Services to the Office of Public Defense (OPD); defines the scope of representation of an attorney providing indigent defense services; establishes OPD's responsibility for the cost of one expert or professional person conducting an evaluation on an indigent person's behalf; and caps costs for expert evaluations and other services.

Effective date: July 1, 2012.

JUDGMENT LIEN ON REAL PROPERTY

SB [6566](#)

Chapter 133, Laws 2012 S

Provides that a judgment lien from the superior court of the county where the judgment debtor's real property is located commences from the time the county clerk files the judgment on the execution docket.

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CRIMINAL

BAIL FOR FELONY OFFENSES

SHB 1194

Chapter 6, Laws 2012 S

Continues requirement that bail for class A and B felonies be determined on an individualized basis by a judicial officer.

PROTECTING CHILDREN FROM SEXUAL EXPLOITATION

SHB 2177

Chapter 136, Laws 2012 S

This bill requires that material depicting a minor engaged in sexually explicit conduct remain in the custody of a law enforcement agency or the court. It prohibits duplication or distribution of child pornography as part of the discovery process in a criminal prosecution, provided the material is made reasonably available to the parties and expert witnesses. Allows the defendant to view the material only in the presence of counsel or, if pro se, under the supervision of a person appointed by the court; and provides for the sealing and destruction of the material following trial. (Requires that material distributed to defense counsel or an expert witness prior the law's effective date must be returned to the investigating law enforcement agency or destroyed if the case is no longer pending. It also requires that the material be returned to the assigned superior court judge or presiding judge for safekeeping or destruction if the case is still pending.)

INCREASING PENALTIES FOR VEHICULAR HOMICIDE AND VEHICULAR ASSAULT

2SHB 2216

Chapter 163, Laws 2012 S

This bill increases the seriousness level for the crime of vehicular homicide while driving under the influence of alcohol or drugs from level IX to level XI.

BEING UNDER THE INFLUENCE

ESHB 2302

Chapter 42, Laws 2012 S, D/M

Increases existing ignition interlock requirements and creates enhanced penalties for persons convicted of driving or being in physical control of a vehicle while

under the influence of intoxicating liquor or drugs with a child under age 16 in the vehicle. Requires law enforcement, when making an arrest, to note that a child under age 16 was present in the vehicle and requires law enforcement to notify Child Protective Services if the child passenger is under 16 years, rather than under 13 years.

SPRING BLADE KNIVES

ESHB 2347

Chapter 180, Laws 202 S, D/M

This bill exempts firefighters and rescuers, Washington State Patrol officers, and military members from certain prohibitions against spring blade knives. It permits the manufacture, sale, transportation, transfer, distribution, and possession of spring blade knives pursuant to contracts with certain permitted agencies and companies. It authorizes testing of prototypes and other evaluative uses of spring blade knives by permitted agencies and companies; and specifies that knives with a mechanism designed to create a bias toward closure are not spring blade knives.

STOLEN PROPERTY TRAFFICKING

SHB 2354

Chapter 105, Laws 2012 S

This bill extends the statute of limitations from three to six years for the crime of trafficking in stolen property (motor vehicles and motor vehicle parts) in the first or second degree.

DOMESTIC VIOLENCE VICTIMS

ESHB 2363

Chapter 223, Laws 2012 S, D/M

The penalty for violation of a no-contact order issued during the pendency or following conviction of a charge of misdemeanor harassment is increased from a simple to a gross misdemeanor. A gross misdemeanor is created prohibiting intentional and malicious release of confidential information about the location of a domestic violence program. No court may compel disclosure of location information except upon clear and convincing evidence that disclosure is necessary to avoid imminent serious bodily injury or death of a DV victim or another person. A court may not require disclosure of previously undisclosed information that might enable discovery of residence, employment, or school information pertaining to a victim of DV or of

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child abuse in a dissolution case if there has been a finding of DV or child abuse. If there has been an allegation but no finding, the petitioner must be given the opportunity to prove the allegation.

This prohibition applies during the period of an initial temporary protection order or after a permanent order has been entered. A court may not require disclosure of the address of a person who is a participant in the address confidentiality program administered by the Secretary of State in any action related to marriage, dissolution, child support, parentage, adoption, DV, or child abuse under Title 26 RCW, except under the terms defined by statutes related to the address confidentiality program.

A court may extend a no-contact order issued before charges are filed at the arraignment hearing if the defendant fails to appear at the arraignment hearing and the court finds that the charges are supported by probable cause. Nondisclosure and immunity provisions applicable to regional domestic violence fatality review panels are extended to statewide domestic violence fatality review panels. Language stating that temporary pre-charging no-contact orders need not be entered into the computer based criminal intelligence information system is deleted from the code. WSIPP must assess recidivism by DV offenders, effective community supervision practices for these offenders, and DV perpetrator treatment, including the number of offenders sentenced to treatment and the treatment completion rate. WSIPP must collaborate with the Washington State Gender and Justice Commission on the study. This provision is subject to a null and void clause.

SUICIDE ASSESSMENT AND TREATMENT

ESHB [2366](#)

Chapter 182, Laws 2012 S, S-Juv, D/M

Beginning January 1, 2014, the following health care professionals must complete training in suicide assessment, treatment, and management every six years: advisors and counselors certified under chapter 18.19 RCW; chemical dependency professionals licensed under chapter 18.205 RCW; marriage and family therapists, mental health counselors, advanced social workers, and independent clinical social workers licensed under chapter 18.255 RCW; occupational therapy practitioners licensed under chapter 18.59 RCW; and psychologists licensed under chapter 18.83

RCW. Persons holding a retired active license in any of the affected professions are also subject to the training requirements. The first training must be completed during the first full renewal period after initial licensure or after the effective date of the act, whichever is later. The training must be approved by the relevant disciplining authority.

PERSONS WHO DRIVE IMPAIRED

2SHB [2443](#)

Chapter 183, Laws 2012 S, D/M

This bill makes numerous changes to alcohol and drug-related driving statutes, including: changing the definition of “drugs” to include chemical vapors inhaled or ingested for their intoxicating or hallucinatory effects; expanding who may apply for ignition interlock licenses; restricting the vacating of records of Driving Under the Influence (DUI) - related convictions; expanding the time in which a superior court has jurisdiction over offenders with suspended sentences; imposing a monthly fee on a person required to install an ignition interlock device (IID); requiring the Washington State Patrol to establish a fee schedule imposed on IID manufacturers, technicians, providers, and users and depositing those fees into the Highway Safety Account to fund impaired driving programs; requiring IID to include camera technology if reasonably available in the area; providing that when a person is arrested for felony DUI, a breath or blood test may be administered without the person’s consent; increasing the amount a defendant may be liable to local agencies for emergency response costs; specifying that courts may impose jail time in lieu of mandatory electronic home monitoring (EHM) at a ratio of no less than one day in jail for 15 days of EHM; allows courts the discretion to order alcohol monitoring and making other changes.

Effective date: August 1, 2012.

METAL PROPERTY THEFT

ESHB [2570](#)

Chapter 234, Laws 2012 S

This bill establishes a task force to make recommendations for state policy regarding commercial and nonferrous metal property theft. It amends the offenses of theft in the first and second degrees so that theft of metal wire from a public service company or consumer-owned utility constitutes theft in

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the first degree (class B felony) if the cost of damage exceeds \$5,000 and theft in the second degree (class C felony) if the damage ranges from \$750 to \$5,000.

Partial veto: Section 1 (the section that would have established a task force) because the governor opposes statutory creation of new boards, commissions, work groups, or task forces.

LICENSE SUSPENSION ERRORS

SB [6030](#)

Chapter 28, Laws 2012 S, D/M

Addressing license suspension clerical errors by allowing the court on its own motion or another's motion, to find on the record that notice to the department of licensing has been delayed for three years or more as a result of error and order that the person's license, permit or nonresident privilege not be revoked, suspended or denied.

THEFT OF RENTAL PROPERTY

SB [6108](#)

Chapter 30, Laws 2012 S, D/M

This bill clarifies that the location at which a person is deemed to have committed the crime of theft of rental, leased, lease-purchased, or loaned property is either the physical location where the written agreement was executed or the address at which proper notice may be mailed to the renter, lessee, or borrower.

FISH & WILDLIFE ENFORCEMENT

SSB [6135](#)

Chapter 176, Laws 2012 S, D/M

See Page 5.

COMMERCIAL SEXUAL ABUSE OF A MINOR

ESSB [6252](#)

Chapter 139, Laws 2012 S

This bill adds commercial sexual abuse of a minor and promoting commercial sexual abuse of a minor to offenses constituting "criminal profiteering." It allows victims and prosecuting attorneys to sue to recover damages and civil penalties for commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor and promoting prostitution in the first degree.

CHANGING PROMOTING PROSTITUTION PROVISIONS

ESB [6254](#)

Chapter 141, Laws 2012 S

This bill amends the offense of promoting prostitution in the first degree to include compelling a person with a mental incapacity or developmental disability that renders the person incapable of consent to engage in prostitution.

VICTIMS OF HUMAN TRAFFICKING AND PROMOTING PROSTITUTION

SB [6255](#)

Chapter 142, Laws 2012 S, D/M

This bill creates an affirmative defense to prosecution for prostitution if the offense is committed as a result of being a victim of trafficking or promoting prostitution in the first degree. Allows the sentencing court to vacate a record of conviction for prostitution if the offense was committed as a result of being a victim of trafficking or promoting prostitution in the first degree, unless the applicant has pending criminal charges, has any more recent convictions, or has previously had the record of another prostitution conviction vacated.

ADDING SEXUAL ABUSE OF A MINOR TO LIST OF CRIMINAL STREET GANG OFFENSES

SB [6256](#)

Chapter 143, Laws 2012 S

This bill adds promoting commercial sexual abuse of a minor to the definition of a criminal street gang-related offense.

ADDRESSING SEXUALLY EXPLICIT PERFORMANCES

ESB [6257](#)

Chapter 144, Laws 2012 S

This bill expands the offense of promoting commercial sexual abuse of a minor to include advancing or profiting from a sexually explicit act of a minor. Defines "sexually explicit act" as a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

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UNACCOMPANIED PERSONS

SSB [6258](#)

Chapter 145, Laws 2012 S

This bill expands the elements of the crime of luring to include luring a minor or person with a developmental disability away from a bus terminal, airport terminal, or other transportation terminal.

Effective date: January 1, 2013.

PUBLIC ASSISTANCE FRAUD

SSB [6386](#)

Chapter 253, Laws 2012 S, D/M

This bill prohibits the use of an electronic benefit transfer (EBT) card by a recipient's family member who is not the recipient's authorized representative, an alternative card holder, or protective payee. It prohibits the Department of Social and Health Services (DSHS) from routinely assigning a personal identification number for an EBT card that contains any sequence of numbers that appears on the face of the card, except in cases of in-state or national disaster. The bill authorizes the Office of Fraud and Accountability to have access to original child care records maintained by child care providers by consent, court order, or valid search warrant. It removes the requirement that an applicant or recipient of child care subsidies seek child support services through the DSHS as a condition of receiving such subsidies.

FAMILY & JUVENILE

JUVENILE RESTORATIVE JUSTICE

SHB [1775](#)

Chapter 202, Laws 2012 S-Juv

Provides that participation in a restorative justice program is sufficient to satisfy the requirements of a juvenile diversion or a counsel and release.

CHILD WELFARE/CONTRACTING

E2SHB [2264](#)

Chapter 206, Laws 2012 S-Juv

Repeals provisions established by 2SHB 2106 (2009) which mandated the conversion of contracts for child welfare services to performance-based contracts; extends dates related to contracting with supervising

agencies for child welfare services in demonstration sites. Expressly mandates DSHS to enter into performance-based contracts with one or more network administrators for family support and related services by December 1, 2013. This bill requires the DSHS to consult with specified stakeholders to identify categories of family support and related services to include in the procurement; and requires the Office of Financial Management to approve a request for proposal prior to its issuance.

DOMESTIC VIOLENCE VICTIMS

ESHB [2363](#)

Chapter 223, Laws 2012 S, D/M

See Page 7.

SUICIDE ASSESSMENT AND TREATMENT

ESHB [2366](#)

Chapter 182, Laws 2012 S, S-Juv, D/M

See Page 8.

JUVENILE GANG COURT

HB [2535](#)

Chapter 147, Laws 2012 S-Juv

This bill authorizes counties to establish and operate Juvenile Gang Courts by adding new sections to Chapter 13.40 RCW. Juvenile Gang Court is a special calendar or docket designed to achieve a reduction in gang-related offenses among juvenile offenders involved in criminal gangs. Juveniles may receive evidence-based services, as determined by the Washington State Partnership Council on Juvenile Justice, designed to reduce gang related offenses while under court supervision. The bill provides minimum requirements for admission to a juvenile gang court, but counties may adopt more stringent standards. Counties operating Juvenile Gang Courts are required to track data regarding participants. The AOC will study the data provided to the counties and report to the Legislature on December 1, 2013 and December 1, 2015 on recidivism outcomes for Juvenile Gang Court Participants.

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DELIVERY OF SERVICES TO CHILDREN AND JUVENILES

E2SHB [2536](#)

Chapter 233, Laws 2012 **S-Juv**

This bill requires DSHS, by June 30, 2012, in consultation with other entities, to publish descriptive definitions for and to prepare an inventory of evidence-based, research-based, and promising practices in the areas of child welfare, juvenile rehabilitation, and children's mental health. DSHS and the Health Care Authority (HCA) are required, by June 30, 2013, to complete a baseline assessment of the utilization of evidence-based and research-based practices in the areas of child welfare, juvenile rehabilitation, and children's mental health. DSHS is required to prioritize assessments of the effectiveness of identified promising practices with the goal of increasing the number that may be designated as evidence-based or research-based. It requires DSHS to develop strategies to use unified and coordinated case plans for clients who are or will likely be involved in multiple systems with DSHS; and requires DSHS and HCA to identify and seek federal matching funds for certain components of evidence-based practices.

The bill requires DSHS to coordinate training across program areas for evidence-based and research-based practices and to use monitoring and quality control procedures designed to measure fidelity. DSHS and the HCA are required, by December 30, 2013, to report regarding recommended strategies, timelines, and costs for increasing the use of evidence-based and research-based practices for the next two biennia and to provide updated reports in 2014 and 2015.

EXTENDED FOSTER CARE

ESHB [2592](#)

Chapter 52, Laws 2012 **S-Juv**

DSHS is authorized to provide extended foster care services to youth ages 18 to 21 so they can participate in or complete a postsecondary academic or postsecondary vocational education program. Under certain circumstances, youth who participate in extended foster care while completing a secondary education or equivalency program may continue to receive extended foster care to participate in a postsecondary educational or vocational program. The court cannot dismiss a dependency proceeding for a dependent child who, upon turning 18 years old, is

enrolled in a postsecondary academic or vocational education program or who has applied for and can demonstrate intent to enroll in a timely manner. The court must dismiss the dependency by the end of the six month postponement if the youth has not requested extended foster care or is no longer eligible. The Foster Care to 21 program must cease operations within three years of the effective date of this act.

ADOPTION SUPPORT EXPENDITURES

SHB [2657](#)

Chapter 148, Laws 2012 **S-Juv**

This bill sets the maximum adoption support payment at 80 percent of what the foster care maintenance payment would have been had the child remained in a family foster home. It requires DSHS to establish a central unit of adoption support negotiators to help ensure consistent negotiations of adoption support agreements. It requires DSHS to request, in writing, that adoptive families with existing adoption support contracts renegotiate their contracts to a lower payment if it is fiscally feasible for the families to do so. Requires the DSHS Division of Behavioral Health and Recovery to convene a workgroup as part of the children's mental health redesign to better address the mental health needs of adoptive families; and requires the DSHS to report to the Legislature regarding the workgroup by December 15, 2012.

Partial veto: Section 3 vetoed. No workgroup will be established, and no report is due to the legislature by December 15, 2012.

CHILD ABUSE REPORTING

ESSB [5991](#)

Chapter 55, Laws 2012 **S**

This bill designates employees in administrative, academic, and athletic departments of higher education institutions as mandatory reporters of suspected child abuse or neglect. Requires employees who are not mandatory reporters themselves to immediately report suspected abuse or neglect to the appropriate administrator or supervisor, who must report the incident to a mandatory reporter; and requires institutions to ensure employees have knowledge of their reporting responsibilities.

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JUVENILE DETENTION INTAKE

SB [6157](#)

Chapter 120, Laws 2012 S-Juv

Based on a 2011 workgroup regarding Youth with Developmental Disabilities, counties with juvenile detention centers must develop and implement an intake and risk assessment standard to determine whether a juvenile admitted to a county juvenile detention facility is developmentally disabled. County juvenile detention facilities may include secure physical confinement facilities, group homes, inpatient substance abuse programs, and juvenile basic training camps.

MARRIAGE AND DOMESTIC PARTNERSHIPS

ESSB [6239](#)

Chapter 3, Laws 2012 All

No regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any religious organization is required to solemnize or recognize any marriage and must be immune from any civil claim or cause of action based on a refusal to solemnize or recognize any marriage. No state agency or local government may base a decision to penalize, withhold benefits from, or refuse to contract with any religious organization on the refusal of a person associated with such religious organization to solemnize or recognize a marriage. No religious organization is required to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of marriage. A religious organization must be immune from any civil claim or cause of action, including a claim pursuant to RCW 49.60, based on its refusal to provide accommodations, facilities, advantages, privileges, services, or goods related to the solemnization or celebration of a marriage.

“Recognize” is defined as providing religious-based services that are delivered by a religious organization, or by an individual who is managed, supervised, or directed by a religious organization, and are designed for married couples or couples engaged to marry and are directly related to solemnizing, celebrating, strengthening, or promoting a marriage, such as religious counseling programs, courses, retreats, and workshops. Religious organization includes, but is not limited to, churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and

ecumenical organizations, mission organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion. Religious organization must be interpreted liberally to include faith-based social service organizations involved in social service directed at the larger community. Religious based educational institutions must not be required to provide accommodations, facilities, advantages, privileges, service, or goods related to the solemnization or celebration of a marriage. Nothing in this act must be construed to alter or affect existing law regarding the manner in which a religious or nonprofit organization may be licensed to and provide adoption, foster care, or other child-placing services.

To enter into a state-registered domestic partnership the two persons must both share a common residence, both persons must be at least 18 years old, and at least one of the persons must be at least 62 years old. Partners in a state-registered domestic partnership may apply and receive a marriage license and have such marriage solemnized so long as the parties are otherwise eligible to marry, and the parties to the marriage are the same as the parties to the state-registered domestic partnership. A state-registered domestic partnership is dissolved by operation of law by any marriage of the same parties to each other, as of the date of the marriage stated in the certificate. Any state-registered domestic partnership in which the parties are the same sex, and neither party is at least 62 years old, that has not been dissolved or converted into marriage by the parties by June 30, 2014, is automatically merged into a marriage as of June 30, 2014. If the parties to a state-registered domestic partnership have proceedings for dissolution, annulment, or legal separation pending as of June 30, 2014, the parties are not automatically merged into marriage and the dissolution, annulment, or legal separation of the state-registered domestic partnership must be governed by the statutes applicable to state-registered domestic partnerships in effect prior to June 30, 2014.

For the purposes of determining the legal rights and responsibilities involving individuals who had previously had a state-registered domestic partnership and have been issued a marriage license or are deemed married, the date of the original state-registered domestic partnership is the legal date of the marriage. If two persons in Washington have a legal union, other than a marriage, that was validly formed in

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another state or jurisdiction; provides substantially the same rights, benefits, and responsibilities as a marriage; and does not meet the definition of domestic partnership; the parties must be treated as having the same rights and responsibilities as married spouses in this state unless the relationship is otherwise prohibited by law or the parties become permanent residents of Washington and do not marry within one year after becoming permanent residents. A legal union, other than a marriage, of two persons that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership must be recognized as a valid domestic partnership in Washington regardless of whether it bears the name domestic partnership.

The Secretary of State must send a letter to the mailing address on file of each same-sex, state-registered domestic partner notifying the person that the laws relating to state-registered domestic partners will change in relation to certain same-sex registered domestic partners. The notice must provide a brief summary of the new law and must clearly state that provisions related to certain same-sex registered domestic partnerships will change as of the effective dates of this act, and that those same-sex registered domestic partnerships that are not dissolved prior to June 30, 2014, will be converted to marriage as an act of law. The Secretary of State must send a second notice by May 1, 2014.

Effective date: Sections 8 and 9 take effect June 30, 2014, but only if all other provisions have taken effect. The legislation is subject to the referendum process.

JUVENILE DISPOSITION ORDERS

SSB 6240

Chapter 17, Laws 2012 S-Juv

A juvenile who agrees to a deferred disposition must acknowledge the consequences of being found guilty and the potential consequences if they fail to meet the conditions of the deferred disposition.

The court is allowed to vacate a deferred disposition in cases where a juvenile has not paid full restitution if the court is satisfied that the youth made a good faith effort to pay. The court must enter an order establishing the amount of restitution still owing and the terms and conditions of payment, including a payment plan that

extend jurisdiction by up to 10 years. In that instance, the respondent remains under the jurisdiction of the court for up to 10 years after their 18th birthday. Prior to the expiration of the extended jurisdiction, juvenile court may extend the judgment for restitution up to 10 additional years. The court may relieve the respondent's requirement to pay restitution to an insurance provider if the court is satisfied they have no means to pay over a 10 year period.

When vacating a deferred disposition, the court must enter an order sealing the case if the juvenile is 18 years of age or older and restitution has been paid in full. When a case is vacated prior to a juvenile turning 18, the court must set an administrative hearing to seal the case no later than 30 days after the juvenile turns 18 if no further charges are pending and restitution has been paid in full. When two separate disposition orders are imposed, the periods of community supervision run concurrently while other conditions run consecutively.

SCHOOL TRUANCY PROCEDURES

SSB 6494

Chapter 157, Laws 2012 S-Juv

The maximum age of a child at which a school district may be legally required to file a truancy petition is lowered from 17 to 16 years of age. Court jurisdiction is not required to terminate when a child turns 17, nor is a school district precluded from filing a truancy petition. The truancy petition must include information describing the child's current academic status in school. A court may not issue a bench warrant for a child for failure to appear at an initial truancy hearing, but may enter a default order assuming jurisdiction over the child. After the court assumes jurisdiction, the school district must periodically update the court about the child's academic status in school at a schedule to be determined by the court, with the first report to be received no later than three months from the date at which the court assumes jurisdiction.

CHILD PROTECTIVE SERVICES

ESSB 6555

Chapter 259, Laws 2012 S, S-Juv

Family Assessment Response (FAR). When DSHS receives a report of child abuse or neglect, it must use one of two responses for reports that are screened in and accepted for response: an investigation or a family assessment. A family assessment is defined as a

comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. The assessment does not include a determination as to whether child abuse or neglect occurred but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment. FAR is defined as a way of responding to certain reports of child abuse or neglect using a differential response approach to child protective services. FAR is to focus on the safety of the child, the integrity and preservation of the family, and is to assess the status of the child and family in terms of risk of abuse and neglect including a parent's or guardian's capacity and willingness to protect the child. No one is named as a perpetrator and no investigative finding is entered in DSHS's database as a result of the FAR.

DSHS must develop a plan to implement FAR in consultation with stakeholders, including tribes. The plan is to be submitted to the appropriate legislative committees by December 31, 2012. Many components must be developed before implementation and submitted in the report to the legislature. DSHS is not liable in using FAR to respond to an allegation of child abuse or neglect unless the response choice was made with reckless disregard. DSHS must implement FAR no later than December 1, 2013. DSHS must submit an implementation plan report to the Legislature by December 31, 2012.

WSIPP must conduct an evaluation of the implementation of FAR. WSIPP is to define the data to be gathered and maintained. At a minimum, the evaluation is to address child safety measures, out of home placement rates, re-referral rates and caseload sizes and demographics. WSIPP's first report is due December 1, 2014, and its final report is due December 1, 2016. DSHS must conduct two client satisfaction surveys of families that have been placed in FAR. The first survey results are to be reported by December 1, 2014, and the second survey results by December 1, 2016.

Effective date: The legislation takes effect June 7, 2012, except for sections 1 and 3-10, which take effect December 1, 2013.

INFRACTIONS

TRAFFIC CONTROL SIGNALS

E2SSB 5188

Chapter 85, Laws 2012

D/M

The fine for an infraction generated through the use of an Automated Traffic Safety Camera (ATSC) is currently limited to no more than the fine for a parking infraction in the same jurisdiction. The new law provides that the fine issued for a stoplight violation that is detected through the use of an ATSC may not exceed the monetary penalty for a violation of the requirement to follow official traffic control devices – currently \$124.

This law requires new regulations regarding traffic control signals yellow light change intervals. Restricts where the cameras can be placed to (1) intersection of two arterials, provided the yellow light duration standards are met, (2) railroad crossings, and (3) school speed zones. Cities and counties using the cameras must create and post an annual report including specific traffic accident information and post on their website (required annually starting one year after the effective date). Additional requirements such as standardized signage and analysis of proposed camera locations are imposed on the jurisdictions.

FISH & WILDLIFE ENFORCEMENT

SSB 6135

Chapter 176, Laws 2012

S, D/M

See Page 5.

CIVIL TRAFFIC INFRACTIONS

E2SSB 6284

Chapter 82, Laws 2012

D/M

Reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.

Effective date: June 7, 2012 (contingent) – except sections 1-3 and 5, which take effect June 1, 2013.

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DISCOVER PASS VIOLATION FUNDS

SSB [6387](#)

Chapter 262, Laws 2012 D/M

This bill requires all monies collected for Discover Pass violations to be submitted to the general fund by the county treasurer and deposited into the recreation pass account.

NEW & AMENDED CRIMES

INCREASING FEE ASSESSMENTS FOR PROSTITUTION CRIMES

ESHB [1983](#)

Chapter 135, Laws 2012 S

The Prostitution Prevention and Intervention Account is created. Additional fees are imposed for Promoting Prostitution in the first or second degree, Permitting Prostitution or Patronizing a Prostitute. The revenue raised is collected by the clerk and remitted to the county, city, or town where the offense occurred. Funds must be used for local efforts to reduce the commercial sale of sex, including prevention and increased enforcement of commercial sex laws. Preventative measures include education programs for offenders and rehabilitative programs such as mental health and substance abuse counseling, parenting skills training, housing, education, vocational training, drop-in centers or employment counseling are authorized.

FISH & WILDLIFE ENFORCEMENT

SSB [6135](#)

Chapter 176, Laws 2012 S, D/M

See Page 5.

REGULATING ADVERTISING OF COMMERCIAL SEXUAL ABUSE OF A MINOR

ESSB [6251](#)

Chapter 138, Laws 2012 S

This bill creates the offense of advertising commercial sexual abuse of a minor as a class C felony.

PUBLIC ASSISTANCE FRAUD

SSB [6386](#)

Chapter 253, Laws 2012 S, D/M

See Page 10.

COURT FUNDING & FEES

SALES AND USE TAX FOR CHEMICAL DEPENDENCY, MENTAL HEALTH TREATMENT AND THERAPEUTIC COURTS

SHB [2357](#)

Chapter 181, Laws 2012 All

Provides an additional supplant schedule for jurisdictions that impose the mental health and chemical dependency sales and use tax on or after January 1, 2012.

DISCOVER PASS VIOLATION FUNDS

SSB [6387](#)

Chapter 262, Laws 2012 D/M

See Page 15.

JUDICIAL STABILIZATION TRUST ACCOUNT

ESB [6608](#)

Chapter 199, Laws 2012 All

The temporary surcharges on filing fees authorized by the Legislature in 2009 are increased by \$10, except for small claims filings. The 75/25 split between state and local governments added in 2011 remains, as does the sunset date of July 1, 2013.

SALARIES & BENEFITS

REFORMING THE STATE RETIREMENT PLAN

2ESB [6378](#)

Chapter 7, Laws 2012 All

The subsidized alternate early retirement benefits in the Public Employees' Retirement System (PERS) Plans 2 and 3 are closed to new members that become employed in a retirement-eligible position on or after May 1, 2013. For these members, a new subsidized early retirement benefit is created that provides

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members with a 5 percent for each year of difference between the member's age at retirement and age 65.

OTHER

CONCERNING GARNISHMENT

SHB [1552](#)

Chapter 160, Laws 2012 S

Modifies the forms used in garnishment proceedings. Increases the exemption for wages and specifies that certain public employee pensions are exempt from garnishment. Increases garnishment attorney fees and adds accrual of estimated interest in the writ of garnishment. Eliminates the multiple envelopes and forms the creditor must provide the garnishee defendant.

Effective date: June 7, 2012 except section 8, which becomes effective January 1, 2018.

CREATING A PROCEDURE FOR THE STATE'S RETROCESSION OF CIVIL AND CRIMINAL JURISDICTION OVER INDIAN TRIBES AND INDIAN COUNTRY

ESHB [2233](#)

Chapter 48, Laws 2012 All

Creates a procedure by which the state may retrocede criminal and/or civil jurisdiction over Washington Indian tribes to the federal government. It also requires the state to retain the jurisdiction necessary for civil commitment of sexually violent predators.

STATE AGENCY PROCUREMENT

2SHB [2452](#)

Chapter 225, Laws 2012 A, AOC

Centralizing the authority and responsibility for the development, process, and oversight of state procurement of goods and services. This bill combines the processes for procurement of goods and procurement of services into a single set of processes. The Department of Enterprise Services must provide expertise and training on best practices for state procurement. Training or certification programs, or both, must be established and state agency employees responsible for procurement must complete the training or certification programs beginning July 1, 2013. By July 1, 2015, no state agency employee may execute or

manage contracts unless the training and certification requirements have been met. The AOC Management Services Division Director and Contracts Manager are drafting an agency contracts manual which will address the new statutory provisions and how they apply to AOC and the appellate courts.

Effective date: January 1, 2013.

JUVENILE GANG COURT

HB [2535](#)

Chapter 147, Laws 2012 S-Juv

See Page 10.

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