



WASHINGTON
COURTS

SUMMARY
Of Selected
2006 LEGISLATION
Of Interest to the Courts

May 2006

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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. The AOC is organized into four areas:

- ◆ **Administration**
- ◆ **Information Services Division**
- ◆ **Judicial Services Division**
- ◆ **Management Services Division**

2006 Legislative Summary

We are pleased to present a **Summary of Selected 2006 Legislation of Interest to the Courts** and hope it will be useful to implement bills that impact your court. During the 2006 legislative session, the Legislature and Governor enacted 76 bills that affect the courts and are of general interest to the legal community.

Brief descriptions of these measures follow, arranged by court level within each area of law. Designators indicate whether the measure is of primary interest to judges and/or court managers in appellate (A), superior (S), juvenile (J), or district/municipal courts (D/M). Following each bill summary is a section that outlines implementation plans to be undertaken by the Administrative Office of the Courts (AOC) and/or the affected court levels.

Unless otherwise noted at the end of the bill summary, the **effective date of bills is June 7, 2006**. Partial vetoes by the Governor are indicated at the end of the bill summary. For details on vetoes and other bill information, please go the Washington State Legislature’s website at www1.leg.wa.gov/legislature and enter the bill number under the “Bill Search” heading.

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 Jeff Hall at 360-357-2131 for general legislative inquiries.

BILL TRACKERS

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ANN SWEENEY: Court data and statistics
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CIVIL

ADDRESSING HEALTH CARE LIABILITY REFORM (S) 2SHB 2292 Chapter 8, Laws 2006

Adopts the following changes for medical malpractice cases: (1) Certain statements of apology and fault are inadmissible (section 101); (2) The eight-year statute of repose is re-enacted and tolling of the statute of limitations during minority is eliminated (sections 301-03); (3) Plaintiffs must obtain certificates of merit from qualified experts (section 304); (4) A new voluntary arbitration process is created, with appeal to superior court being on the record below (not de novo) (sections 304-13); (5) Plaintiffs must generally provide defendants with 90 days notice before filing suit (section 314); (6) Mediation is required in all cases except those going to arbitration, with the Legislature "contemplating" that the Supreme Court will revise CR 53.4 accordingly (section 314); (7) The collateral source rule is amended to allow admission of the plaintiff's insurance recoveries (this change appears to apply to all civil actions, not just medical malpractice actions, although this result may not have been intended) (section 315); (8) Attorneys must certify that claims, defenses, and counterclaims are not frivolous, upon penalty of sanctions (largely mirrors CR 11) (section 316). The bill also makes many changes unrelated to the justice system, including measures to promote patient safety and regulate insurance matters.

AUTHORIZING L&I TO REQUEST AND SUPERIOR COURT TO GRANT WARRANTS PURSUANT TO CHAPTER 49.17 RCW (S) SHB 2538 Chapter 31 Laws 2006

Expressly authorizes courts to issue search warrants authorizing the Department of Labor and Industries to inspect buildings for occupational safety and health violations. The bill also addresses other aspects of L&I investigations.

EXPANDING THE JURISDICTION OF THE HUMAN RIGHTS COMMISSION (S) SHB 2661 Chapter 4, Laws 2006

Expands the state's anti-discrimination laws to prohibit discrimination based on a person's sexual orientation.

MODIFYING THE CHATTEL LIEN PROCESS (S) ESSB 5204 Chapter 283, Laws 2006

Creates a procedure under which an owner of personal property may file a superior court action challenging a lien claim as frivolous or excessive. The bill also addresses notice requirements for these actions and for foreclosure actions.

Effective date: October 1, 2006.

PROHIBITING PYRAMID PROMOTIONAL SCHEMES (S) SB 6416 Chapter 65, Laws 2006

Provides that establishing,

operating, or participating in a pyramid scheme is a violation of the Consumer Protection Act. Under the CPA, superior courts may issue injunctions, impose penalties and order restitution, courts costs and attorney fees. The new prohibition against pyramid schemes replaces a related prohibition against "chain distribution schemes" (see RCW Chapter 19.102).

REVISING THE UNLAWFUL DETAINER PROCESS UNDER THE RESIDENTIAL LANDLORD-TENANT ACT (S) SSB 6572 Chapter 51, Laws 2006

Revises the statutory form for the summons for an unlawful detainer action so that the landlord can no longer require the tenant to file a sworn statement regarding non-payment of rent. The bill also reconciles two statutes as to the tenant's options in responding to the summons.

REVISING THE DISSOLUTION OF WASHINGTON CORPORATIONS (S) SB 6596 Chapter 52, Laws 2006

Revises statutes on corporate dissolutions and the enforcement of creditor rights. This bill, drafted by the WSBA, is generally intended clean up several gaps and ambiguities within the existing statutes on corporate dissolutions (RCW Chapter 23B.14). The bill sets forth different procedures under which superior courts can oversee or approve dissolution plans, including through

receivership proceedings (sections 1, 8(4), 10, 14, and 16). The bill also extends the survival period for creditors' claims (section 17), specifies that creditors may still recover on claims that arise after dissolution (section 17), allows creditors, under some circumstances, to recover against assets that have already been distributed to shareholders (sections 3 and 11), and limits the statutory claims-barring provisions to corporations that have published notice of their dissolution (section 9).

**ESTABLISHING THE COMMUNITY PROTECTION PROGRAM FOR PERSONS WITH DEVELOPMENTAL DISABILITIES (S)
E2SSB 6630
Chapter 303, Laws 2006**

Places into statute DSHS's existing Community Protection Program. Under the program, DSHS supervises and provides services for persons with developmental disabilities having a history of violent or sexually violent acts. The program serves approximately 400 people, roughly 25% of who are registered sex offenders. Appeals from DSHS decisions under the program are heard by administrative law judges, with further appeals being taken to superior courts under the APA.



**SPECIFYING ROLES AND RESPONSIBILITIES WITH RESPECT TO THE TREATMENT OF PERSONS WITH MENTAL DISORDERS (S)
2SSB 6793
Chapter 333, Laws 2006**

Regional Support Networks (RSNs) may review long-term commitment petitions (presumably for purposes of recommending LRA placements and other cost saving measures), and an RSN representative may testify at these commitment hearings (section 303). No filing fees may be charged for 14-day commitment petitions (section 302). The primary focus of the bill as a whole is to apportion financial responsibility for mental illness commitments between the RSNs and the State.

Clerk's Offices should update their schedule of filing fees as to 14-day commitment petitions.

Effective date: Sections 302 and 303 effective July 1, 2006 (all other sections effective June 7, 2006).

**CONCERNING DEFAULT JUDGMENTS AGAINST SERVICE MEMBERS (S,D)
EHB 3074
Chapter 80, Laws 2006**

Revises the Washington Service Members' Civil Relief Act (adopted last year), which provides certain protections to service members and their dependents in civil proceedings, especially with regard to default judgments. This year's bill

creates a form letter that a civil plaintiff can mail to, or serve on, a defendant in order to determine whether the defendant is a dependent of a service member in military service. The bill also revises the Civil Relief Act's language as to whether defense counsel has been able to contact the defendant or otherwise determine if a meritorious defense exists.

**PRESERVING REMEDIES WHEN LIMITED LIABILITY COMPANIES DISSOLVE (S,D)
SB 6531
Chapter 325, Laws 2006**

Provides that an action may be brought against a dissolved limited liability company, even when the claim accrues post-dissolution, as long as the action is commenced within three years of the effective date of dissolution. The WSBA intends to introduce future legislation that will address related issues, such as preserving assets for these actions.

**CREATING SEXUAL ASSAULT PROTECTION ORDERS (S,D,M,AOC)
SHB 2576
Chapter 138, Laws 2006**

Creates a new protection order known as the sexual assault protection order (SAPO). A SAPO may be issued based upon a single nonconsensual sexual act or nonconsensual sexual penetration. The petition must be accompanied by an affidavit stating specific statements or actions made at the time of the sexual assault or

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thereafter that give rise to a reasonable fear of future dangerous acts. To obtain an ex parte temporary SAPO, the petitioner must show that there is good cause to grant the remedy. An ex parte temporary SAPO order is effective for a fixed period not to exceed 14 days. A full hearing must be set within that 14-day period. Generally, a final SAPO (other than in criminal cases) is effective for a fixed period of time not to exceed two years.

Ex parte and final orders may be extended one or more times. The petitioner must file the action in the county or municipality where the petitioner resides. Jurisdiction over these orders is the same as court jurisdiction over domestic violence protection orders. No filing fee may be charged. The bill specifies hearing procedures, appointment of counsel, appointment of guardians or guardians ad litem, service of process, and procedures for third parties to file a petition on behalf of a minor child or vulnerable adult. Violations of a SAPO are punishable under the penalty provision governing domestic violence protection orders. A SAPO may be issued in conjunction with pending criminal proceedings. By September 1, 2006, AOC must create standardized forms and informational brochures for sexual assault protection orders.

AOC is to prepare forms and brochures by September 1, 2006.

MAKING CERTAIN COMMUNICATIONS BETWEEN FIRE FIGHTERS AND PEER SUPPORT COUNSELORS PRIVILEGED (S,D,M,J) **HB 2366** **Chapter 202, Laws 2006**

Makes certain communications between fire fighters and peer support group counselors privileged.

PROBATE/ GUARDIANSHIP

DISPOSING OF NONPROBATE ASSETS UNDER WILL (S) **HB 2379** **Chapter 203, Laws 2006**

Where there has been a beneficiary designated in a will that is later revoked by a new designation, which is also later revoked, the nonprobate asset is treated as any other general asset of the owner's estate, absent some other provision controlling the disposition of the asset. The executor of the estate may rely on information provided to him or her by the financial institution when determining who is entitled to the asset.

MODIFYING TRUSTS AND ESTATES, GENERALLY (S) **SSB 6597** **Chapter 360, Laws 2006**

Several changes are made to the statutes dealing with trusts to more closely align Washington law with federal tax laws. A change is made to the

laws regarding small estates to clarify the circumstances under which heirs can receive a deceased person's property without the need for a full probate of the estate. The dollar amount definition of a small estate is changed from \$60,000 to \$100,000.

FAMILY & JUVENILE

UNIFORM TRANSFERS TO MINORS ACT (S) **HB 2380** **Chapter 266, Laws 2006**

At the election of the transferor, the custodianship of property under the Uniform Transfers to Minors Act (UTMA) may be extended until the "minor" reaches age 25, instead of age 21. Such an extension must be elected by the transferor at the time of the initial nomination of the custodian of the property. Such extensions are available only for transfers of property made on or after July 1, 2007. The statutory sample instrument for transfers under the UTMA is amended to include a warning statement about the possible federal gift tax consequences of extending a custodianship beyond the minor's 21st birthday. Any custodianship forms made available by financial institutions or investment advisers must contain the same warning. The age at which a minor may independently exercise certain rights under a UTMA custodianship is raised from 14 years old to 18 years old.

Effective Date: July 1, 2007.

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FAMILY SUPPORT ACT (S)
HB 3048
Chapter 96, Laws 2006

The contingent effective date of the 2002 Washington amendments adopting the Uniform Interstate Family Support Act amendments is changed to January 1, 2007.

ADOPTION FEES (S)
ESSB 6635
Chapter 248, Laws 2006

DSHS is required to create standardized training on federal civil rights laws on the placement of children for all DSHS or agency employees involved in the placement of children. DSHS must also consult with adoption related entities to review adoption fees as barriers to adoption and study accreditation standards for adoption agencies.

The Department of Health must work with DSHS to recommend a process for the collection of adoption statistical data. Recommendations must be submitted to the Legislature by October 1, 2006. The Attorney General may bring an action for an unlawful trade practice against any person advertising adoption services in the state without a license.

REVISING REPORTING REQUIREMENTS FOR CRIMINAL HISTORY INFORMATION (S)
SB 6720
Chapter 294, Laws 2006

Technical corrections are made to statutory language at the recommendation of the Joint Task Force on Criminal

Background Check Processes consistent with legislation that passed the Legislature in 2005.

Dependency record information and protection proceeding record information are no longer required to be sent to WSP and references to this information are eliminated.

ESTABLISHING A REINVESTING IN YOUTH PROGRAM (S,J)
4SHB 1483
Chapter 304, Laws 2006

JRA shall establish a Reinvesting in Youth Program that awards grants to counties for implementing research-based early intervention services that target juvenile justice-involved youth and reduce crime. WSIPP and JRA are required to develop the guidelines for the implementation of the program. Beginning in 2007, any county or group of counties may apply for participation in the program. The bill sets for specific criteria that must be met for county participation.

This bill transfers \$997,000 from the Governor's Juvenile Justice Advisory Committee to the Juvenile Rehabilitation Administration to award grants to juvenile court pilot projects that provide research-based intervention services to youth served by juvenile courts. The premise is that research-based interventions save state funds by diverting criminal behavior, which are collected in the Reinvesting In Youth Account that will then reinvest those funds in juvenile services. The bill also requires evaluation,

successful intervention and cost savings calculation, of each service model funded through RIY grants.

Effective date: July 1, 2006

FOSTER CARE SUPPORT SERVICES UNTIL AGE 21 (S,J)
2SHB 2002
Chapter 266, Laws 2006

Beginning in 2006, DSHS is granted authority to allow up to 50 youth reaching 18 years of age to continue in foster care or group care as needed to participate in or complete a post-high school academic or vocational program and to receive necessary support and transition services. An additional 50 youth may be added in 2007 and in 2008. The bill does not extend the court's jurisdiction under RCW 13.34 past the age of 18 for these youth. Eligibility requirements apply. WSIPP will conduct a study of the youths' outcomes and any savings to the state.

FOSTER CARE HEALTH UNIT (S,J)
SHB 2985
Chapter 221, Laws 2006

Within existing resources, the DSHS/Children's Administration, in collaboration with the Health and Recovery Services Administration, is required to establish a foster care health unit which will develop and implement a statewide, uniform role for the regional medical consultants with emphasis placed on the mental health needs of children in foster care. The unit must address issues to consolidate, coordinate and

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improve physical, dental and mental health services provided to children who are in the custody of DSHS. A report shall be made to the legislature by September 1, 2006.

FOSTER CARE CRITICAL SUPPORT (S,J)
2SHB 3115
Chapter 353, Laws 2006

DSHS/Division of Children and Family Services is directed to establish a critical support and retention program for foster parents who care for children who act out sexually, are physically assaultive or who have other high-risk behaviors. DSHS must also report to the Legislature by December 1, 2006, on recommendations for improving practices relating to the in-take, screening, investigation and management of records of child abuse and neglect allegations.

Partial veto: Section 5.

MINORS MENTAL HEALTH (S,J)
HB 3139
Chapter 93, Laws 2006

Language is added to the informed consent statute (RCW 7.70.065) to clarify that informed consent for medical care includes mental health care in situations where the minor is not able to consent because he or she is under the age of majority and is not otherwise authorized to provide consent. Language is added to the mental health statutes pertaining to minors (RCW 71.34.020, .500, and .530) to permit a person who is authorized to give informed

consent for medical care to authorize inpatient or outpatient mental health care of a minor child under the age of 13.

TRIBAL FOSTER CARE LICENSING (S,J)
SHB 3182
Chapter 90, Laws 2006

The ability of an Indian tribe to license foster care homes and place foster children into the homes is expanded. Tribes may enter into agreements with DSHS to define the terms under which the tribe may license agencies located on or near federally recognized Indian reservations to receive children. The definition of agency is amended to state that an agency licensed by an Indian tribe to provide care for foster children is not considered an agency for the purposes of the statutes relating to licensing and investigation of facilities providing care for foster children. DSHS and its employees are immune from civil liability for damages arising from the conduct of the agencies licensed by a tribe.

EXPANSION & EXTENSION OF TASK FORCE ON CHILDREN'S ADMINISTRATION STRUCTURE (S,J)
ESB 6741
Chapter 251, Laws 2006

Expands membership of the Task Force created to review the structure of Children's Administration (ESSB 5872, 2005) to include representatives of OSPI and OPD and provides staff support to the task force. The task force shall report its

recommendations to the Governor and the Legislature by December 1, 2006.

CHANGING PROVISIONS RELATING TO CONTROLLED SUBSTANCES (S,D,M)
E2SSB 6239
Chapter 339, Laws 2006

Authorizes counties imposing the sales and use tax for mental health services to be eligible for \$100,000 annually to provide for mental health or substance abuse treatment for persons with methamphetamine addiction.

Provides that the Legislature intends to provide 100 additional placements for therapeutic drug and alcohol treatment in prisons until June 30, 2010. Expands the term "drug court" to include juvenile drug courts.

Expands the definition of neglect under the state's abuse of children statute and the vulnerable adults statute to include the crime of endangerment with a controlled substance. Provides that personal property is covered by the contaminated property statutes, in addition to real property.

Allows a court to issue administrative search warrants so that property suspected of methamphetamine contamination can be inspected. Clarifies that all sentence enhancements relating to violations of the Uniform Controlled Substance Act in drug-free zones are to be run consecutively (instead of concurrently) to all other

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sentencing provisions.

Expands the prison confinement time for an offender serving a prison-based Drug Offender Sentencing Alternative (DOSA) sentence to one-half of the midpoint of the standard sentencing range or 12 months, whichever is greater. Requires the courts to request chemical dependency screening reports before imposing a sentence upon a defendant that has been convicted of "any" type of a felony where it is found that the offender has a chemical dependency that contributed to his or her offense.

Requires the Washington State Institute for Public Policy (WSIPP) to study criminal sentencing provisions in other states for all crimes involving methamphetamine. Requires the WSIPP to conduct a study of the DOSA program.

Effective date: Section 108 effective January 1, 2007 (all other sections effective June 7, 2006).

PROTECTING CONFIDENTIALITY OF DOMESTIC VIOLENCE INFORMATION (S,D,M,J) ESHB 2848 Chapter 259, Laws 2006

A new privilege is created for communications made between a domestic violence victim and domestic violence advocate are privileged and may not be disclosed without the consent of the victim. A "domestic violence advocate" is an employee or supervised volunteer from a community-based domestic

violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by or under the direct supervision of law enforcement, a prosecutor's office, or child protective services of DSHS. An advocate may disclose confidential communications without the victim's consent if failure to do so is likely to result in a clear, imminent risk of serious physical injury or death. The privilege does not relieve a domestic violence advocate from the mandatory reporting requirements for child abuse. Domestic violence advocates are immune from liability for good faith disclosure. In an action arising out of disclosure, the advocate's good faith is presumed. Unless required by court order, a domestic violence program and those assisting in delivering services, or any agent, employee, or volunteer of a domestic violence program, must not disclose information about a recipient of domestic violence services without the recipient's signed authorization.

The recipient's authorization must have a reasonable time limit on the duration. If the authorization does not have a specific expiration date, the authorization expires 90 days after the date it was signed. An authorization is not a waiver of the recipient's rights or privileges under other statutes, rules of evidence, or common law. If disclosure is required by statute or court order, the domestic violence program must

make reasonable attempts to notify the recipient of the disclosure. If personally identifying information is to be disclosed, the domestic violence program must take steps necessary to protect the privacy and safety of the persons affected by the disclosure. For nonshelter community-based programs receiving DSHS funding, DSHS must establish minimum standards to enhance safety and security by means such as, but not limited to, client advocacy, client confidentiality, and counseling. DSHS must review methods to improve and protect the confidentiality of information about recipients of public assistance who have disclosed to the Department that they are victims of domestic violence or stalking.

ESTABLISHING THE DOMESTIC VIOLENCE HOPE CARD STUDY COMMITTEE (AOC) SSB 6806 Chapter 295, Laws 2006

Creates the domestic violence hope card study committee. Committee is directed to review the practicality of requiring the statewide distribution of wallet-size cards to victims of domestic violence that document the existence and contents of a protection order and provide identifying information about the respondent, including a photograph.

AOC will appoint a Committee member.

CRIMINAL

PROHIBITING CERTIFICATION OF SEX OFFENDERS AS SEX OFFENDER TREATMENT PROVIDERS (S) SB 2654 Chapter 134, Laws 2006

The Department of Health (DOH) is authorized to issue certified and certified affiliate sex offender treatment provider certifications; determine minimum education, experience, and training requirements; and deny certification in accordance with the Uniform Disciplinary Act.

CLARIFYING THE AUTHORITY TO APPREHEND CONDITIONALLY RELEASED PERSONS (S) HB 3205 Chapter 282, Laws 2006

A law enforcement officer who has responded to a request for assistance from an employee of DSHS may apprehend a person on LRA status if the officer reasonably believes that the person is not complying with the terms of his or her conditional release. The person may be detained in the county jail or may be returned to the secure community transition facility.

TOLLING THE STATUTE OF LIMITATIONS FOR FELONY SEX OFFENSES (S) SSB 5042 Chapter 132, Laws 2006

For all felony sex offense cases, the time period for the statute of limitations begins to run on the date the crime was committed

or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

CHANGING PROVISIONS RELATING TO CONTROLLED SUBSTANCES (S) E2SSB 6239 Chapter 339, Laws 2006

See Family & Juvenile section, page 8.

CREATING A JOINT LEGISLATIVE TASK FORCE ON OFFENDERS PROGRAMS, SENTENCING, AND SUPERVISION (S) SSB 6308 Chapter 267, Laws 2006

Creating a joint legislative task force on offenders programs, sentencing, and supervision.

MODIFYING ANIMAL FIGHTING PROVISIONS (S) SB 6568 Chapter 287, Laws 2006

Clarifies that the offense requires knowing promotion, organization, participation in, advertisement, or performance of any service in the furtherance of animal fighting. It is also clarified that the offense includes being a spectator, as well as that the wagering activity may occur at any place or building.



AUTHORIZING SPECIAL VERDICTS FOR SPECIFIED SEX OFFENSES AGAINST CHILDREN AND VULNERABLE ADULTS HB 3277 (S, AOC) Chapter 122, Laws 2006

For purposes of imposing a determinate-plus sentence, the minimum terms for child molestation in the first degree, indecent liberties with forcible compulsion, kidnapping in the first degree with sexual motivation, rape in the first degree, rape in the second degree, rape of a child in the first degree, and rape of a child in the second degree, are increased as follows.

Twenty-five years or the maximum of the standard range, whichever is greater, for child molestation in the first degree, rape of a child in the first degree, or rape of a child in the second degree, when the offense was "predatory." "Predatory" is defined as situations where: (1) the perpetrator was a stranger to the victim (unknown to the victim 24 hours prior to the offense); (2) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization was a significant reason the relationship was established; (3) the perpetrator was a teacher, counselor, volunteer, or other person in authority and the victim was a student of the school under the perpetrator's authority or supervision; (4) the perpetrator was a coach, trainer, volunteer, or other person in authority in any recreational activity and the

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victim was a participant in that activity under his or her authority or supervision; or (5) the perpetrator was a pastor, elder, volunteer, or other person in authority in any church or religious organization and the victim was a member or participant of the organization under the perpetrator's authority.

Twenty-five years or the maximum of the standard range, whichever is greater, for indecent liberties with forcible compulsion, kidnapping in the first degree with sexual motivation, rape in the first degree, or rape in the second degree, when the victim was under the age of 15 at the time of the offense.

Twenty-five years or the maximum of the standard range, whichever is greater, for indecent liberties with forcible compulsion, kidnapping in the first degree with sexual motivation, rape in the first degree, or rape in the second degree with forcible compulsion, when the victim was a person with a developmental disability, a mentally disordered person, or a frail elder or vulnerable adult. A process is established for purposes of determining whether the offense was predatory, whether the victim was under the age of 15 at the time of the offense, or whether the victim was a person with a developmental disability, a mentally disordered person, or a frail elder or vulnerable adult. The prosecutor, when sufficient admissible evidence exists, must file a special allegation that the offense was predatory,

the victim was under the age of 15 at the time of the offense, or the victim was a person with a developmental disability, a mentally disordered person, or a frail elder or vulnerable adult. The prosecutor has the burden of proving the special allegation beyond a reasonable doubt to the jury (or the judge if there is no jury). The prosecutor may not withdraw a special allegation without the permission of the court. The prosecuting attorney does not have to bring a special allegation that would lead to a 25-year minimum sentence if he or she determines, after consulting with a victim, that filing a special allegation is likely to interfere with the ability to obtain a conviction. The 25-year minimum sentences do not apply to a juvenile tried as an adult.

The Pattern Forms Committee will be revising the plea and judgment and sentence forms for sex offenders to meet the requirements of this bill.

Effective date: Sections 5 and 7 effective July 1, 2006 (all other sections effective March 20, 2006).

REQUIRING LEVEL II AND III SEX OFFENDERS TO REPORT IN PERSON EVERY NINETY DAYS (S, AOC) SSB 6519 Chapter 129, Laws 2006

A person may petition the superior court in the county where he or she lives or reports to be relieved of the duty to report every 90 days. The court must grant the petition if the petitioner can show that he or

she has complied with the reporting requirement for a period of at least five years and has not been convicted of a criminal violation for failure to register for at least five years and if the court determines that the reporting no longer serves a public safety purpose.

The Pattern Forms Committee will revise the plea and judgment and sentence form to reflect the new provisions.

AOC will amend the JIS law table to reflect the new subsections. NonJIS courts may need to amend their local law tables.

Effective date: Section 2 effective September 1, 2006 (all other sections effective June 7, 2006).

CHANGING PROVISIONS RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (S,D) HB 3317 Chapter 73, Laws 2006

Makes a DUI/Physical control offense with four or more priors as defined in RCW 46.61.5055, or a prior vehicular homicide or vehicular assault, a class C felony. The adult offense seriousness level is 5; for juveniles the offense category is B+. The court shall order treatment during incarceration. Felony DUI is a crime against persons.

AOC: Add Felony DUI/Physical Control to SCOMIS law table.

Effective date: July 1, 2007.

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PROTECTING DEPENDENT PERSONS (S,D,J) ESHB 1080 Chapter 228, Laws 2006

The circumstances under which a person can be guilty of criminal mistreatment are expanded to include when a person who has assumed the responsibility to provide a dependent person the basic necessities of life withholds the basic necessities of life. However, Good Samaritans and government agencies that regularly provide care or assistance to dependant persons are provided protection from criminal liability for negligent acts that constitute criminal mistreatment in the third or fourth degree. A "Good Samaritan" is defined in the statute. The circumstances under which a person can be guilty of abandonment of a dependent person are expanded to include when a person who assumed the responsibility to provide a dependent person the basic necessities of life abandons the dependent person. The seriousness level for criminal mistreatment in the first degree and for abandonment in the first degree are increased from V to IX. The seriousness level for criminal mistreatment in the second degree and abandonment in the second degree are increased from III to V.

REVISING PROVISIONS RELATING TO ELECTRONIC MONITORING OF SEX OFFENDERS (S,D,J) SHB 2407 Chapter 130, Laws 2006

Upon recommendation by DOC, the Indeterminate Sentence Review Board may impose electronic monitoring as a condition of community custody for determinate-plus sex offenders. DOC may impose electronic monitoring for offenders serving a term of community custody pursuant to conviction for a sex offense not qualifying for determinate-plus sentencing. Electronic monitoring is defined as the monitoring of an offender using an electronic tracking system using radio frequency or active or passive global positioning technology. DOC is required to carry out any electronic monitoring condition using the most appropriate monitoring technology given the individual circumstances of the offender, within resources made available by DOC for this purpose.

The Pattern Forms Committee will review to determine if revisions are necessary to comply with provisions of bill.

ESTABLISHING RESIDENCE RESTRICTIONS FOR SEX OFFENDERS (S,D,J) SSB 6325 Chapter 131, Laws 2006

The sunset clause on SHB 1147, which established residential restrictions for certain convicted sex offenders, is repealed. The state's preemption of local

governments' laws restricting where sex offenders can live applies to laws restricting the residency of persons convicted of any sex offense at any time, except that the preemption does not apply to any local laws adopted before March 1, 2006. The Association of Washington Cities (AWC) must develop statewide consensus standards that local governments use when determining whether to impose local residency restrictions on sex offenders within cities and towns. If the AWC presents these standards to the Legislature and the Governor by December 31, 2007, the preemption provisions expire on July 1, 2008, and may only be revived by an affirmative act of the Legislature through duly enacted legislation. If the AWC does not present its standards to the Legislature and the Governor by that date, the preemption provisions stay in place.

CHANGING REGISTRATION REQUIREMENTS FOR SEX OFFENDERS COMING FROM OUTSIDE THE STATE WHO ESTABLISH OR REESTABLISH WASHINGTON RESIDENCY (S,D,J,AOC) SSB 6144 Chapter 127, Laws 2006

NOTE: Please see HB 2409 which contains the same and additional amendments to the RCW sections amended in SSB 6144. AOC analysis suggests that when codified, the RCW will reflect the language contained in HB 2409, however readers are encouraged to wait and review the code reviser's codification for final disposition.

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Compliance with the registration statute is required regardless of when the offenses triggering registration were committed. Compliance with registration statute is required within three business days of establishing residence in Washington by a person.

The Pattern Forms Committee will make the necessary changes to plea and judgment and sentencing forms for sex offenders.

Effective date: September 1, 2006.

INCREASING PENALTIES FOR SPECIFIED SEX OFFENSES (S,D,J,AOC) 2SSB 6172 Chapter 139, Laws 2006

Possession of depictions of a minor engaged in sexually explicit conduct is raised from a class C to a class B felony. It is defined as a "sex offense" for sentencing purposes and ranked at a seriousness level VI for sentencing purposes. Voyeurism is ranked at a seriousness level II for sentencing purposes. Communication with a minor for immoral purposes includes electronic communications.

The Pattern Forms Committee will review the plea and judgment and sentence forms to determine if changes are necessary.

Effective date: Section 5 becomes effective July 1, 2006 (all other sections effective June 7, 2006).

CHANGING PROVISIONS FOR SEX OFFENDER REGISTRATION (S,D,J,AOC) 2SSB 6319 Chapter 128, Laws 2006

The bill defines the crime of failure to register as non-compliance with any of the requirements of the registration statute, eliminating existing language that defines the crime as failure to register with the county sheriff or changing one's name without notifying law enforcement. It requires the court to impose a term of community custody for failure to register. For sentencing purposes, the crime of failure to register is changed from an unranked felony to a seriousness level II for second and subsequent offenses. When calculating the standard sentencing range for an offender, each prior conviction for failure to register as a sex offender will count as one criminal history point. Other sex offenses will count as three criminal history points each.

The Pattern Forms Committee will review the plea and judgment and sentence forms and make the necessary changes.

Effective date: Section 2 becomes effective September 1, 2006 (all other sections effective June 7, 2006).



PROHIBITING THE UNAUTHORIZED SALE OF TELEPHONE RECORDS (S,D,J,AOC) ESSB 6776 Chapter 193, Laws 2006

It is a class C felony to intentionally sell, knowingly purchase, or fraudulently obtain a person's telephone records without the person's permission. It is a gross misdemeanor to knowingly receive a person's telephone records without the person's permission. The Criminal Profiteering Act is amended to include the unauthorized sale or procurement of telephone records, which allows special remedies such as civil forfeiture and treble damages.

The following exceptions are made to the new criminal provisions: (1) any actions by a government agency or its employees in the performance of official duties; and (2) specified actions by a telecommunications company that are necessary to conduct business or are authorized by law or the customer. In addition to criminal penalties, violators may also be subject to injunctive relief and damages of at least \$5,000 per violation. Reasonable attorneys' fees and other costs of litigation are also recoverable.

AOC will add this to the JIS law table. NonJIS courts will need to amend local law tables.

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CLASSIFYING IDENTITY THEFT (S,J)
HB 1966
Chapter 271, Laws 2006

Classifies identity theft as a crime against persons.

INCLUDING ASSAULT OF A CHILD IN THE SECOND DEGREE IN THE LIST OF TWO-STRIKE OFFENSES (S,J,AOC)
SSB 6406
Chapter 124, Laws 2006

Including assault of a child in the second degree in the list of two-strike offenses.

The Pattern Forms Committee will make the necessary changes to the plea and judgment and sentence forms.

Effective date: Section 2 becomes effective June 7, 2006 (all other sections effective June 7, 2006).

PROHIBITING OFFENDERS WHO ENTER ALFORD PLEAS FROM RECEIVING A SPECIAL SEX OFFENDER SENTENCING ALTERNATIVE (S,J,AOC)
HB 3252
Chapter 133, Laws 2006

Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative.

Review by Pattern Forms Committee to determine if changes to plea and judgment and sentencing forms for sex offenders are necessary.

INCREASES PENALTIES FOR CRIMES COMMITTED WITH SEXUAL MOTIVATION (S,J,AOC)
2SSB 6460
Chapter 123, Laws 2006

A statutory sexual motivation enhancement is created for sentencing purposes. Additional time in total confinement, consecutive to all other sentencing provisions, must be served if a conviction includes a special verdict or judicial finding that the crime underlying the conviction was committed with sexual motivation. If a person's previous sentence has included a sexual motivation enhancement, the time that must be served in total confinement for subsequent sexual motivation enhancements doubles. If the standard sentence range exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced. A sentencing court may impose a sentence outside the standard range (e.g., consider sexual motivation an aggravating factor, allowing imposition of a sentence up to the statutory maximum). Time that must be served in total confinement must be calculated before earned early release time is credited.

The Pattern Forms Committee will revise the plea and judgment and sentence forms to reflect this bill's provisions.

Effective date: July 1, 2006.

CREATING THE CRIME OF CRIMINAL TRESPASS AGAINST CHILDREN (S,J,AOC)
SSB 6775
Chapter 125, Laws 2006

NOTE: The bill as described below is amended by HB 2409. Please see HB 2409 for a description of the amendments. AOC analysis indicates that when codified, the RCW will reflect the language contained in HB 2409, however readers are encouraged to wait and review the code reviser's codification for final disposition.

A person working for any public or private facility, the primary purpose of which, at any time, is to provide for the education, care, or recreation of a child or children, may order certain persons from the premises of the facility. The class of persons subject to ejection from public facilities or private businesses is limited to persons who are not currently under Juvenile Rehabilitation Administration (JRA) supervision or serving a Special Sex Offender Disposition Alternative (SSODA) suspended sentence and who are Level II and Level III offenders. The person who works at the facility must give the person ordered to leave a written notice, informing him or her that he or she must leave and may not return without the written permission of the facility.

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If the person who has been ordered to leave refuses to leave or comes back another time, that person may be charged and prosecuted for the crime of criminal trespass against children, a Class C felony, ranked at a Level IV seriousness level for sentencing purposes. An owner, employee, or agent of the facility is not liable for any act or omission in connection with ordering persons in the class of offenders covered by the bill to leave the facility or failing to eject covered offenders from covered entities.

The Pattern Forms Committee will review the plea and judgment and sentence forms to determine if any changes are necessary.

AOC will amend the JIS law table to include the new crime. NonJIS courts will need to amend their local law tables.

Effective date: March 20, 2006.

PROHIBITING TOBACCO PRODUCT SAMPLING (D,M) ESB 5048 Chapter 14, Laws 2006

Removes the "licensed to do so" exception from the prohibition on engaging in the business of tobacco sampling.

MODIFYING PROVISIONS REGARDING ABANDONED OR DERELICT VESSELS (D,M) SSB 6223 Chapter 153, Laws 2006

Creates the misdemeanor of causing a vessel to become abandoned or derelict on

aquatic lands.

AOC will add this to the JIS law table. NonJIS courts will need to amend local law tables.

MODIFYING COMMERCIAL DRIVER'S LICENSE PROVISIONS (D,M) SSB 6552 Chapter 327, Laws 2006

Requires that dispositions of traffic offenses must be reported to DOL "immediately." Expands the definition of "conviction." Provides that deferred prosecution is not available where the offense is committed while operating a commercial motor vehicle.

CHANGING THE REGULATION OF MILK AND MILK PRODUCTS (D, AOC) SSB 6377 Chapter 157, Laws 2006

Creates the new crime of selling raw milk without the necessary license.

AOC will add this to the JIS law table. NonJIS courts will need to amend local law tables.

CHANGING THE PROVISIONS RELATING TO SEX AND KIDNAPPING OFFENDER REGISTRATION (ALL) HB 2409 Chapter 126, Laws 2006

Changing the provisions relating to sex and kidnapping offender registration. Instead of requiring the offender to provide his or her "address" when registering, the offender is required to provide his or her "complete residential address."

The amount of time an out-of-state registrant is given to register once he or she has established a residence in Washington is decreased from 30 days to three business days (see also SSB 6144). The written notices that must be provided to the county sheriff when an offender moves or becomes homeless must be signed. A person is subject to criminal liability for any knowing non-compliance with the registration statute.

The following changes are made to the crime of criminal trespass against children created by SSB 6775:

The definition of "covered offender" is narrowed to include only offenders (1) who are registered sex offenders and (2) who meet all of the other criteria in the original definition.

Language is added to clarify the circumstances in which a covered entity may give written permission to a covered offender to come back on the premises. The entity may give written permission of entry and use to a covered offender to enter and remain on the legal premises of the entity at particular times and for lawful purposes, including, but not limited to, conducting business, voting, or participating in recreational or educational activities.

A person who is ejected from a covered entity may file a petition in district court alleging that he or she does not meet the definition of a covered offender. The district court must conduct a hearing on the petition within

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30 days in which the person has the burden of proving that he or she is not a covered offender. If the court finds, by a preponderance of the evidence, that the person is not a covered offender, the court must order the covered entity to rescind the written notice that ejected the person and must order the covered entity to pay the person's costs and reasonable attorneys' fees.

The crime of criminal trespass against children is changed to an "un-ranked" class C felony. This means that a person committing the crime will face a jail sentence of 0-12 months.

The Pattern Forms Committee will review the plea and sentencing forms to determine whether any changes are necessary.

Effective date: Sections 1 and 3 through 7 become effective March 20, 2006; Section 2, becomes effective September 1, 2006 (all other sections effective June 7, 2006).

NEW & AMENDED CRIMES

**RECOGNIZING THE SAFETY
OF CHILD PROTECTIVE,
CHILD WELFARE, AND
ADULT PROTECTIVE
SERVICES WORKERS (S)**
HB 3122
Chapter 95, Laws 2006

Child protective, child welfare, and adult protective services workers are added to the list of persons for whom stalking constitutes a class C felony

when done in retaliation for the person's conduct of official duties or when done to influence the future performance of official duties.

**CHANGING PROVISIONS
RELATING TO CONTROLLED
SUBSTANCES (S)**
E2SSB 6239
Chapter 339, Laws 2006

See Family & Juvenile Law section, page 8.

**PROHIBITING INTERNET
GAMBLING (S)**
SSB 6613
Chapter 290, Laws 2006

Adds prohibitions to the Gambling Act and the State Lottery regarding the use of the internet in wagering and in selling lottery tickets, respectively. The penalty for transmission or receipt is increased from gross misdemeanor to a Class C Felony.

**ORGANIZED RETAIL
THEFT (S, AOC)**
HB 2704
Chapter 277, Laws 2006

Creates the new crime of organized retail theft, a felony. Acts of theft may be aggregated, so that theft from more than one store occurring over more than one day, in more than one county, can be prosecuted as one count in any county in which one of the thefts occurred.

AOC to add new crime to law tables. NonJIS courts to add new crime to local law tables.

**CHANGING PROVISIONS
RELATING TO ANIMAL
CRUELTY (S, AOC)**
SSB 6417
Chapter 191, Laws 2006

Animal cruelty in the first degree is committed when a person knowingly engages in sexual conduct or sexual contact with an animal. Animal cruelty in the first degree is a class C felony and is ranked at seriousness level III. In addition to the penalties in statute for a class C felony, the court may order that the convicted person (1) refrain from harboring or owning animals or residing in a household where animals are present; (2) participate in appropriate counseling; and (3) reimburse the animal shelter or humane society for costs incurred for the care of any animals taken to the shelter or humane society as a result of the offender's criminal behavior. If the court has reasonable grounds to believe sexual conduct or sexual contact with an animal has occurred, it may order the seizure of all animals involved in the violation. An exemption is created for accepted animal husbandry practices or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician. Sexual conduct and sexual contact are defined in the legislation.

AOC will amend the JIS law table to add this new subsection to the existing statute. NonJIS courts will need to amend local law tables to reflect the new subsection.

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PROHIBITING SELLERS OF TRAVEL FROM PROMOTING TRAVEL FOR SEX TOURISM (S, AOC) SB 6731 Chapter 250, Laws 2006

This offense is a class C felony.

AOC will add this to the JIS law table. NonJIS courts will need to amend local law tables.

CHANGING PROVISIONS RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG (S,D) HB 3317 Chapter 73, Laws 2006

See Criminal section, page 11.

MODIFYING CIVIL AND TRAFFIC INFRACTION PROVISIONS (S,D,M) SHB 1650 Chapter 270, Laws 2006

See Infractions section, page 17.

PROHIBITING FALSE OR MISLEADING COLLEGE DEGREES (S,D,M) ESHB 2507 Chapter 234, Laws 2006

Prohibits offering or granting false academic credentials. A violation is a Class C felony and is an unlawful practice under the Consumer Protection Act. A person who knowingly uses false academic credentials for certain purposes commits a gross misdemeanor.

AOC will add this to the JIS law table. NonJIS courts will need to amend local law tables.

PROVIDING PROVISIONS FOR METHAMPHETAMINE PRECURSORS (S,D,J) HB 2567 Chapter 188, Laws 2006

It is a gross misdemeanor offense to knowingly purchase in a 30-day period or possess any quantity of iodine in its elemental form, an iodine matrix, or more than two pounds of methylsulfonylmethane (MSM). Certain listed individuals with a lawful reason to possess these precursor drugs are exempt from criminal liability. The Washington State Patrol must develop a form to be used in recording transactions involving iodine in its elemental form, an iodine matrix, or MSM. A person who purchases any quantity of iodine in its elemental form, an iodine matrix, or any quantity of MSM must present an identification card or driver's license before purchasing the item. A person who sells or otherwise transfers any quantity of iodine or MSM to an authorized person must record each sale or transfer. The record must be retained by the person for at least three years. Any law enforcement agency may request access to the records. Failure to make or retain a required record is a misdemeanor offense. Failure to comply with a request for access to records is a misdemeanor offense.

The Pattern Forms Committee will review the felony plea and judgment and sentence forms to determine whether changes are required.

PROHIBITS FRAUDULENT FILINGS OF VEHICLE REPORTS FOR SALE (S,D,M,J) SSB 6676 Chapter 291, Laws 2006

Creates the offense of filing a fraudulent vehicle sales report. The level of offense is determined by the monetary injury to victim: less than \$250 is a gross misdemeanor; greater than \$250 is a C felony; greater than \$1500 is a B felony. Creates a defense for a transferee who files without knowledge of the fraud.

AOC will add this to the JIS law table. NonJIS courts will need to amend local law tables.

MODIFYING PROVISIONS REGARDING ABANDONED OR DERELICT VESSELS (D,M) SSB 6223 Chapter 153, Laws 2006

Creates the misdemeanor of causing a vessel to become abandoned or derelict on aquatic lands.

AOC will add to DISCIS law table.

INFRACTIONS

MODIFYING CIVIL AND TRAFFIC INFRACTION PROVISIONS (S,D,M) SHB 1650 Chapter 270, Laws 2006

Removes statutory requirements that offenders must sign citations. Repeals the crime of refusing to sign a

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citation; creates the crime of willfully failing to respond by exercising available options. Removes the requirement that citation forms contain a space for offender signatures.

AOC will add this to the JIS law table. NonJIS courts will need to amend local law tables.

INCREASING PENALTIES FOR VEHICLE GROSS WEIGHT VIOLATIONS (D) **SHB 2987** **Chapter 297, Laws 2006**

Requires the court to suspend the certificate of registration for a third or succeeding violation of enumerated statutes or "out of service" violations within a 12 month period. The court shall secure the certificate of registration and immediately forward to DOL with information about the suspension. WSP is tasked with recommending the best method for tracking violations.

Requires WSP to recommend procedures for tracking offenses. AOC is a required participant in developing recommendations. Doug Haake will represent AOC.

AUTHORIZING SPECIAL PARKING PRIVILEGES FOR THE LEGALLY BLIND (D,M) **SSB 6287** **Chapter 357, Laws 2006**

Adds "legally blind" to those disabilities for which a disabled parking permit can be issued. Legally blind will be defined at RCW 46.16.381(15).

PROHIBITING CERTAIN ACTIVITIES ON MOTOR DRIVEN BOATS AND VESSELS (D,M) **SB 6364** **Chapter 140, Laws 2006**

Creates new infractions for operating or idling a motor boat (1) while a person is in the water and holding on to the swim platform or step, or body surfing behind the boat, or (2) while a person is occupying a swim platform or step. The maximum penalty is \$100.

AOC will add to DISCIS law table.

Effective date: Sections 2 and 3 effective January 1, 2007 (all other sections effective June 7, 2006).

MODIFYING COMMERCIAL DRIVER'S LICENSE PROVISIONS (D,M) **SSB 6552** **Chapter 327, Laws 2006**

See Criminal section, page 15.

COURT FUNDING & FEES

CHANGING COURT FILING FEE PROVISIONS (AOC) **SSB 6670** **Chapter 192, Laws 2006**

Any party filing a counterclaim, cross-claim, or third-party claim in an unlawful detainer action must pay a filing fee of \$157. This filing fee is subject to division with the state for deposit in the public safety and education account. The \$5 fee for certification of delinquent

taxes is eliminated. A \$36 fee is charged for filing a counterclaim, cross-claim, or third-party claim to a petition for modification of a decree of dissolution or paternity. This fee is not subject to division with the state. When the county clerk requests an extension of judgment in a criminal case, the \$200 fee may be imposed as a cost to be paid by the offender.

AOC: Update statewide systems to reflect changes in filing and other fees and remittance of funds to appropriate accounts and sub-accounts. Distribute necessary documentation and system changes to trial courts.

JUDICIAL ELECTIONS

ADJUSTING APPLICATION OF CAMPAIGN CONTRIBUTION LIMITS (ALL) **3SHB 1226** **Chapter 348, Laws 2006**

Campaign contribution limits are extended to: (1) candidates for county office in a county that has over 200,000 registered voters; (2) candidates for special purpose district office in districts authorized to provide freight and passenger transfer and terminal facilities and that have over 200,000 registered voters; and (3) candidates for judicial office. Contribution limits imposed for candidates for county office may not exceed an aggregate of \$700 per election from an individual, a union or business, or a political action committee. Limits imposed for candidates for special purpose district office or judicial office

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may not exceed an aggregate of \$1,400 per election from an individual, a union or business, or a political action committee. Political party contribution limits also apply. Contributions to candidates for whom the new limits apply that are received before the effective date of the act are considered to be contributions for the purposes of campaign contribution limits statutes. Contributions that exceed the limitations and have not been spent by the recipient by the effective date of this Act must be disposed of in accordance with RCW 42.17.095, disposal of surplus funds, except that it may not be held by the candidate for a future election or be used for non-reimbursed public office-related expenses.

SALARIES

**CREATING OPTIONAL
PUBLIC RETIREMENT
BENEFITS FOR JUSTICES
AND JUDGES (ALL)
SHB 2691
Chapter 189, Laws 2006**

Creating optional public retirement benefits for justices and judges.

For more information visit the DRS website at www.drs.wa.gov/Member/Communications/FAQ/judges.htm.

Effective date: January 1, 2007.

**REQUIRING THE PUBLIC
EMPLOYEES' BENEFITS
BOARD TO DEVELOP A
HEALTH SAVINGS ACCOUNT
OPTION FOR
EMPLOYEES (A, AOC)
EHB 1383
Chapter 299, Laws 2006**

Requiring the public employees' benefits board to develop a health savings account option for employees.

OTHER

**SUPERIOR COURT JUDGES
IN CLALLAM COUNTY (AOC)
SHB 2344
Chapter 20, Laws 2006**

Increasing the number of superior court judicial positions in Clallam and Cowlitz counties.

**CHANGING THE LAW
RELATED TO JUDICIAL
ORDERS CONCERNING
DISTRRAINT OF PERSONAL
PROPERTY (S,D)
SSB 6441
Chapter 286, Laws 2006**

Authorizes superior and district courts to issue search and seizure warrants at the request of the county treasurer or their deputy upon probable cause to believe the property is subject to distraint. Procedures are pursuant to criminal rules.

**CHANGING PROVISIONS
RELATING TO
AUTHENTICATION OF
DOCUMENTS (ALL)
HB 1471
Chapter 198, Laws 2006**

Seals required to authenticate

documents need only be printed onto the document in some fashion, including a printout from an electronic document bearing the seal, to be considered valid. Additionally, certified copies of official documents may be sent by fax or other electronic transmission and still be treated as genuine.

**PROTECTING THE PRIVACY
OF PERSONAL
INFORMATION OF CRIMINAL
JUSTICE OFFICIALS (ALL)
SSB 5654
Chapter 355, Laws 2006**

Knowingly making certain personal information available on the world wide web is prohibited if the information poses an imminent and serious threat to the person concerned and that threat is reasonably apparent to the person making the information available. This prohibition applies to personal information about judges and court commissioners as well as other criminal justice officials and their families. The prohibition applies to the following types of information:

- home address
- home telephone number
- pager number
- Social Security Number
- home email address
- directions to the person's home
- photographs of the person's home or vehicle

Good faith publication of information by a county auditor or assessor in the ordinary course of business is not prohibited.

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