

2023 LEGISLATIVE SESSION SUMMARY REPORT





WASHINGTON COURTS

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Established in 1957 by state lawmakers, the Administrative Office of the Courts serves the Judicial Branch in carrying out its constitutional mission to provide equal justice under the law.

2023 LEGISLATIVE SUMMARY

On January 9, 2023, the Legislature convened for a 105-day session. This session was conducted in person for the first time in two years. Bills introduced primarily focused on addressing homelessness, drug possession/recovery support, juvenile justice, and legal financial obligations.

By the end of the 2023 session 1,634 bills were introduced, and only 479 bills were passed by the Legislature. In contrast, 1,049 bills were introduced during the 2022 session, and only 306 bills were passed by the Legislature. Next year is the second year of the current biennium; bills not passed this session will become active from the point at which they stalled this session.

2023–2025 Biennial Budget Summary

By the end of April 2023, the Governor had signed a \$69.3 billion biennial operating budget, a \$9 billion capital budget, and a nearly \$13.5 billion transportation budget.

Operating Budget: As we have emerged from the COVID-19 pandemic, Washington’s economy continued to strengthen and state revenue projections continued to grow. The 2023–25 biennial budget assumed a \$4.7 billion increase in spending while leaving \$3 billion in various reserve accounts. The \$69 billion operating budget (Engrossed Substituted Senate Bill 5187) continued historic investments in education and mental health supports.

Capital Budget: A \$9 billion construction budget was signed into law that makes significant investments in affordable housing projects. Important to the Judicial Branch, the Temple of Justice enhancements (HVAC, lighting, and water systems) received an additional \$4 million in funding to cover inflation-driven increases in the project.

Transportation Budget: The Governor reluctantly signed a \$13.4 billion budget to pay for projects across the state. While the Governor and Legislature disagreed on the amount of funding for highway maintenance, the two-year budget pays for projects, ferries, highway maintenance and preservation, court-ordered culvert replacements, public transit, and the Washington State Patrol.

Judicial Branch Budget Priorities & New Legislative Initiatives

The Judicial Branch budget was increased by about \$70 million. This was the third straight year of successful funding. This substantial increase in funding, building on previous record investments in our branch, has long been needed, and we appreciate the investment the Legislature made again this year. None of this would have been possible without the tireless efforts of the Administrative Office of the Courts (AOC) staff, judges, advocates, and stakeholders, and we are grateful to each of them for their efforts this past session. The following summarizes major Judicial Branch priorities funded in the final budget:

- **Launch Small & Rural Court Security Matching Grant Program:** For the first time ever in the operating budget, and after years of advocating by all levels of Washington courts, the Legislature appropriated \$2 million for security at small and rural courts.

- Continue Funding for Therapeutic Courts: Critical funding, initially provided in the 2021–23 biennial and the 2022 supplemental budgets, was continued to provide ongoing support for therapeutic courts at district and municipal courts.
- Fully Fund Judicial Branch IT Infrastructure: The Legislature provided ongoing support for the Judicial Branch information technology infrastructure. Historically funded by traffic fines and fees, this marks the first major ongoing investment from the general fund in our core IT infrastructure.
- Continue Funding for *Blake* Implementation: \$104.6 million in existing funding was continued to provide ongoing implementation for the *Blake* ruling, reimbursing local governments for the costs of vacating and resentencing individuals and for refunding legal financial obligations.
- Implement Data for Justice Program: Funding was provided to launch a new Data for Justice Initiative that will be based within the Washington Center for Court Research at AOC, supporting studies around equity in the justice system and consulting with local courts on the development of performance measures for ongoing data analysis.
- Develop Integration Platform: Funding was provided to AOC to build an integration platform that will allow local systems to connect to statewide case management systems, creating more efficient and affordable options for local courts to integrate existing tools into new systems.

Review of Policy Bills with Potential Court or AOC Impact

Each legislative session, numerous AOC staff and court staff members screen, analyze, and monitor hundreds of bills for their potential impact on the business and operations of courts, AOC programs and services, and the Judicial Information System. While many of the bills introduced each legislative session will not be enacted into law, every bill must be reviewed for potential impact. This document provides a high-level summary of bills that may have significant court impact or interest.

Legislators passed four bills requested or supported by AOC and the Board for Judicial Administration, including: HB 1023 (eliminating reporting requirements for wiretap authorizations), HB 1102 (creating pay equity for superior court pro tempores), SB 5003 (adding an additional judicial position to the Snohomish County District Court), and SB 5128 (Jury Diversity Package).

As you read through the following bill summaries, please do not hesitate to contact the AOC with questions. You can find detailed information about a bill on the Legislature’s website by visiting <https://app.leg.wa.gov/billinfo/> and entering the four-digit bill number. You can find information about the governor’s signature, veto, or partial veto of bills at <https://www.governor.wa.gov/office-governor/official-actions/bill-action>.

Increasing the penalty for hazing

[HB 1002](#)

Chapter 196, Laws of 2023

Court Level(s): Superior, D/M

Categories: Criminal

Effective Date(s): 7/23/2023

Reclassifies Hazing from a misdemeanor to a gross misdemeanor. In cases where substantial bodily harm occurs it will be classified as a class C felony. Adds Felony Hazing to the statutory list of crimes against persons and crimes of harassment. The Act will be known as the Sam Martinez Stop Hazing Law.

Eliminating wiretap authorization reporting to AOC

[HB 1023](#)

Chapter 129, Laws of 2023

Court Level(s): Superior, AOC

Categories: Other/Informational

Effective Date(s): 7/23/2023

Repeals RCW 9.73.120, requiring judges to report to the administrator for the courts after authorizing a warrant for interception of communications and requires the Chief Justice to report on interception authorizations granted at the trial court level to the Governor and the Legislature.

Crime victims & witnesses

[2SHB 1028](#)

Chapter 197, Laws of 2023

Court Level(s): Superior, Juvenile, D/M

Categories: Criminal

Effective Date(s): 7/23/2023; except section 4 (7/1/2024)

Reestablishes the Sexual Assault Forensic Examination Best Practices Advisory Group (SAFE Advisory Group) within the Attorney General's Office. Medical disclosure authorizations for a health care provider or facility remain valid until all related criminal proceedings end (exceptions are listed within the session law).

Requires a biological sample to be collected from any person who is required to register as a sex offender, kidnapping offender, convicted of a felony offense, convicted of a misdemeanor or gross misdemeanor offense listed in RCW 43.43.754(1)(a)(i)-(xi). County and city jails are responsible for collecting samples from persons incarcerated in their facilities, and the Department of Corrections (DOC) and the Department of Children, Youth, and Families (DCYF) are responsible for collecting samples from persons incarcerated in state facilities. If a biological sample is not collected prior to the person's release from confinement, the responsible city or county jail facility shall notify the sentencing court within three business days of the person's release that it has released the person without collecting the person's biological sample, and provide the reason for releasing the person without collecting a biological sample. Within 10 days of receiving notice of the person's release, the sentencing court shall schedule a compliance hearing. The jail shall serve or cause to be served notice to the person of the compliance hearing and shall file proof of service with the sentencing court. A representative of the jail shall attend the compliance hearing and obtain the person's biological sample at the hearing. A person who willfully refuses to comply with a legal request for a DNA sample is guilty of a gross misdemeanor.

Expands the statute of limitations for certain sex offenses (defined in RCW 9.94A.030(47)). Statute of limitations runs from whichever is later of the following; the date the crime was committed or four years from the date that the identity of the suspect is conclusively established by DNA testing or

photograph as defined in RCW 9.68A.011. In a prosecution for a sex offense, evidence of a victim's social media account, including any text, image, video, or picture, which depict sexual content, history, activity, communications, or nudity, is inadmissible on the issue of credibility and inadmissible to prove the victim's consent except when the perpetrator and victim engaged in sexual intercourse with each other in the past and the behavior is material to the issue of consent. Using a victim's social media account to depict past sexual behavior is inadmissible to attack the credibility of the victim for prosecution for of Rape, Trafficking, or an offense related to Commercial Sexual Abuse of a Minor is prohibited, except on the issue of consent, unless prohibited in the underlying criminal offense.

Amends RCW 7.69.030 (Rights of victims, survivors, and witnesses) to apply to any adult or juvenile criminal proceeding and any sexually violent predator commitment hearing. If a victim, survivor of a victim, or witness of a crime is denied a right, that person may petition the court and seek an order directing compliance by the relevant party. Compliance with the right is the sole available remedy.

Enhancing Washington's Voting Rights Act

[ESHB 1048](#)

Chapter 56, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 1/1/2024

Amends Washington's Voting Rights Act to bar political subdivisions from imposing polarizing/vote diluting election methods; expands class of protected voters who may challenge; clarifies factors for courts to consider and findings to be made in assessing violations and fashioning remedies; and provides for reimbursement of challengers' expenses in certain circumstances.

Restricting robocalls/commercial telephone solicitation

[ESHB 1051](#)

Chapter 103, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Expands restrictions on robocalls and commercial telephone solicitation; increases liability of violators and those who assist them; bars such calls to numbers on the do not call registry; deems violations an unfair business practice under Consumer Protection Act; provides for imposition of fines and Attorney General enforcement actions; and retains private cause of action for those aggrieved by repeated violations.

Technical corrections

[HB 1066](#)

Chapter 470, Laws of 2023

Court Level(s): All

Categories: Other/Informational

Effective Date(s): 7/23/2023

Provides technical corrections and non-substantive amendments for various provisions of the Revised Code of Washington: (1) merges multiple amendments created when sections were amended without reference to other amendments made in the same session; (2) per 2009 legislation, replaces references to the "department of community, trade, and economic development" with the "department of commerce."; (3) adds the omitted expiration date of June 30, 2016, to language amending the vocational rehabilitation pilot program; (4) repeals the expiration date of July 1, 2013, for two amended sections of the hospital safety net assessments that conflicts with the July 1, 2025 chapter expiration adopted by 2021 legislation; (5) decodifies inactive groups, including the School Bullying and Harassment Work Group, Hate Crime Advisory Working Group, Statewide Coordinating Committee on Sex Trafficking, Joint Select Committee on Healthcare Oversight, and the Task Force to Review Federal 2007 Race and Ethnicity Reporting Guidelines; (6) reorganizes the subsection numbering for criminal penalties regarding firearms or other dangerous weapons on school facilities and open carry of firearms or other weapons on state capitol grounds and municipal buildings; (7) corrects the terminology for specific sex offense statutes concerning behavioral health disorders, including replacing the term "person with a chemical dependency" with "person with a substance use disorder" and replacing "developmentally disabled, mentally disordered" with "a person with a developmental disability or a mental disorder"; (8) updates a reclassified and renumbered 2017 federal law reference; (9) updates a subsection reference for criminal statutes regarding the intimidation of judges; (10) per 2022 legislation, replaces the word "marijuana" with "cannabis," in criminal procedure, long-term care worker screening, and business and occupation tax statutes; (11) fixes an inaccurate reference to the student loan advocate within the Office of Student Financial Assistance; (12) changes the word "apartment" to "lot" in the Homeowners' Associations Act; (13) fixes an inaccurate reference in a statute concerning eligibility for community transition services; (14) replaces the mistaken use of the word "county" with "country" in a statute concerning nonresident vessel permits; and (15) corrects federal law section and chapter cross-references in the interstate compact on educational opportunity for military children.

Mental health counselor compact

[SHB 1069](#)

Chapter 58, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Creates an interjurisdictional mental health counselor compact to increase access to mental health services; establishes participation requirements and governing commission; requires courts to take judicial notice of and enforce compact.

Property sale & leaseback

[SHB 1070](#)

Chapter 22, Laws of 2023

Court Level(s): Superior

Categories: Civil, Other/Informational

Effective Date(s): 7/23/2023

Adds to the list of living arrangements that are exempt from the Residential Landlord-Tenant Act. Specifically, the seller of a dwelling unit may remain in possession of the unit after closing on the sale of the unit if the rental agreement allows the seller to remain in the unit for up to three months after

closing and buyer does not accept rent payments from the seller, the unit is not considered a distressed home, and the seller was represented by a licensed attorney or real estate broker.

Landlord damage claims

[SHB 1074](#)

Chapter 331, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Expands requirements for landlord claims for damage to residential rental premises; bars withholding deposit for ordinary wear; prohibits collecting damage deposit unless a written condition checklist was provided at outset of lease; extends period within which landlord must provide accounting, but requires it be accompanied by documentation substantiating any claimed damage; prohibits retention of deposit or charging for alleged damage unless timely accounting with required documentation is provided to tenant; unsubstantiated damage and damage for wear from ordinary use cannot be submitted to collections or reported to tenant screening services, prospective landlords, or consumer reporting agencies; and establishes a three-year limitation period on landlord damage claims in excess of damage deposit.

Courthouse facility dogs

[SHB 1077](#)

Chapter 59, Laws of 2023

Court Level(s): Superior, Juvenile, D/M

Categories: Civil, Criminal, Family & Juvenile, Other/Informational

Effective Date(s): 7/23/2023

Amends statute to give the courts discretion to allow courthouse facility dogs in any judicial proceeding to assist a witness in eliciting testimony. Courthouse facility dogs and their certified handler may access any courthouse or location where the dog and handler provide services, such as children's advocacy centers, law enforcement agencies, prosecutors' offices, attorneys' offices, and medical facilities. Handlers and dogs are required to be trained and certified by an accredited assistance dog organization and possess an identification card that provides the contact information for the accredited organization.

Uniform Family Law Arbitration Act

[SHB 1088](#)

Chapter 61, Laws of 2023

Court Level(s): Superior

Categories: Family & Juvenile, Other/Informational

Effective Date(s): 1/1/2024

Governs arbitration agreements used to resolve family law and child-related disputes. A party may initiate arbitration by providing notice to the other party. Parties may also file a motion to compel or end the arbitration. Arbitrators must be an attorney with at least five years of family law experience, or a former judicial officer, and are required to disclose to the parties any fact that may affect their impartiality or ability to make a timely award. Arbitrators are allowed to set the rules for the arbitration, conduct hearings, compel discovery, impose procedures to protect parties or children

from harm, and appoint representatives such as attorneys. In family law arbitrations, parties may participate via an attorney, or may be accompanied by an advocate. Before and during the course of the arbitration, parties may seek temporary or immediate orders with the court. To finalize an arbitration agreement, the parties must motion the court to confirm the award. The court will then enter a judgment and enforce it.

Judge pro tempore compensation

[HB 1102](#)

Chapter 24, Laws of 2023

Court Level(s): Superior, AOC

Categories: Salaries/Benefits/Personnel/HR

Effective Date(s): 7/23/2023

This bill amends the judge pro tempore statute to allow retired Supreme Court Justices and superior court judges to receive the same compensation as other judge pro tempore.

Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim

[HB 1112](#)

Chapter 471, Laws of 2023

Court level(s): D/M

Categories: Criminal, New & Amended Crimes

Effective Date(s): 7/1/2025

Creates a new gross misdemeanor for Negligent Driving with a Vulnerable User Victim in both the first degree (causes death of vulnerable user) and second degree (causes great or substantial bodily harm of a vulnerable user). Defines "vulnerable user." Requires a 90-day license suspension and allows the court to reduce the monetary fine from \$5,000 to no less than \$1,000.

Concerning the membership of the sentencing guidelines commission

[HB 1114](#)

Chapter 241, Laws of 2023

Court Level(s): None

Categories: Other/Informational

Effective Date(s): 7/23/2023

Expands the number of members on the commission from 20 to 25. Adds a fifth member of the public who cannot be a prosecutor, defense attorney, judge, or law enforcement officer, and requires one of the five members of the public to be a victim of crime and one who has been formerly incarcerated in the state's correctional system. Adds as a member the Chair of the Supreme Court Minority and Justice Commission or designee, as an ex officio member; one person representing the interests of tribes; one behavioral health professional with experience working in the criminal justice system; and one person with knowledge of and expertise in academic research in the field of criminology or sociology.

Firearms purchase & transfer

[E2SHB 1143](#)

Chapter 161, Laws of 2023

Court Level(s): Superior, D/M
Categories: Criminal
Effective Date(s): 7/1/2024

A firearms dealer may not transfer to a purchaser/transferee a firearm until a valid concealed pistol license is produced, or a background check indicating eligibility to possess a firearm is completed and 10 business days has elapsed since the dealer requested the background check. Prohibits firearms dealers from transferring a firearm until the purchaser/transferee provides proof of completion of a recognized firearms safety program within the last five years; recognizes firearms safety training requirements as well as those individuals who are exempt from the training.

Amends notices and procedures for revocation of a concealed pistol license due to conviction of an offense that makes a person ineligible to possess a firearm to allow Washington State Patrol (WSP) Firearms Background Check Program to receive the court records outlined in those sections. Adds the WSP Criminal Records Division to RCW 9.41.047(3)(f) to be notified within three days of a person's restoration of the right to possess a firearm.

Requires a firearms dealer to transmit the information from a firearm purchase application through secure automated firearms e-check to the WSP Firearms Background Check Program. The WSP Firearms Background Check Program must transmit the application information to the Department of Licensing daily. The original application shall be retained by the firearms dealer for six years.

Consumer health data

[ESHB 1155](#)

Chapter 191, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023; except sections 4-9 (3/31/2024); except for small businesses sections 4-9 (6/30/2024)

Creates My Health My Data Act (MHMD Act) to expand protection of consumer health data. With limited exceptions, the MHMD Act requires consumer consent and specified disclosures to collect, share, sell, or use (collectively "use"); limits use of geofences; requires covered entities to maintain and comply with certain privacy policies, refrain from using undisclosed data, or using such data for undisclosed purposes, and to restrict access to and adopt reasonable practices to safeguard said data; entitles consumers to confirmation of whether their data was collected, with whom it was shared, and to have it deleted; establishes deletion request procedure; and deems non-compliance to be Consumer Protection Act violation.

Unauthorized disclosure of intimate images/civil remedies

[SHB 1165](#)

Chapter 65, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Creates Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act; allows those depicted and identifiable in private intimate images who are harmed by another's intentional non-

consensual disclosure or threatened disclosure of them to sue to enjoin and for damages if specified conditions are met and to do so using pseudonym; clarifies acts not constituting consent and disclosures not constituting violations; establishes a four-year limitation period; and repeals RCW 4.24.795.

Legal financial obligations

[ESHB 1169](#)

Chapter 449, Laws of 2023

Court Level(s): Superior, Juvenile, D/M

Categories: Criminal

Effective Date(s): 7/23/2023; except section 15 is contingent when section 3 Chapter 206 Laws of 2021 takes effect; section 16 expires when section 15 takes effect

Prohibits courts from imposing any fine, administrative fee, cost, surcharge, or restitution against a juvenile or juvenile's parent or guardian in a juvenile offender proceeding, including costs of an evaluation or treatment of a juvenile offender ordered for purposes of certain disposition alternatives; eliminates the crime victim penalty assessment for juveniles and indigent adult defendants at the time of sentencing; eliminates DNA database fees and waives previously imposed DNA database fees; and adds a new section to RCW 7.68 which creates a crime victim and witness assistance (CVWA) account to support crime victims and witnesses.

The Administrative Office of the Courts must review revenue collection data to provide a more accurate assessment of the fiscal impact of eliminating the crime victim penalty assessment for juveniles and indigent adults, and to report its findings to the Legislature by February 1, 2025, regarding the CVWA account.

Financial assurance program for underground petroleum storage tanks

[ESHB 1175](#)

Chapter 170, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023; except section 17 (10/1/2023)

Creates a financial assurance program administered by Pollution Liability Insurance Agency (Agency) for underground petroleum storage tanks to prevent, respond to, and remediate petroleum releases; establishes participation requirements for tank owners/operators; authorizes Agency to provide financial assurance to participants to remediate releases; clarifies when Agency may/must take remedial action on participant and non-participant properties; provides funding mechanism; requires non-participants to reimburse Agency remediation costs and requires participants to return overpayments and wrongfully-obtained payments; allows Agency to lien property to secure repayment; provides for administrative review of certain agency actions; authorizes the Attorney General to pursue superior court action to recover amounts due; and adds sunset provisions.

Children with developmental disabilities & receiving child welfare services

[E2SHB 1188](#)

Chapter 345, Laws of 2023

Court Level(s): Juvenile

Categories: Civil, Family & Juvenile

Effective Date(s): 7/23/2023

Removes rules that prohibited the Developmental Disabilities Administration (DDA) from providing home and community-based services through Medicaid waivers to children and young adults with developmental disabilities who are subject to dependency proceedings. DDA waivers may now supplement child welfare services provided to these children by Department of Children, Youth, and Families. Requires the Department of Social and Health Services to request federal approval to modify DDA waiver eligibility requirements to include individuals who are subject to a dependency, are receiving extended foster care services, or exited a dependency, or discontinued extended foster care services.

Child care in common interest communities

[HB 1199](#)

Chapter 203, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 5/1/2023

Bars certain common interest housing community associations from prohibiting or unreasonably restricting or limiting the use of specified housing types for licensed day care facilities with violators liable to operator for up to \$1,000; allows association to impose limited conditions.

Information public employers to provide employees' union bargaining representative

[SHB 1200](#)

Chapter 204, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Specifies employee information that covered public employers and schools are required to provide to employees' collective bargaining representative; establishes timeframe and format in which it is to be provided; clarifies and limits purposes for which representative may use it; and authorizes representative to sue for employer non-compliance.

Restricting the possession, purchase, delivery, & sale of certain equipment used to illegally process controlled substances

[EHB 1209](#)

Chapter 66, Laws of 2023

Court Level(s): Superior

Categories: Criminal

Effective Date(s): 7/23/2023

Creates the Tyler Lee Yates Act, establishing a new class C felony for any person who possesses, purchases, delivers, sells, or with intent to sell a tableting machine or encapsulating machine knowingly or under circumstances where one should reasonably know such a machine is used to manufacture, produce, convert, process, or prepare a controlled substance other than cannabis.

Civil forfeiture of animals seized for abuse or neglect

[SHB 1234](#)

Chapter 246, Laws of 2023

Court Level(s): District

Categories: Civil

Effective Date(s): 7/23/2023

Authorizes law enforcement or animal control officers with probable cause to believe that an animal is in imminent danger, is suffering serious physical injury, or needs immediate medical attention, to enter private property without a warrant to render emergency aid or seize the animal; requires the animal owner to post a bond with the district court within 14 calendar days or the animal is deemed abandoned and forfeited; and requires the court to set a civil hearing on the petition within 30 days of the filing. At the hearing, if the court finds probable cause exists, the court shall order the owner to post a bond within 72-hours. If bond has been posted, the court is required to give priority to subsequent court proceedings as long as the animal remains in custody.

Firearms & assault weapons

[SHB 1240](#)

Chapter 162, Laws of 2023

Court Level(s): Superior, Juvenile, D/M

Categories: Criminal, New & Amended Crimes

Effective Date(s): 4/25/2023

Prohibits the manufacturing, importation, distribution, sale, or offer for sale of any assault weapon, subject to limited exceptions such as inheritance; establishes a new gross misdemeanor for violations; allows a recipient of a civil investigative demand from the Attorney General to file in superior court a petition to extend the time to respond or modify or set aside the demand for good cause; and prohibits the Attorney General from sharing information obtained through a civil investigative demand with any law enforcement agency conducting a criminal investigation unless required to do so pursuant to a search warrant.

Duties of credit repair service organizations

[ESHB 1311](#)

Chapter 144, Laws of 2023

Court Level(s): Superior, District

Categories: Civil

Effective Date(s): 7/23/2023

Expands notice and other duties credit repair service organizations owe to those they serve; non-compliance is deemed a Consumer Protection Act violation, and reaffirms that those harmed by violations may sue under RCW 19.134.080 or as otherwise permitted by law.

Jury service

[HB 1312](#)

Chapter 205, Laws of 2023

Court Level(s): Superior, D/M

Categories: Civil, Criminal, Forms, Other/Informational

Effective Date(s): 7/23/2023

A person 80 years old or older may request to be excused from jury service, without a doctor's note, if they attest that they are unable to serve on the jury due to health reasons.

Scoring of prior juvenile offenses in sentencing range calculations

[EHB 1324](#)

Chapter 415, Laws of 2023

Court Level(s): Superior

Categories: Criminal, Forms

Effective Date(s): 7/23/2023

Persons found guilty under Washington juvenile law for crimes other than murder in the first degree, murder in the second degree, or a class A felony sex offense, are prohibited from having their offenses be included in their offender score. Additionally, out of state and federal convictions that would be adjudicated in Washington juvenile court, and are not comparable to murder in the first degree, murder in the second degree, or a class A felony sex offense, may not be included in a person's offender score.

Utility shutoffs during periods of extreme heat

[ESHB 1329](#)

Chapter 105, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Bars certain utility providers [including *inter alia* landlords under the Residential Landlord Tenant Act] from involuntarily terminating water and electric service to residential users for non-payment during defined periods of extreme heat, and requires them to exert reasonable effort to reconnect for such periods users previously disconnected for non-payment; reconnection may be conditioned on user entering payment plan, but limits amount chargeable in such plan.

Preventing unauthorized publication of personal identifying information & deterring doxing

[ESHB 1335](#)

Chapter 381, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

With limited exceptions, bars publication of another's personal identifying information without their consent when published with intent to cause harm or reckless disregard of such risk; creates civil cause of action for victim against publisher and specified others; limits defenses and provides for substantial relief; and authorizes courts to enjoin prohibited publication.

Securities fraud whistleblower awards

[HB 1370](#)

Chapter 149, Laws of 2023

Court Level(s): Superior, District

Categories: Civil
Effective Date(s): 7/23/2023

Provides for monetary awards to securities law violation whistleblowers, clarifies eligible recipients, and establishes criteria for determining amount; with specified exceptions, prohibits employer retaliation; creates cause of action against retaliators; bars efforts to impede communications with regulatory entities concerning potential violations; and excepts certain information (*e.g.*, information likely to reveal whistleblower's identity) from the Public Records Act.

Creating a developmentally appropriate response to youth who commit sexual offenses [ESHB 1394](#)

Chapter 150, Laws of 2023
Court Level(s): Superior, D/M
Categories: Criminal
Effective Date(s): 7/23/2023; except section 10 (11/1/2023)

Changes Failure to Register as a Sex Offender for a person who was under the age of 18, and the person was not sentenced for the offense in adult court due to decline of juvenile court jurisdiction for a sex offense, to a gross misdemeanor. Any person who resides in Washington who has been found to commit any sex offense or kidnapping offense must register with the county sheriff the person's residence or the county where the person works or attends school. Sex offenses that require registration are laid out within amended RCW 9A.44.130 (Registration of Sex Offenders and Kidnapping Offenders—Procedures—Definition—Penalties). A person who has a duty to register under 9A.44.130(1)(b) will have their duty to register extinguish three years after the date of release from confinement (including residential treatment) or entry of disposition whichever is later, if the person is required to register for a class A sex offense committed while they were 15, 16, or 17 years of age. For a person not required to register under 9A.44.130(1)(b) that is also not required to register for a class A sex offense, the duty to register will end two years after the last date of release from confinement or entry of disposition.

Eliminates the requirement to register as a sex offender for juveniles where the offense was committed while under age 18 and not sentenced for an offense in adult court due to decline of juvenile court jurisdiction effective November 1, 2023. For those juveniles who are still required to register under the terms of the bill, the legal obligation extinguishes two or three years after the last date of release from confinement. Requires the Washington State Patrol to notify registered sex offenders of the extinguishing of the legal obligation to register created by this legislation. By December 1, 2023, each registering agency shall conduct a review and remove all persons from the sex offender registry whose obligation to register is based on an offense while the person was under the age of 18, except for those who have an obligation to register under RCW 9A.44.130(1)(b).

Youth seeking housing assistance [SHB 1406](#)

Chapter 151, Laws of 2023
Court Level(s): Juvenile
Categories: Civil, Family & Juvenile
Effective Date(s): 7/23/2023

Authorizes a child to remain in a licensed shelter or other licensed organization that provides services

to homeless or runaway youth for up to 90 days if the shelter or organization is unable to contact a parent or a parent does not request that the child return home. Extends length of time a youth may remain in a HOPE Center from 30 to 90 days. Department of Children, Youth, and Families is required to offer family reconciliation services to families or youth after being notified that a youth is away from a lawfully prescribed residence, no later than three days after receiving a report. Provides additional funding through Office of Homeless Youth Prevention and Protection Programs for entities that convene a community support team

Priority of liens, mortgages, & deeds of trust

[HB 1420](#)

Chapter 76, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Clarifies that except as otherwise specified by law, the "first in time first in right" rule of priority applies to mortgages and deeds of trust and to future advances thereunder, whether optional or obligatory; bill is applicable to suits commenced on or after effective date regardless of when cause of action arose, but otherwise applies prospectively.

Consumer protection with respect to the sale & adoption of dogs & cats

[ESHB 1424](#)

Chapter 208, Laws of 2023

Court Level(s): D/M

Categories: Civil, Infractions

Effective Date(s): 7/23/2023

Prohibits retail pet stores from offering dogs for sale, unless the retail store meets specific requirements, including requiring the store to possess and maintain certain documentation about the dog and its breeder; creates a new class 1 civil infraction for violations of these requirements and gives animal control officers the power to issue civil penalties; allows retail stores to provide space and care for animals, including cats and dogs, owned by an animal care and control agency or animal rescue group for the purposes of adopting those animals to the public, if the store displays the name and address of the agency or animal rescue group; and voids any consumer lease, retail installment transaction, or consumer loan entered into for the purchase of a dog after the effective date.

A motor carrier's ability to access restroom facilities

[SHB 1457](#)

Chapter 251, Laws of 2023

Court Level(s): D/M, AOC

Categories: Civil, Infractions, JIS

Effective Date(s): 7/23/2023

Requires shippers or consignees to provide a restroom to a motor carrier delivering or picking up goods as long as the restroom is located in an area where providing access would not pose a health or safety risk to the motor carrier or the shipper, consignee, or its employees. Does not require the shipper or consignee to make any physical changes to the restroom, and they may require an employee to accompany a motor carrier to the restroom. Establishes Department of Health (DOH)

jurisdiction, and allows DOH to issue a warning letter for a first violation. Establishes a class 2 civil infraction for a shipper or consignee that violates these provisions after receiving a warning letter from DOH.

Health care services & access

[ESHB 1469](#)

Chapter 193, Laws of 2023

Court Level(s): Superior, D/M

Categories: Civil, Criminal, Other/Informational

Effective Date(s): 4/27/2023

This bill requires that subpoenas and applications to install devices to collect evidence include an attestation detailing if the subpoena is seeking information related to providing or receiving gender-affirming treatment and reproductive health care services protected by Washington law.

Private detention facilities

[2SHB 1470](#)

Chapter 419, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 5/11/2023

Establishes minimum requirements for private non-governmental for-profit detention facilities operating under contract with government entities regarding detainee care and conditions of confinement; directs Department of Health (DOH) to adopt and implement standards and to conduct inspections to ensure compliance; authorizes DOH to impose penalties and the Attorney General to sue to collect; gives detainees a superior court cause of action against violators.

Exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking

[ESHB 1533](#)

Chapter 458, Laws of 2023

Court Level(s): All

Categories: Salaries/Benefits/Personnel/HR

Effective Date(s): 5/15/2023

Exempts any personally-identifying information about an employee from disclosure under the Public Records Act if the employee files a sworn statement with their agency stating they are a survivor of domestic violence, sexual assault, stalking, or that they participate in the address confidentiality program.

Strengthening protections for consumers in the construction industry

[2SHB 1534](#)

Chapter 213, Laws of 2023

Court Level(s): Superior

Categories: Civil, Other/Informational

Effective Date(s): 7/23/2023; except sections 3-9 (7/1/2024); and section 10 (6/30/2023)

Expands list of when the Department of Labor and Industries must deny a business entity application for registering their business; increases the amount of the required surety bond; increases penalties; and creates the Homeowner Recovery Account.

Reducing the risks of lethality & other harm associated with gun violence, gender-based violence, & other types of violence

[SHB 1562](#)

Chapter 295, Laws of 2023

Court Level(s): Superior, Juvenile, D/M

Categories: Criminal

Effective Date(s): 7/23/2023

Adds crimes that prohibit a person from possessing a firearm to amended RCW 9.41.040 2(a)(i)(D) (Unlawful possession of firearms—Ownership, possession by certain persons—Restoration of right to possess—Penalties). Firearms possession is prohibited based on a protective order during any period of time the person is subject to a protection order, no-contact order, or restraining order that was entered after notice and an opportunity to respond, restrains the person from harassing, stalking, or threatening the protected person, other persons identified in the order, or protected person's child if they meet specified requirements.

Revises the restoration of firearms process and lays out a new section of RCW Chapter 9.41 (Firearms and Dangerous Weapons). Five years is the time period for restoration of firearms preceding the petition for gross misdemeanors and misdemeanors laid out in the new section of RCW 9.41. Firearm rights may never be restored for a conviction or not guilty by reason of insanity (NGRI), finding for a felony sex offense, a class A felony, or a felony with a maximum sentence of at least 20 years. A person prohibited from possessing firearms as a result of a civil commitment following an NGRI finding in a criminal case must wait one year following discharge before the person may apply for restoration of firearm rights.

Allows a person to petition for restoration by filing the petition in the superior court in a county that entered any prohibition or the superior court in the county where the petitioner resides. Notice of the petition must be served on the prosecuting attorney. The prosecutor must take reasonable steps to notify the listed victim of the initial prohibiting crime, and any person who previously obtained a full protective order against the person seeking to restore their firearms rights, if the victim or protected persons have requested notification. The notice would include the procedure to provide a sworn statement regarding the existence of additional facts or information the victim or protected person may have relevant to whether the petitioner seeking to restore their firearms rights meets the requirements for restoration. The prosecutor is responsible for determining if a person petitioning for restoration of firearm rights has any prior felony convictions that would count as part of an offender score, and whether the person has any out-of-state convictions for an offense that would disqualify the person from purchasing or possessing a firearm in the state of conviction. A person may not be precluded from filing a petition to restore firearm rights on the basis that the person cannot verify whether the person is prohibited from possessing a firearm in the state of conviction.

The prosecutor must verify in writing to the court that the prosecutor has reviewed the relevant records, including written verification that the Washington State Patrol (WSP) has conducted a record check of all civil and criminal records relevant to firearm possession prohibitors, and based on that information, whether there is sufficient evidence to determine that the person meets eligibility

requirements. The court may set a hearing on the petition if the court determines additional information is necessary to determine whether the person meets the requirements for restoration of firearm rights. The court must grant the petition only if the court finds that the person meets the requirements for restoration. The prosecutor must notify any victim who requests notification of the court's decision. The court must send notice of the restoration of a person's firearm rights to WSP.

Requires the Administrative Office of the Courts (AOC) to create standard forms for restoration petitions and orders. The AOC must update protection order and no contact order forms to allow victims to opt out of notification of firearm restoration proceedings. These updated forms and the standard forms for restoration petitions and orders must be used beginning January 1, 2024.

Venue for actions for the recovery of taxes

[SHB 1572](#)

Chapter 81, Laws of 2023

Court Level(s): Superior

Categories: Civil, Other/Informational

Effective Date(s): 4/13/2023

Responds to *Hardel Mut. Plywood Corp. v. Lewis County*, 200 Wn.2d 199 (2022) decision; reaffirms that in tax refund actions against a county or counties, taxpayers have the choice of venue. Bill is retroactive and prospective.

Dentist & dental hygienist compact

[ESHB 1576](#)

Chapter 297, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): Contingent (effective when 7th state adopts)

Adopts interstate dentist and dental hygienist compact to facilitate interstate practice and improve public access; establishes participation requirements and governing commission; and requires the Executive and Judicial Branches to enforce and to take all actions necessary and appropriate to implement the compact.

Creating a system to support children in crisis

[2SHB 1580](#)

Chapter 423, Laws of 2023

Court Level(s): Juvenile

Categories: Civil, Family & Juvenile

Effective Date(s): 7/23/2023

Requires the Governor's Office to maintain a Children and Youth Multisystem Care Coordinator who will act as state lead to address complex cases of children in crisis. The Care Coordinator will work with the Department of Children, Youth, and Families, Health Care Authority, Office of Financial Management, and Department of Social and Health Services to develop and implement a Rapid Care Team to support children in crisis, and if needed, their families, as well. Provides flexible funds to support safe discharge of children in crisis from hospitals and long-term care placements.

Concerning court files & records exemptions for firearm background checks

[HB 1599](#)

Chapter 298, Laws of 2023

Court Level(s): Superior

Categories: Criminal

Effective Date(s): 7/23/2023

Allows Washington State Patrol Firearms Background Check Program to access files and records of involuntary treatment court proceedings to conduct firearms-related background checks.

Providing access to sealed juvenile records for firearm purposes

[ESHB 1600](#)

Chapter 180, Laws of 2023

Court Level(s): Superior, Juvenile and D/M

Categories: Criminal

Effective Date(s): 7/23/2023

Allows sealed juvenile court records to be shared to non-Washington criminal justice agencies for the sole purpose of firearms related background check. Dissemination of such records by non-Washington criminal justice agencies to any third party shall subject the disseminating agency to the jurisdiction of the courts of Washington and a civil penalty of not more than \$1,000 per violation.

Foreclosure protections for homeowners in common interest communities

[EHB 1636](#)

Chapter 214, Laws of 2023

Court Level(s): Superior

Categories: Civil, Other/Informational

Effective Date(s): 7/23/2023; except for sections 2, 4, 6, and 8 (1/1/2025)

Requires that a preforeclosure notice must be included when an apartment or unit owner is mailed the first notice for past due payments. If payments become past due for at least 90 days, a second preforeclosure notice, with the same information as the first notice, is to be sent, as long as it is mailed more than 60 days after the first notice was mailed.

Auto theft authority account

[SHB 1682](#)

Chapter 388, Laws of 2023

Court Level(s): D/M, AOC

Categories: Accounting, Court Funding/Fees/LFOs, Infractions, JIS

Effective Date(s): 7/1/2023

Changes how the Washington Auto Theft Prevention Account is funded – the account will no longer consist of surcharges from traffic infractions, but rather will be funded from revenue from insurance taxes.

Concerning stalking-related offenses

[HB 1696](#)

Chapter 461, Laws of 2023

Court Level(s): Superior
Categories: Criminal, New & Amended Crime
Effective Date(s): 7/23/2023

Elevates stalking under certain conditions from gross misdemeanor to a class B felony. Stalking does not include the installation, placement, or use of an electronic tracking device by an order of a state or federal court, or by any of the following individuals or organizations listed under RCW 9A.46.110(4). The provision related to the crime of Cyberstalking is repealed.

Comprehensive protections for victims of domestic violence

[E2SHB 1715](#)

Chapter 462, Laws of 2023

Court Level(s): Superior, Juvenile, D/M, AOC/BJA

Categories: Civil, Criminal, Family & Juvenile, Forms, JIS, Other/Informational

Effective Date(s): 7/23/2023

This bill provides for comprehensive protections for victims of domestic violence including electronic monitoring with victim notification technology; domestic violence homicide prevention training for judicial officers; extending effective dates of a temporary protection order and a temporary order to surrender and prohibit weapons; expanded trauma-informed and skill trainings for law enforcement; additional self-incrimination considerations for respondents of an order to surrender and prohibit weapons; and establishing a center for research, policy, and practice to reduce domestic violence at the University of Washington.

Protecting warehouse employees/quotas

[2SHB 1762](#)

Chapter 306, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/1/2024

Requires covered employers to provide specified information to employees concerning quotas, to maintain and retain work speed and other data, and to provide it to employees and former employees on request; clarifies unacceptable quota requirements; prohibits quotas that interfere with protected employee rights and bars employer retaliation against those exercising such rights [with adverse action taken within 90 days of such exercise creating rebuttable presumption of retaliation rebuttable by preponderance of evidence]; authorizes employees to file complaints with the Department of Labor and Industries, with the Department authorized to enforce, impose penalties, and to pursue collection action; and allows for administrative review of agency determinations.

Hope cards

[ESHB 1766](#)

Chapter 308, Laws of 2023

Court Level(s): Superior, District, AOC

Categories: Forms, Infractions, Other/Informational

Effective Date(s): 1/1/2025

Requires the Administrative Office of the Courts to create a Hope Card program in collaboration with

the state's district and municipal court judges, superior court judges, county clerks, court administrators, and sheriffs. Hope Cards must be in a scannable electronic format and contain specified information about a full protection order. Beginning July 1, 2025, any person who has been issued a domestic violence protection order, stalking protection order, vulnerable adult protection order, or anti-harassment order may request a Hope Card from the clerk of the court who issued the protective order.

Prohibiting products that combine alcohol & tetrahydrocannabinol

[HB 1772](#)

Chapter 217, Laws of 2023

Court Level(s): Superior

Categories: Criminal, New & Amended Crime

Effective Date(s): 7/23/2023

Adds a new section to RCW 69.50 (Uniform Controlled Substance Act) and RCW 66.28 (Miscellaneous Regulatory Provisions) which makes it unlawful to combine, produce, manufacture, import, or offer to sell cannabis or any form of tetrahydrocannabinol in combination with beer, wine, spirits, or any other type of liquor in the same product.

Water rights adjudication procedures

[HB 1792](#)

Chapter 160, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Extends deadline for filing claims in water rights adjudications filed after June 1, 2023 in water resource inventory area one from 100–130 days to not less than one year after superior court orders issuance of summons; summons to contain claim filing deadline with deadline to be not less than one year after summons served; requires Department of Ecology to distribute draft adjudication claim form for public comment with comment period of not less than 60 days; and requires that deadline for submitting evidence in support of claim be not less than three years after claim filing deadline.

Concerning real property

[SSB 5005](#)

Chapter 6, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Creates Uniform Partition of Heirs Property and Uniform Easement Relocation Acts; adopts procedures for: determining whether involved property is "heirs property" and partitioning such property; establishing fair market value; and conducting partitions by sale/in kind, cotenant buyouts, and open market sales; specifies required notices and timeframes; clarifies requirements for relocating certain easements; and mandates that a relocation order with specified findings be issued before relocation is permitted.

Waiver of firearm rights

[SSB 5006](#)

Chapter 262, Laws of 2023

Court Level(s): Superior, Juvenile, D/M, AOC

Categories: Civil, Forms, Infractions

Effective Date(s): 7/23/2023

Creates a new class 4 civil infraction for unlawful possession of a firearm if the person (adult or juvenile) is in possession or control of a firearm after filing a voluntary waiver of firearm rights that has been accepted by the clerk of the court and has not been lawfully revoked. Allows voluntary waivers to be filed with the court in writing or electronically. Allows the person filing the form to provide the name of a family member, mental health professional, substance use disorder profession, or alternate person to be contacted if the filer attempts to purchase a firearm while the voluntary waiver is in effect or if the filer applies to have the waiver revoked. Encourages mental health and substance use disorder professionals to discuss the waiver with their patients if they reasonably believe that a discussion will avoid or minimize an imminent danger to the individual or others.

Roadside safety measures

[SB 5023](#)

Chapter 33, Laws of 2023

Court Level(s): D/M

Categories: Other/Informational

Effective Date(s): 7/23/2023

Creates the Arthur Anderson and Raymond Mitchell Tow Operator's Safety Act, which makes it unlawful for tow truck operators to use the combination of red and blue lights when traveling to or from the scene of an accident or for any other purpose, but establishes no penalty for doing so.

Name changes

[SSB 5028](#)

Chapter 34, Laws of 2023

Court Level(s): Superior, Juvenile, District

Categories: Civil, Family & Juvenile, Other/Informational, Probate/Guardianship

Effective Date(s): 7/23/2023

Allows that any person may apply for a name change in district court. In superior court, a person may apply for a name change if they are an emancipated minor or refugee, when the name change is related to gender expression or identify, or when the name change is due to the experience or reasonable fear of violence or harassment.

Reclassifying the sentence for the crime of custodial sexual misconduct

[SSB 5033](#)

Chapter 7, Laws of 2023

Court Level(s): Superior, Juvenile, D/M

Categories: Criminal

Effective Date(s): 7/23/2023

Elevates Custodial Sexual Misconduct in the first degree from a class C to a class B felony, and

increases the seriousness level from level V to level VII. Elevates Custodial Sexual Misconduct in the second degree from a gross misdemeanor to a class C felony, and increases the seriousness level of V. This act may be known and cited as Kimberly Bender's Law.

Postconviction access to counsel

[2SSB 5046](#)

Chapter 261, Laws of 2023

Court Level(s): All

Categories: Criminal

Effective Date(s): 1/1/2024

Directs the Office of Public Defense (OPD) to provide access to counsel for indigent persons incarcerated in juvenile rehabilitation or in an adult correctional facility to prosecute a first, timely personal restraint petition under RCW 10.73.150. OPD must also establish eligibility criteria that prioritizes access to counsel for youth under age 25, and youth or adults with sentences in excess of 120 months and/or limited English proficiency. OPD is allowed to appoint counsel to: (1) petition the sentencing court if the Legislature creates an ability to do so and (2) challenge a conviction or sentence if a final decision of appellate court creates an opportunity to do so, and is required to examine barriers to providing postconviction counsel to file and prosecute collateral attacks, engage stakeholder groups, identify resources and reforms to overcome the barriers, and report findings and recommendations to the committees of the Legislature by December 1, 2024.

Uniform commercial code

[SSB 5077](#)

Chapter 266, Laws of 2023

Court Level(s): Superior, District

Categories: Civil

Effective Date(s): 1/1/2024

Modifies multiple parts of the Uniform Commercial Code (UCC) including definitions, general provisions, and terms relating to sales, leases, negotiable instruments, funds transfers, letters of credit, documents of title, investment securities, and secured transactions; adds article pertaining to control and disposition of controllable electronic records; creates transitional provisions; and clarifies UCC should not be construed as supporting, endorsing, creating or implementing a national digital currency.

Duties of firearms industry members

[SSB 5078](#)

Chapter 163, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Creates Firearm Industry Responsibility and Gun Violence Victims' Access to Justice Act; bars firearms industry members from knowingly creating, maintaining, or contributing to a public nuisance through the sale, manufacturing, distribution, importing, or marketing of firearms industry products; requires members to implement reasonable controls to avoid creating or contributing to such nuisance and to employ reasonable precautions to avoid selling or distributing such products to downstream

distributors or retailers who fail to implement such controls; bars sales of such products foreseeably convertible to illegal ones or targeted to minors or to those legally ineligible; deems violations a public nuisance and Consumer Protection Act violation; authorizes the Attorney General to sue for punitive damages and other relief and to issue investigative demands to those believed to have relevant knowledge; allows demand recipients to move to modify or quash them as permitted by RCW 19.86.110(8); and clarifies that Act does not impair any private cause of action available to a person under other law.

Defects & omissions

[SSB 5087](#)

Chapter 102, Laws of 2023

Court Level(s): Superior, Juvenile, D/M

Categories: Civil, Court Funding/Fees/LFOs, Criminal, Family & Juvenile, Other/Informational

Effective Date(s): 7/23/2023

Repeals or amends numerous statutes and chapters of law that have been identified by the Washington Supreme Court and superior court judges as containing defects or omissions in the law, including laws authorizing the death penalty, allowing trial courts to impose the cost of interpreters onto defendants, limiting admission to the Washington State Bar Association to United States citizens, capping damages in wrongful death actions by a formula based on the victim's age and wages, allowing real property to attach without notice, allowing courts to enter preliminary injunctions against adult entertainment facilities classified as nuisances, and requiring plaintiffs to file certificate of merit from health care provider in order to file a medical malpractice suit.

Establishing 23-hour crisis relief centers in Washington state

[2SSB 5120](#)

Chapter 433, Laws of 2023

Court Level(s): None

Categories: Other/Informational

Effective Date(s): 7/23/2023; except sections 4 and 13 which are contingent; and sections 7, 9, and 11 (7/1/2026)

Mandates the secretary of the Department of Social and Health Services create up to five 23-hour crisis relief centers (CRC) to participate in a pilot program between January 1, 2024, and January 1, 2029. Establishes minimum guidelines for the CRCs. Authorizes CRCs to hold a person for evaluation by a designated crisis responder (DCR) if they refuse to stay and the CRC staff believes the person presents an imminent likelihood of serious harm or imminent danger because of grave disability, and further detention of a person if they meet the involuntary commitment criteria or transportation to a treatment facility or approved substance use disorder treatment program for no more than 12 hours from the time the DCR is notified of the need for evaluation.

Jury diversity

[2SSB 5128](#)

Chapter 316, Laws of 2023

Court Level(s): Superior, D/M, AOC

Categories: Civil, Criminal

Effective Date(s): 7/23/2023; except section 4(2)(b) (7/1/2024)

Requires the Administrative Office of the Courts (AOC) provide to all courts a method to collect jurors' race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the Chief Justice. Data must be collected in a manner that preserves juror anonymity and must be reported annually to the Governor.

Establishes a work group to make recommendations for the creation of a childcare assistance program for individuals reporting for jury service. The AOC must report findings to the Legislature by December 1, 2024, and the report must outline planning and implementation of the program as well as estimated cost.

Amends RCW 2.36.095 to include electronic summonsing. Starting July 1, 2024, persons applying for a driver's license or ID card may opt-in to allow the Department of Licensing to share their email address, and persons registering to vote may opt-in through the Secretary of State, for the purpose of electronically receiving jury summonses and other related jury communications.

Inmate commissary funds from outside sources

[SB 5131](#)

Chapter 111, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

With specified limitations, exempts commissary funds provided to the Department of Corrections by an inmate's family and other outside sources from the deduction requirements of RCW 72.09.480(2).

Use of synthetic media in campaign communications

[ESSB 5152](#)

Chapter 360, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Gives candidates whose appearance, actions, or speech have been altered through use of synthetic media in electioneering communications a cause of action against the sponsor for injunctive relief and damages; defines such media; clarifies requirements for such suits; and encourages courts to determine such matters expediently.

Court of Appeals

[SB 5155](#)

Chapter 184, Laws of 2023

Court Level(s): Appellate

Categories: Other/Informational

Effective Date(s): 7/23/2023

Removes the requirement for the Division I Chief Judge to comprise and direct, at times, the Court of Appeals judicial panel in the division; allows the judges of the Court of Appeals to sit in other divisions and causes to be transferred to other divisions without written order from the Chief Justice.

Procedures & deadlines for candidate filing

[SSB 5182](#)

Chapter 394, Laws of 2023

Court Level(s): Appellate, Superior

Categories: Judicial Elections, Other/Informational

Effective Date(s): 7/23/2023

The timing for filing declarations for candidacy has changed to begin on the first Monday in May and end the following Friday in the year of the vote. New deadline applies to those seeking election in the Court of Appeals and superior courts.

Eviction processes in residential tenancies

[ESSB 5197](#)

Chapter 336, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Gives courts discretion to conduct unlawful detainer proceedings remotely, but requires remote participation be allowed unless the court finds good cause to require in-person attendance or attendance through specific means; bars charging a fee for remote participation and requires courts to provide instructions for remote access and to obtain assurances as to identity of those so appearing; clarifies when default judgment may be entered against tenant; extends cure period to date of eviction if tenant provides pledge of financial assistance from government or non-profit entity; lengthens period for which landlord must suspend court action after accepting such pledge; bars tenants with three or more pay rent or vacate notices within prior 12 months from seeking good cause stay of execution, but allows judge to consider validity/propriety of prior notices serving as basis for the prohibition; modifies required content in notice to pay rent or vacate; and permanently extends courts' discretion to stay execution and reinstate tenancy if tenant shows ability to pay by means of the tenancy preservation program.

Mobile home community sales

[E2SSB 5198](#)

Chapter 40, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023

Seeks to preserve existing manufactured/mobile home communities by increasing notice and other requirements on manufactured/mobile home park owners desiring to close, convert, or sell park; requires that tenants be provided notice and opportunity to compete to buy, and that seller negotiate in good faith with eligible tenant organizations seeking to buy; permits State to impose penalties for seller non-compliance with Attorney General authorized to sue to collect; and allows eligible tenant organizations to sue for damages and to enjoin sales to non-tenant groups if seller fails to comply; exempts certain transfers; and preempts local governments from adopting standards regulating certain matters.

Issuance of emergency domestic violence no-contact order

[ESSB 5231](#)

Chapter 320, Laws of 2023

Court Level(s): Superior, D/M

Categories: Civil, Forms, Other/Informational

Effective Date(s): 7/23/2023

Allows a peace officer to request an ex parte emergency no-contact order on behalf of a victim in an alleged act involving domestic violence. If the court finds probable cause that the victim is in imminent danger of domestic violence, the court must grant the emergency no-contact order and may issue an order to surrender weapons or extreme risk protection order.

Making permanent & expanding the child welfare housing assistance program

[SSB 5256](#)

Chapter 321, Laws of 2023

Court Level(s): Juvenile

Categories: Family & Juvenile

Effective Date(s): 6/30/2023

Makes permanent the Child Welfare Housing Program, intended to reduce the need for foster care placement and to shorten the time that children remain in out-of-home care. Parents with a child who is dependent and whose lack of appropriate housings is a barrier to reunification and parents of a child who is a candidate for foster care and whose housing instability is a barrier to the child remaining in the home are eligible for assistance program. The Department of Children, Youth, and Families shall administer the program and is required to contract with an outside entity or entities who have a demonstrated understanding of the importance of stable housing for children and families involved in the child welfare system. An annual report to the Legislature on the distribution of the program by race, geography, and gender is required.

Speed safety camera systems on state highways

[ESSB 5272](#)

Chapter 17, Laws of 2023

Court Level(s): None

Categories: Other/Informational

Effective Date(s): 7/1/2024

Establishes that the Department of Transportation may operate speed safety cameras in highway work zones; provides that the cameras can only operate while workers are present in the work zone; authorizes Washington State Patrol to issue a notice of infraction to a person whose car is caught on camera speeding through the work zone; provides procedures for operation and administration of the speed safety cameras; and authorizes Office of Administrative Hearings to handle unpaid or disputed infractions.

Concerning access to abstract driving records

[SB 5347](#)

Chapter 118, Laws of 2023

Court Level(s): Superior, D/M

Categories: Other/Informational

Effective Date(s): 7/23/2023

Provides that the Department of Licensing and probation officers and clerks may provide a full abstract driving record (ADR), including all alcohol-related offenses, to a treatment agency or for a treatment assessment. Further provides that the court may waive the fees charged for producing and copying an ADR if the individual is found to be indigent.

Vehicular pursuits

[ESB 5352](#)

Chapter 235, Laws of 2023

Court Level(s): Appellate, Superior

Categories: Civil, Criminal, Other/Informational

Effective Date(s): 5/23/2023

To engage in a vehicular pursuit, a peace officer needs reasonable suspicion that a person in a vehicle has committed or is committing a violent offense. The peace officer is required to complete vehicle operator trainings and communicate details of the pursuit to the supervising officer to end the pursuit.

Preventing use of vapor & tobacco products by minors

[ESSB 5365](#)

Chapter 398, Laws of 2023

Court Level(s): D/M

Categories: Civil, Infractions

Effective Date(s): 7/23/2023

Modifies the penalties that the Liquor and Cannabis Board may impose against cigarette and tobacco products retailers for violations of provisions related to selling or giving cigarette, tobacco, or vapor products to persons under 21. Also modifies the sanctions for purchasing, possessing cigarette, tobacco, or vapor products by persons under 18 to require four hours of community service and a referral to a smoking cessation program at no cost to the person.

Protecting southern resident Orcas from vessels

[ESSB 5371](#)

Chapter 452, Laws of 2023

Court Level(s): D/M

Categories: Criminal, Infractions, New & Amended Crimes

Effective Date(s): 7/23/2023; except section 2 (1/1/2025)

Requires a greater distance to be maintained between a vessel and an orca; increases commercial whale watching license fees and establishes a paddle tour business license with similar requirements; and creates a new misdemeanor for unlawful engagement in a paddle tour in the second degree and a new gross misdemeanor for unlawful engagement in a paddle tour in the first degree.

Retention of overpayments

[SB 5392](#)

Chapter 278, Laws of 2023

Court Level(s): Superior, D/M

Categories: Civil, Court Funding/Fees/LFOs, Criminal, Family & Juvenile
Effective Date(s): 7/23/2023

Amends Uniform Unclaimed Property Act to allow courts to retain overpayments made in connection with any litigation for amounts less than or equal to \$10 with court clerk to remit such funds to local treasurer.

Concerning public defense services for persons committed as not guilty by reason of insanity

[SSB 5415](#)

Chapter 120, Laws of 2023

Court Level(s): Superior, D/M

Categories: Criminal

Effective Date(s): 4/20/2023

Tasks the Office of Public Defense (OPD) to provide representation for persons not guilty by reason of insanity and committed to state psychiatric care; requires OPD to contract with attorneys and other entities for legal representation for such persons throughout their term of commitment, which includes conditional release until the legal termination of the commitment; updates the definition of "indigent person"; and requires courts to notify OPD of the need for representation at the time an individual is committed to state psychiatric care or acquitted by reason of insanity. Courts shall assist a person or a conditionally released indigent person in obtaining a qualified expert or professional person for an examination of their mental condition. OPD shall compensate expert or professional persons in a manner consistent with the Rules of Professional Conduct, standards for indigent defense, and policies and procedures of OPD.

Providing timely competency evaluations & restoration services to persons suffering from behavioral health disorders

[E2SSB 5440](#)

Chapter 453, Laws of 2023

Court Level(s): Superior, D/M

Categories: Criminal, Forms

Effective Date(s): 7/23/2023; except sections 7 and 9 (5/15/2023); and section 13 (12/1/2023)

Requires the court to make a finding of genuine doubt as to competency, based on either by the court's direct observations, judicial colloquy, or from information from the defendant's attorney, before ordering a competency evaluation, and provides that information provided by defendant's counsel does not require a waiver of attorney-client confidentiality. Beginning October 1, 2023, if the court orders a competency evaluation for a defendant charged with a serious traffic offense, or a felony version of a serious traffic offense, the prosecutor may motion the court to revoke the defendant's driver's license for a period of one-year. Defines "serious traffic offense"; permits the court to reinstate the defendant's driver's license if their competency is restored or to vacate the revocation before the one year expires if the defendant petitions for such based on good cause, and creates additional requirements for persons found incompetent due to an intellectual or developmental disability, dementia, or traumatic brain injury.

Courts are required to consider all available and appropriate alternatives to inpatient competency restoration for defendants charged with either a class C felony or nonfelony serious offense. In

counties with a forensic navigator program, the navigator must meet with, interview, and observe defendants charged with a nonfelony if the defendant has had two or more competency evaluations within the preceding 24 months on separate charges. The navigator must determine whether the defendant is amenable to engage in services, and if so, then to recommend diversion to both the defense and prosecuting attorneys. If the parties agree, then the prosecutor must seek to have the charges dismissed without prejudice. Otherwise, the defendant may motion for the court to dismiss the charges without prejudice. Defendants who enter a diversion program must have a navigator assigned to them for no more than six months. The navigator must provide the court and parties with monthly status updates on the defendant's progress.

Provides that even if the parties do not agree on an appropriate diversion program, the court is still required to dismiss the charges without prejudice, unless the prosecutor objects. If the prosecutor objects to the diversion program and provides notice to motion for competency restoration, then they must establish by a preponderance of the evidence that there is a compelling state interest for the court to order restoration treatment. There is a rebuttable presumption that there is no compelling state interest where the defendant is currently subject to an order under the Involuntary Treatment Act or said proceedings were initiated. Permits the court to issue a warrant for failure to appear for any defendant who fails to complete their evaluation after two attempts at scheduling.

Female genital mutilation

[SSB 5453](#)

Chapter 122, Laws of 2023

Court Level(s): Superior, D/M

Categories: Civil, Criminal

Effective Date(s): 4/20/2023

Bars health care practitioners from performing non-medically necessary procedures involving removal of or injury to female external genitalia; deems performing to be unprofessional conduct and, if on a minor, a gross misdemeanor, with knowingly transporting or allowing transport of minor for such purpose also a gross misdemeanor; adds performance to definition of abuse and neglect which mandatory reporters must report; authorizes victim to sue for damages; and clarifies that consent of the involved minor or their parents is no defense to criminal prosecution, nor is fact the action was taken in accord with custom or ritual.

Industrial insurance coverage for PTSD affecting direct care registered nurses

[2SSB 5454](#)

Chapter 370, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 1/1/2024

Creates rebuttable presumption that post-traumatic stress disorder (PTSD) in direct care registered nurses, which develops or manifests after they have been employed in such capacity on a fully-compensated basis in Washington for at least 90 consecutive days, constitutes "occupational disease" for industrial insurance purposes; rebuttable by preponderance of the evidence; and requires that nurse who prevails on appeal be awarded costs and reasonable attorney's fees.

Multistate nurse licensure compact

[SSB 5499](#)

Chapter 123, Laws of 2023

Court Level(s): Superior

Categories: Civil

Effective Date(s): 7/23/2023; except section 21 (10/1/2023)

Adopts interstate nurse licensure compact to facilitate cooperation of member states in licensing of nurses and to provide opportunities for interstate nursing practice; establishes participation requirements and governing commission and specifies powers and duties of commission.

Controlled substances, counterfeit substances, & legend drug possession & treatment

[2E2SSB 5536](#)

Chapter 1, Laws of 2023 E1

Court Level(s): Superior, Juvenile, D/M

Categories: Criminal, New & Amended Crime

Effective Date(s): 7/23/2023; except sections 1-5 and 7-11, and 41 (7/1/2023); and section 6 (1/1/2025)

Classifies Possession of a Controlled Substance (RCW 69.50.4013), Possession of a Counterfeit Substance (RCW 69.50.4011) or Use of a Controlled Substance/Counterfeit Substance in a public place as a gross misdemeanor, and carry a potential maximum sentence of 180 days in jail, a \$1,000 fine, or both. A defendant who has two or more prior convictions for the same offense occurring after July 1, 2023 can carry a potential maximum sentence of 364 days in jail, a \$1,000 fine, or both. A public use exception applies to cannabis, cannabis concentrates, or cannabis infused products for individuals who have a valid prescription or order of a practitioner while acting the course of their professional practice. No person may be charged with both possession and use of a controlled or counterfeit substance related to the same course of conduct. Defines Possession of a Legend Drug (RCW 69.41.030), use of a legend drug in a public place as a misdemeanor crime, and carries a maximum sentence of 90 days in jail, a \$1,000 fine, or both.

Encourages law enforcement, in lieu of jail booking and referral to the prosecutor, to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, Arrest and Jail Alternative (AJA) programs established under RCW 36.28A.450, Law Enforcement Assisted Diversion (LEAD) programs established under RCW 71.24.589, and the Recovery Navigator Program (RNP) established under RCW 71.24.115 for individuals accused of a simple controlled substance/counterfeit substance/possession of a legend drug crime.

Creates a new section of RCW 69.50 which provides individuals charged with simple possession the opportunity to participate in a pretrial diversion program (PTD). The program allows the individual to be meaningfully engaged in a substance use disorder (SUD) program in exchange for the State to dismiss the simple possession charge. During arraignment a judge shall advise the individual about PTD and its process. These programs do not preclude the defense or prosecution from seeking to resolve the case through a stipulated order, deferred prosecution, or other alternative means of resolution that suit the defendant's circumstances or situation. The defendant may make a motion to participate in PTD and waive their right to speedy trial if the motion is granted. Consent of the prosecutor is required for the defendant's participation in PTD. In any case where the defendant is

only charged with a violation of knowing possession of a controlled substance/counterfeit substance; or public use of a controlled substance/counterfeit substance; or knowing possession of a legend drug and the defendant has not been convicted of any offense after the effective date of this section; the court shall grant the motion, continue the hearing, and refer the defendant to a AJA, LEAD, or RNP program. In any other case the court may grant the motion for PTD. There is no civil liability for the State and other entities based on administration of PTD except upon a proof of bad faith or gross negligence.

Requires the defendant to comply with the recommended treatment if granted PTD. If an assessment of the defendant includes a referral to treatment or services; AJA, LEAD, or RNP shall provide the court with, at the least, a monthly written status update on the defendant's progress. Copies of the status update are to be given to the prosecution, defendant, and defense counsel. If an assessment does not recommend any treatment or services, the defendant must instead complete an amount of community service as determined by the court, but not to exceed 120 hours, in order to complete PTD. If it appears to the prosecuting attorney that the defendant is not substantially complying, the prosecutor may motion to terminate PTD. There are specific procedures for a hearing on a motion for termination from PTD, including certain factors that the court must consider which are outlined in the new section of RCW 69.50. If the defendant completes a SUD program, files proof of such completion with the court, or alternatively, enrolls with a AJA, LEAD, or RNP program and substantially complies with recommended treatment or services for six months; the court must vacate the conviction upon verification. By June 30, 2025 the Health Care Authority (HCA) shall develop and implement a data integration platform to support AJA, LEAD, and RNP programs and similar diversion efforts to serve as a common database to track diversion efforts across the state.

Adds a new section to RCW chapter 71.24 in which HCA is to develop health engagement hubs to provide all-in-one treatment services for those with a SUD. Provides funding for HCA to establish a grant program for providers of employment, education, training, certification, and other supportive programs designed to provide persons recovering from a substance use disorder with employment and education opportunities. Requires HCA, in consultation with the Department of Children, Youth, and Families (DCYF), to develop a training for parents of children and transition-age youth by June 20, 2024. This training shall provide education on SUDs, adaptive and functional communication strategies with a person with a SUD, self-care, and how to obtain and use opioid overdose reversal medication. This training shall be made available to the public. Requires HCA to collaborate with the Department of Social and Health Services (DSHS) to expand the Washington Recovery Help Line and recovery readiness tools to provide a robust resource database for those seeking recovery services.

Requires the Office of Public Defense, subject to appropriation, to reimburse courts of limited jurisdiction in counties with a population of 500,000 or less or in cities with a population of 200,000 or less for public defense costs related to possession or public use of a controlled substance, counterfeit substance, or legend drug.

Makes sales of drug paraphernalia a civil infraction. Possession of drug paraphernalia is not banned, and public health programs are allowed to distribute such materials as well as test strips that can detect the presence of fentanyl or other substances in drugs. The State of Washington fully occupies and preempts the entire field of drug paraphernalia regulation within the boundaries of the state. Permits cities, towns, and counties or other municipalities to enact only those laws and ordinances relating to drug paraphernalia that are specifically authorized by state law.

Various appropriations with their respective limitations and conditions for the programs and services within this legislation are codified in this bill.

Deterring illegal racing

[SB 5606](#)

Chapter 283, Laws of 2023

Court Level(s): D/M

Categories: Infractions

Effective Date(s): 1/1/2024

Creates infraction for racing any vehicle/s on a public highway or any off-street facility; defines “off-street parking” and “drifting” as it pertains to this chapter. Encourages law enforcement to undertake a multimedia campaign to inform the public about the dangers and consequences of illegal street racing; permits any vehicle used in racing to be the subject of impoundment, which cannot be redeemed prior to 72 hours lapsing from the time of the driver’s arrest for racing, except if the vehicle has more than one registered or legal owner, then that registered or legal owner may redeem the vehicle before the 72 hours timeline; provides that the police officer must notify the arrested driver of the stipulations regarding impoundment; and provides that if the arrested driver had a previous vehicle impounded for illegal racing, reckless driving, or comparable infraction, any vehicle used in a subsequent arrest for illegal racing is subject to forfeiture. Forfeiture may not occur until after the defendant is convicted.

Within 15 days of arrest where a vehicle is subject to forfeiture, law enforcement must provide notice of seizure to any known holders of interest in the vehicle. Any person who responds to the notice within 60 days is entitled to an opportunity to be heard. Otherwise, the vehicle will be deemed forfeited if the driver is convicted, or the vehicle will be returned to the registered owner, if the driver is not convicted. The law enforcement agency that seized the vehicle may sell it once the forfeiture occurs. Tow truck drivers are exempt from liability for injuries or damages sustained by the driver or third parties as a result of the illegal racing. If the impound is deemed improper, the police officer directing the impound is exempt from liability so long as they had reasonable suspicion to believe the driver was conducting illegal racing or a comparable ordinance violation.

Modifying an element of the offense of hate crime & classifying a hate crime as crimes against persons

[ESB 5623](#)

Chapter 52, Laws of 2023

Court Level(s): Superior

Categories: Criminal, New or Amended Crime

Effective Date(s): 7/23/2023

Adds hate crimes to the classification of crimes against persons. Replaces the element of causing physical injury for the offense of hate crime with an assault on a person based on the attacker’s perception of the victim’s race, religion, ancestry, color, national origin, gender, sexual orientation, gender identity/expression, and/or physical/mental/sensory disability.

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